



# Agenda Ordinary Council Meeting

24 May 2023



## CERTIFICATION

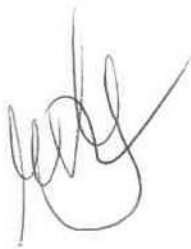
"I certify that with respect to all advice, information or recommendation provided to Council with this agenda:

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 19<sup>th</sup> day of May 2023.



Warren Groves  
**GENERAL MANAGER**

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# FLINDERS COUNCIL ORDINARY MEETING – AGENDA

## WEDNESDAY 24 MAY 2023

<b>Venue</b>	Flinders Island Arts and Entertainment Centre
<b>Commencing</b>	1.00 pm
<b>Attendees – Councillors</b>	Mayor Rachel Summers Deputy Mayor Vanessa Grace Garry Blenkhorn Aaron Burke Carol Cox Peter Rhodes Ken Stockton
<b>Apologies</b>	
<b>Attendees- Staff</b>	Warren Groves   General Manager Chris Wilson   Infrastructure Manager Sammi Gowthorp   Community Services Coordinator Jacci Smith   Development Services Coordinator Rowena Gill   Acting Executive Officer (minute taker) Sue Mythen   Executive Officer Kyra Newman   Executive Assistant

### **1. ACKNOWLEDGEMENT OF COUNTRY**

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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**

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#### **RECOMMENDATION**

**That the Minutes from the Ordinary and Closed Council Meetings held 26 April 2023 be confirmed.**

### **3. PUBLIC QUESTION TIME**

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

*Public Question Time is permitted at Ordinary Council Meetings, during which, members of the public may ask questions of the Council relating to Flinders Council matters.*

*The basis on which questions may be asked is:*

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

officers of the Council. The Chair may delegate answers to the appropriate Councillor or staff member if required.

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

#### **4. COUNCILLORS' QUESTIONS ON NOTICE**

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#### **5. COUNCILLORS' QUESTIONS WITHOUT NOTICE**

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*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. RESPONSES TO COUNCILLORS' QUESTIONS WITHOUT NOTICE**

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**26 April 2023**

**Question 1: Councillor Carol Cox – State Growth Road**

Councillors were advised that the badly potholed area of the State Road east of the Lackrana Rd turnoff would be repaired whilst contractors were on the Island doing Council roads. This information was passed onto the community who were concerned about the condition of the road. Only a portion of the potholed section has been repaired. Can the General Manager advise if any further work is being carried out on the remainder of the potholed area?

**Chris Wilson, Infrastructure Manager Response:**

The stabilisation work that occurred was in-line with State Growth's directions. Council will keep maintaining this section as directed by State Growth.

**Question 2: Councillor Carol Cox –State Growth Road**

Could the councillors be better informed on the detail of projects/works being undertaken?

**Chris Wilson, Infrastructure Manager Response:**

Yes, I will arrange to update Councillors more often on these types of major projects.

### **Question 3: Deputy Mayor Vanessa Grace – Gunter Street**

When is Gunter Street going to be sealed?

Is this going to mean we pay double the de mob amount?

#### **Chris Wilson, Infrastructure Manager Response:**

The date depends on identifying a suitable solution, the contractor's availability and suitable weather.

The existing pavement did not respond sufficiently to the stabilising work. Additional pavement stabilising work will be required, and this will add to the overall cost.

This work (bitumen spraying) was part of contract and Council are not paying double de-mobilisation for them to return. (Council will still have to pay for the bitumen spraying work itself when it is done).

### **Question 4: Councillor Garry Blenkhorn – Road Stabilisation works**

Council budget with extra allowance for State Growth site establishment, tender doc called for 19,300 metred squared work to date is about 12,500 metred squared. Are we under budget or have we spent the budget?

#### **Chris Wilson, Infrastructure Manager Response:**

As I have not received the latest claim from the contractor, I am unable to give a definitive answer right now at this meeting, but I am confident Council are under budget at this stage.

#### **RECOMMENDATION**

**That the response to the Councillor's Question Without Notice from the 26 April 2023 Council Meeting be noted.**

## **7. LATE AGENDA ITEMS**

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## **8. DECLARATION OF PECUNIARY INTEREST**

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*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.*

## **9. CONFLICT OF INTEREST**

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*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.*

## 10. POLICIES

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The following Council policy was adopted at the 22 March 2023 Ordinary Council Meeting and no submissions were received throughout the 28 day public consultation period. As per the requirements of the Council Policy and Procedure Framework, the following policies are now considered to be adopted:

- Fraud Prevention and Control Policy;
- Related Party Disclosure Policy;
- Information Management Policy; and
- Work Health and Safety Policy.

### **RECOMMENDATION**

**That the Fraud Prevention and Control Policy, Related Party Disclosure Policy, Information Management Policy and Work Health and Safety Policy be adopted.**

The Wybalenna Policy was rescinded at the 22 March 2023 Ordinary Council Meeting and no submissions were received throughout the 28 day public consultation period. As per the requirements of the Council Policy and Procedure Framework, the Wybalenna Policy is now considered to be rescinded.

### **RECOMMENDATION**

**That the Wybalenna Policy be rescinded.**



## 11. WORKSHOPS & INFORMATION FORUMS

File No. COU/0205

### Council Workshop – 17 April

Councillors conducted a site visit to Little Dog Island regarding DA2021/00056.

### Council Workshop – 26 April

Council held a workshop on the following subjects:

- Item 1** Tasmanian Planning Commission
- Item 2** Development Application
- Item 3** Public Open Space Policy Review
- Item 4** Risk Management Policy Review
- Item 5** Visits – Cape Barren Island Policy Review
- Item 6** Information Management Procedure
- Item 7** General Manager's Update
- Item 8** Local Government Review

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 – 8)
Jacci Smith   Development Services Coordinator	(Items 1,2 & 3)
Mick Purves   Consultant Planner (via Zoom)	(Item 1)
Karin Van Straten   Consultant Planner (via Zoom)	(Item 2)
Rowena Gill   Acting Executive Officer (note taker)	(Items 1 – 8)
Sue Mythen   Executive Officer	(Items 1 – 8)

### Council Workshop – 3 May

Council held a workshop on the following subjects:

- Item 1** General Manager's Update
- Item 2** Audit Panel Independent Member vacancies
- Item 3** Strategic Plan
- Item 4** Priority Projects Review
- Item 5** Annual Plan

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

<b>Staff and Consultants</b>	<b>In Attendance</b>
Warren Groves   General Manager	(Items 1 – 5)
Sammi Gowthorp   Community Services Coordinator	(Items 3 – 4)
Sue Mythen   Executive Officer (note taker)	(Items 1 – 5)
Kyra Newman   Executive Assistant	(Items 1 – 5)

### **Council Workshop – 10 May**

Council held a workshop on the following subjects:

**Item 1** FIMASH ECI Stage Two

**Item 2** Budget 2023/2024

**Item 3** General Manager's Update

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

<b>Staff and Consultants</b>	<b>In Attendance</b>
Warren Groves   General Manager	(Items 1 – 3)
Chris Wilson   Infrastructure Manager	(Items 1 – 3)
Rob Batchelor   Batchelor Construction	(Item 1)
Adam Batchelor   Batchelor Construction	(Item 1)
Marissa Walters   Contract Accountant	(Item 2)
Richard Harley   Airport Operations Officer	(Item 2)
Sue Mythen   Executive Officer	(Items 1 – 3)
Kyra Newman   Executive Assistant (note taker)	(Items 1 – 3)

### **RECOMMENDATION**

**That the Council Workshops held on 17, 26 April, 3 and 10 May 2023 be noted.**

## **12. PUBLICATIONS AND REPORTS TABLED FOR COUNCIL INFORMATION**

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### **12.1 FURNEAUX ISLANDS FESTIVAL**

**File Reference** CDV/0701

**Annexures** 12.1.1 Furneaux Islands Festival Report 2023

#### **OFFICER'S REPORT (Sammi Gowthorp | Community Services Coordinator):**

The Furneaux Islands Festival Report 2023 has been provided for consideration. The Report outlines the events, expenses and feedback from the Furneaux Islands Festival 2023 and can now be noted by Council.

#### **RECOMMENDATION**

**That the Furneaux Islands Festival Report 2023 be noted.**

## **13. REPORTS TO BE RECEIVED**

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### **13.1 LADY BARRON SPECIAL COMMITTEE**

**File Reference** AME/0503

**Annexures** 13.1.1 Lady Barron Special Committee Meeting 4 May 2023 Unconfirmed Minutes

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

The Unconfirmed Minutes of the Lady Barron Special Committee meeting held Thursday 4 May 2023 have been provided for consideration. The minutes outline what the Committee has been working on to date and can now be noted by Council.

#### **RECOMMENDATION**

**That the Unconfirmed Minutes of the Lady Barron Special Committee meeting held 4 May 2023 be noted.**

## 14. COUNCILLORS' REPORTS

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### **Councillor Carol Cox – Cape Barren Island Dawn Service Report**

**File Reference**        COU/0204

On the afternoon 24<sup>th</sup> of April I and three others flew to Cape Barren Island (CBI) on a charter flight purchased by Flinders Council. The weather was perfect and the flight over Franklin Sound was a magical way to view some of the outer islands and the waters that surround them. The same perfect weather prevailed for the flight back to Flinders the next morning.

The purpose of the flight was to attend the Dawn Service on Anzac Day. Those accompanying me on that flight were Gwen Bailey who led the service, Ronald Wise who organised the trip and the supplies donated by Flinders Island businesses for the breakfast to follow the service, Dawn Zelman and a Cape Barren Island Resident returning home. I attended as a representative of Flinders Council and laid a wreath on Council's behalf. Dawn recorded the memorial and service with sketches. Around 40 people attended the service which was held at the Cenotaph at the Corner.

I was also asked if I would do the address at the service. I based the address around the memorial "rock" and garden at the Lady Barron Hall, which honours the men of the Furneaux Group who gave the ultimate sacrifice during WWI, WW2 and in Korea. When the rock was moved to the memorial garden site, it was learned that it needed to be positioned to point in the direction of CBI to recognise the men from there, the angle it was sited at when it was first placed as a holder for the memorial plaque on the grassed area off Franklin Parade near the police station.

I thank the Cape Barren Island Aboriginal Association and the community for their hospitality and for looking after us on this brief trip to the Corner. It was a trip I greatly enjoyed and appreciated, catching up with residents and once again seeing the beauty of the Corner.

Cr Carol Cox

### **RECOMMENDATION**

**That Councillor Carol Cox's Report on the Cape Barren Island Dawn Service be noted.**

## 15. MAYOR'S REPORT

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

### APPOINTMENTS

DATE	ACTIVITY
26/04/2023	Council Workshop and Council Ordinary Meeting
28/04/2023	Local Government Association of Tasmania (LGAT) Professional Development – Planning
29/04/2023	Melissa Fistric – Australian Broadcasting Corporation Radio Gippsland – Time Capsule
03/05/2023	Council Workshop
03/05/2023	Minister Michael Ferguson – Funding Opportunities
03/05/2023	LGAT Presidential Candidates Forum
03/05/2023	Future of Local Government Review Session
08/05/2023	Tim Denby – Childcare and Early Learning on Flinders Island
08/05/2023	King's Coronation Reception – Government House
10/05/2023	Council Workshop
10/05/2023	Priority Projects Tour with Mayor Brendan Blomeley
11/05/2023	Regional Development Australia – Tasmania Committee Meeting
11/05/2023	Regional Development Australia – Tasmania Reception event
12/05/2023	General Manager's Performance Review Committee (GMPRC) Meeting
15/05/2023	Ed Beswick – Thrive Group
15/05/2023	Furneaux Group Shipping Special Committee Meeting
15/05/2023	General Manager's Performance Review
17/05/2023	Flinders Boating Special Committee

### CORRESPONDENCE IN

DATE	FROM	SUBJECT
18/04/2023	Amanda Blyth	Whitemark Jetty
19/04/2023	Rachael Hadfield, Centre Leader, Thrive Group	Designated Smoking Area
19/04/2023	Minister Nic Street	Future of Local Government Review Stage 2 Interim Report
20/04/2023	Fran Bryson	Owner/Builder Insurance
20/04/2023	MLC Nick Duigan, Liberal Member for Windermere	Reply to email – Childcare concerns
20/04/2023	Vica Bailey, Aboriginal Land Council of Tasmania	Cape Barren Island Land
21/04/2023	Tasmanian Electoral Commission	LGAT 2023 Announcement of Candidates
21/04/2023	Craig Perkins, Northern Tasmania Development Corporation Ltd	Regional Collaboration Forum
24/04/2023	Nikita Heazlewood, Community and	TasWater Key Contacts

	Stakeholder Engagement Specialist, TasWater	
24/04/2023	Mayor Mick Tucker, Break of Day Council	Candidate statement for President – LGAT
25/04/2023	Jenny Donehue, Awards Coordinator	The 2023 Tasmanian Young Achiever Awards
25/04/2023	Mayor Michelle Dracoulis, Derwent Valley Council	Candidate statement for President – LGAT
25/04/2023	Ben Morris, Acting Chief Executive Officer, LGAT	Future of Local Government Review Presentation
27/04/2023	Steve Martin	Read Aloud to Children
28/04/2023	Mayor Brendan Blomeley Clarence City Council	Candidate statement for President – LGAT
28/04/2023	Mayor Bec Thomas, Glenorchy City Council	Candidate statement for President – LGAT
28/04/2023	Shepherd Pei	Future of Local Government Review
28/04/2023	Kane Ingham	Draft TasWater's Corporate Plan FY2024-28
30/04/2023	Caroline Lerner	Public Postal Bank
01/05/2023	Sarah Joyes, Administration Officer, LGAT	LGAT Presidential Candidates Online Forum - Wednesday 3 May
02/05/2023	Max Parker	Furneaux Group Shipping Special Committee
03/05/2023	Hon Kristy McBain MP	Invitation to the Australian Council of Local Government
03/05/2023	Phil McNamara, Director, Emperor Energy Ltd	Emperor Energy Judith-2 Appraisal Well - Stakeholder Consultation
04/05/2023	Michael Grimshaw/Andrew Thomson	Planning Letter
04/05/2023	Peter George/Neighbours of Fish Farming	Salmon Farm Plan
04/05/2023	Community Roads and Infrastructure Programs Section	Local Roads and Community Infrastructure (LRCI) Phase 4
04/05/2023	Kristy Scott, Director and Consultant, SKA HR Solutions	Update on HR Consulting Service
05/05/2023	Minister Michael Ferguson	TPP Progress and Resource Protection
05/05/2023	Dion Lester, Chief Executive Officer, LGAT	Future of LG Review - Council Engagement - For Feedback
05/05/2023	Mayor Brendan Blomeley, Clarence City Council	Flinders Island Bookings
08/05/2023	Councillor Carol Cox	Beach Wheelchair Open day
08/05/2023	Sarah Lowe	Representation DA 2021/0056 Little Dog Island
08/05/2023	David Grutzner	Representation DA 2021/0056 Little Dog Island

10/05/2023	MP Simon Wood, Liberal Member for BASS	School Chaplaincy in Tasmania
11/05/2023	Dion Lester, Chief Executive Officer, LGAT	LGAT General Meetings Remote Attendance
11/05/2023	Mayor Brendan Blomeley, Clarence City Council	Future of Local Government Review – Request for more time
11/05/2023	Mayor Brendan Blomeley, Clarence City Council	Thank You card
14/05/2023	Shamima Aktar, Research Assistant, National Environmental Science Program, Curtin University	Request to participate in an Online survey on Water Sensitive and Liveable Communities led by Curtin, Monash and CSIRO
15/05/2023	Warren Groves	DA2023/00028

#### **CORRESPONDENCE OUT**

<b>DATE</b>	<b>FROM</b>	<b>SUBJECT</b>
02/05/2023	Max Parker	Furneaux Group Shipping Special Committee
02/05/2023	Tasmanian Association of State School Organisations	Contact person update
03/05/2023	Flinders Councillors	Tasmania Salmon Industry Plan 2023
04/05/2023	Peter George, Neighbours of Fish Farms	Salmon Farm Plan
15/05/2023	Flinders Councillors	DA2023/00028

#### **VOTING REQUIREMENTS**

Simple Majority

#### **RECOMMENDATION**

**That the Mayor's report be received.**



## 16. DEVELOPMENT SERVICES

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*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.*

### 16.1 DEVELOPMENT APPLICATION – DA2023/021

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Cohen & Associates
<b>Officer</b>	Development Services Coordinator
<b>File Reference</b>	DA2023/021
<b>Annexures</b>	16.1.1 Cover letter from applicant 16.1.2 Folio plan 16.1.3 Lot layout plan 16.1.4 Schedule of easements 16.1.5 Bushfire Hazard Management Plan

#### INTRODUCTION

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

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

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

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

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

The purpose of this report is for Council to consider a proposal for Subdivision of two lots on Trousers Point Road, Trousers Point.

#### PREVIOUS COUNCIL CONSIDERATION

Nil

#### PREVIOUS COUNCIL DISCUSSION

26 April 2023                  Council Workshop

#### POLICY/STRATEGIC IMPLICATIONS

1. Liveability - To protect and build upon our islands’ way of life.

1.1 A viable population that enables the necessary services and activities required for the Community to prosper.

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

## BUDGET AND FINANCIAL IMPLICATIONS

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

## OFFICER'S REPORT – PLANNING ASSESSMENT

Development application	2023/021 – Two lot subdivision
Location	Trousers Point Road, Trousers Point
Planning Instrument	Tasmanian Planning Scheme - Flinders (the Scheme)
Use	Subdivision

## ZONING

### 22.0 LANDSCAPE CONSERVATION ZONE

#### 22.5 Development Standards for Subdivision

##### 22.5.1 – Lot Design

Clause	Description	Assessment	AS	PC	NA
22.5.1	Lot design	A1 - prescribes a minimum lot size of 50ha. The proposed lots are each shown as approximately 20ha.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		A2 - Each lot has the prescribed frontage of not less than 40m.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		A3 - Each lot is provided with vehicular access from Trousers Point Road.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		A4 – no acceptable solution. Performance Criteria (PC) requires capability for on-site wastewater management.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

##### 22.5.1 – Performance Criteria:

22.5.1	Lot Design
P1	<p><b>Each lot, or a proposed lot in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to:</b></p> <ol style="list-style-type: none"> <li><b>The relevant Acceptable Solutions for development of buildings on the lots;</b></li> <li><b>Existing buildings and the location of intended buildings on the lot;</b></li> <li><b>The ability to retain vegetation and protect landscape values on each lot;</b></li> <li><b>The topography of the site; and</b></li> <li><b>The pattern of development existing on established properties in the area.</b></li> </ol>
<b>Assessing Officers Comments</b>	<p>In response to a request for further information, the applicants have advised that the likely future use will be residential and that this will be subject to further application for planning approval at a future time. Having regard to the following, the proposed lots are considered to have sufficient useable area and dimensions for their intended use.</p> <p>(a) The future development of a dwelling on each of the proposed lots is capable of compliance with all relevant acceptable solutions of the zone other than 22.4.4 which requires buildings to be within a building envelope shown on the sealed plan. The application does not propose to prescribe building envelopes on the sealed plan. Nevertheless, the Bushfire Hazard Management Report has demonstrated suitable building areas with minimal impact on vegetation and, by extension, landscape values.</p>

	<p>(b) The applicants advise that there are no existing buildings on the site. The proposed building areas depicted and discussed in the Bushfire Hazard Management Plan are central within the parent lot, although relatively close to each other, and are significantly removed from buildings on surrounding properties and the minor infrastructure related to the walking track.</p> <p>(c) The subdivision has no impact on vegetation or landscape values. The Bushfire Hazard Management Plan details appropriate building areas amongst relatively sparse scrub and previously cleared land.</p> <p>(d) The site climbs away from Trouser Point Road, with the slope getting steeper as it moves to the east. The areas indicated for future building have a relatively low slope.</p> <p>(e) The surrounding lots, other than the National Park, vary in lot sizes, generally compatible with the proposal, and many contain dwellings.</p> <p>In addition to the above, it is noted that proposed lot 1 is also used for the purpose of a public walkway to provide access to the adjoining National Park to the east and includes a boot wash and information booth administered by the Parks and Wildlife Service (PWS). The access is currently assured through an agreement registered pursuant to Part V of the <i>Land Use Planning and Approvals Act 1993</i>. It is considered that the ongoing access, plus necessary maintenance and upgrade works by the PWS, would be better secured through appropriate easements and rights of way to be listed in the schedule of easements. A condition to this effect, and supported by the PWS, is proposed.</p> <p>The proposal satisfies the performance criteria.</p>
<b>P4</b>	<b>Each lot, or a lot proposed in a plan of subdivision, must be capable of accommodating an on-site wastewater management system adequate for the intended use and development of the land, which minimises any environmental impacts.</b>
<b>Assessing Officers Comments</b>	The proposed lots are each 20 hectares and have large areas available for appropriate on-site waste-water management.

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

### C3.0 ROAD AND RAILWAY ASSETS CODE

#### C3.5 Use Standards

Clause	Description	Assessment	AS	PC	NA
C3.5.1	Traffic generation at a vehicle crossing, level crossing or new junction	<b>A1.1</b> Not a category 1 or limited access road.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		<b>A1.2</b> Application for new crossover dealt with separately by Council's Works Manager.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<b>A1.3</b> Not part of rail network.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		<b>A1.4</b> The proposed subdivision, of itself, will not increase the number of vehicle movements beyond that provided in Table C3.1,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<b>A1.5</b> Does not involve a major road.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### C3.6 Development Standards for Buildings or Works

C3.6.1	Habitable buildings for sensitive uses within a road or railway attenuation area	No buildings are proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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#### C3.7 Development Standards for Subdivision

C3.7.1	Subdivision for sensitive uses within a road or railway attenuation area	A1 Each lot has ample building areas for future sensitive use that are not within a road or railway attenuation area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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### C7.0 NATURAL ASSETS CODE

#### C7.7 Development Standards for Subdivision

Clause	Description	Assessment	AS	PC	NA
C7.7.1	Subdivision within a waterway and coastal protection area or future coastal refugia area	<b>A1</b> The proposal does not include any works (excluding boundary fencing), building area, services, bushfire hazard management area or vehicular access within a waterway and coastal protection area or future coastal refugia area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C8.6.2	Subdivision within a priority vegetation area.	<b>A1</b> The proposal does not include any works (excluding boundary fencing), building area, services, bushfire hazard management area or vehicular access within a priority vegetation area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### C8.0 SCENIC PROTECTION CODE

#### C8.6 Development Standards for Buildings and Works

Clause	Description	Assessment	AS	PC	NA
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C8.6.1	Development within a scenic protection area	<b>A1</b> The only works proposed as part of the subdivision are access works from Trousers Point Road and have a total area of less than 500m2.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C8.6.2	Development within a scenic road corridor	The site is not within a scenic road corridor.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## C11 COASTAL INUNDATION HAZARD CODE

**Clause C11.2.3 provides that the Code does not apply where a suitably qualified person has provided a land survey showing an AHD for the land in excess of the low hazard band level relevant for that land.**

The applicants, being registered land surveyors, have advised:

*In accordance with C11.2.3 this Code does not apply ... In accordance with FLI-Table C11.1 the low hazard band level relevant is 3m AHD... Existing mapping data shows the 10m contours close to the lowest part of the land well above the 3m minimum level of the low hazard band.*

## C13 BUSHFIRE CODE

### C13.6 Development Standards for Subdivision

Clause	Description	Assessment	AS	PC	NA
C13.6.1	Provision of hazard management areas	<b>A1</b> The Bushfire Hazard Management Report, prepared by a TFS accredited person, has concluded that there is sufficient area to provide for the construction of buildings to a BAL 19 standard and does not require the provision of hazard management areas as part of the subdivision.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C13.6.2	Public and fire-fighting access	<b>A1</b> The Bushfire Hazard management Plan, prepared by A TFS accredited person, demonstrates that future Access to building areas is able to comply with the applicable tables.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## C13 BUSHFIRE CODE

### C13.6 Development Standards for Subdivision

**Clause C15.4.1 provides that subdivision of land within the low and medium landslip hazard bands, not involving significant works is exempt from the provisions of the Code.**

### SPECIFIC AREA QUALIFICATIONS N/A

There are no Site Specific Qualifications relative to the site.

### REFERRAL

The proposal was referred to Environmental Health Officer and Infrastructure Manager. No objections were raised.

### NOTIFICATION

The application was placed on public exhibition between 19 April 2023 and 4 May 2023. No representations were received.

## **PUBLIC OPEN SPACE**

Subdivisions generally attract Public Open Space Contribution. In this case the contribution is to be otherwise dedicated to maintain the access provisions for the Mt Strzelecki Walk and associated infrastructure as managed by Parks and Wildlife Services.

## **OFFICER'S RECOMMENDATION**

That the application for the Subdivision of one lot into two lots at Trousers Point Road, Trousers Point, on Certificate of Title Plan No. 154913/1, be **APPROVED** subject to the following conditions:

## **ENDORSED PLANS**

The use and development must be carried out as shown on the endorsed documents:

- i. Plan of Subdivision, prepared by Cohen & Associates Pty Ltd, Trousers Point Road, Loccota, revision 1, dated 23/02/2023.
- ii. Bushfire Hazard Management Report: Lot 1 Trousers Point Road, prepared by Michael Tempest, RMCG, dated 22/02/2023.

## **SEALING OF FINAL PLAN OF SURVEY**

Prior to the sealing of the Final Plan of Survey, all conditions of this permit must be complied with.

## **AREA OF LOTS**

Each lot on the Final Plan of Survey must have an area of not less than 20 hectares.

## **ACCESS TO LOTS**

Each lot must be provided with an access to Trousers Point Road, located and constructed to the satisfaction of Council's Infrastructure Manager.

## **MT STRZELECKI WALK – ACCESS AND MAINTENANCE**

The Final Plan of Survey must include, to the satisfaction of the Council and on the advice of the Parks and Wildlife Service, a schedule of easements providing for:

- a 12m wide access over the length of the track, drainage, and infrastructure in favour of the Parks and Wildlife Service, that will be required to provide Parks and Wildlife Service vehicular and general public pedestrian access through the proposed Lot 1 shown on the plan of subdivision; and,
- the provision and maintenance of the boot wash and information booth and necessary maintenance and upgrade works over the length of the track by Parks and Wildlife Services.

## **RECOMMENDATION**

That the application for the Subdivision of one lot into two lots at Trousers Point Road, Trousers Point, on Certificate of Title Plan No. 154913/1, be **APPROVED** subject to the following conditions:

## **ENDORSED PLANS**

The use and development must be carried out as shown on the endorsed documents:

- i. Plan of Subdivision, prepared by Cohen & Associates Pty Ltd, Trousers Point Road, Loccota, revision 1, dated 23/02/2023.
- ii. Bushfire Hazard Management Report: Lot 1 Trousers Point Road, prepared by Michael Tempest, RMCG, dated 22/02/2023.

## **SEALING OF FINAL PLAN OF SURVEY**

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#### **AREA OF LOTS**

Each lot on the Final Plan of Survey must have an area of not less than 20 hectares.

#### **ACCESS TO LOTS**

Each lot must be provided with an access to Trousers Point Road, located and constructed to the satisfaction of the Infrastructure Manager.

#### **MT STRZELECKI WALK – ACCESS AND MAINTENANCE**

The Final Plan of Survey must include, to the satisfaction of the Council and on the advice of the Parks and Wildlife Service, a schedule of easements providing for:

- a 12m wide access over the length of the track, drainage, and infrastructure in favour of the Parks and Wildlife Service, that will be required to provide Parks and Wildlife Service vehicular and general public pedestrian access through the proposed Lot 1 shown on the plan of subdivision; and,
- the provision and maintenance of the boot wash and information booth and necessary maintenance and upgrade works over the length of the track by Parks and Wildlife Services.

## 16.2 DEVELOPMENT APPLICATION - DA2023/028

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Richard Barnes
<b>Officer</b>	Development Services Coordinator
<b>File Reference</b>	DA2023/028
<b>Annexures</b>	16.2.1 DA House and Shed 158 Badger Corner Road V2 Report 16.2.2 Representation

### INTRODUCTION

The purpose of this report is for Council to consider a proposal for the construction of a single dwelling and extension to the existing shed at 158 Badger Corner Road, Lady Barron.

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

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

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

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

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

### PREVIOUS COUNCIL CONSIDERATION

Nil

### PREVIOUS COUNCIL DISCUSSION

Nil

### OFFICER’S REPORT – PLANNING ASSESSMENT

<b>Development Application</b>	<b>DA2023/00028</b>
<b>Location</b>	158 Badger Corner Road, Lady Barron (CT177522/1)
<b>Planning Instrument</b>	Tasmanian Planning Scheme – Flinders (the Scheme)
<b>Use</b>	Residential – No Permit Required

### RELEVANT SCHEME PROVISIONS

#### 6.6 No Permit Required

6.6.1 A permit is not required to commence or carry out a use or development if:

- (a) the use is within a Use Class specified in the applicable Use Table as being a use for which no permit is required;
- (b) the use or development complies with each applicable standard and does not rely on any Performance Criteria to comply with each applicable standard;
- (c) the use or development is not Discretionary under any other provision of this planning scheme;
- (d) the use or development is not prohibited under any other provision of this planning scheme; and
- (e) a permit for such use and development is not required by a code.



## 6.9 Prohibited Use or Development

6.9.1 A use or development is Prohibited and must not be granted a permit if

- (a) the use is not specified as being No Permit Required, Permitted or Discretionary within a Use Class in the applicable Use Table;
- (b) the use or development does not comply with an Acceptable Solution for an applicable standard and there is no corresponding Performance Criterion; or
- (c) it is Prohibited under any other provision of this planning scheme.

### FLI-S3.0 Coastal Areas Specific Area Plan

#### FLI-S3.7.2 Site Coverage

<b>Objective</b>	
To minimise the extent of development on sites adjacent to the Crown coastal reserve	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
The site coverage must be no more than 300m <sup>2</sup> .	No Performance Criteria

## DISCUSSION

Having regard to the above provisions of the Scheme, the application is Prohibited. Further discussion and assessment of otherwise applicable Zone and Code provisions is not warranted.

The subject site is within the Rural Living Zone of the Scheme and the proposed development is classified as being within the Residential Use Class. Residential is a 'No Permit Required' Use Class within the Rural Living Zone.

However, pursuant to clause 6.6.1 (d), the No Permit Required status does not apply as the proposal is prohibited by clause 6.9.1 (b) in that it is unable to comply with the Acceptable Solutions at clause FLI-S3.7.2 and there are no corresponding Performance Criteria.

The Acceptable Solutions at clause FLI-S3.7.2 prescribes a maximum site coverage of 300m<sup>2</sup>. The application proposes the construction of a dwelling with a floor area of 412m<sup>2</sup>, plus an 88m<sup>2</sup> extension to the existing shed. In short, an extension to the existing site coverage of 500m<sup>2</sup>.

The Acceptable Solutions are not complied with and there are no corresponding Performance Criteria at clause FLI-S3.7.2.

Pursuant to clause 6.9.1 (b) the development is Prohibited and a permit must not be granted.

Consequently, consideration of the applicable Zone and other Code provisions was not undertaken. The ability of the proposal to satisfy the otherwise applicable provisions is not relevant given the Prohibited status that follows from failure to comply with the required standards at FLI-S3.7.2 Site Coverage.

The planning report provided in support of the application provides plans clearly defining the relevant Zone and Code boundaries, including FLI-S3 Coastal Areas Specific Area Plan. However, in its discussion of FLI-S3.0, it appears to have confused the Coastal Areas Specific Area Plan (SAP) with the Coastal Inundation Code, leading to its incorrect assertion that *the SAP only applies to part of the development* (refer pages 11 and 15 of the Report, Annexure 16.2.1).

Unfortunately, this was not identified until after the proposal had been placed on public exhibition. One representation was received.

The error was explained, and the applicant was invited to withdraw the application. The applicant declined to withdraw and seeks a determination of Council as the Planning Authority.

Further, the applicant has sought to have the application considered under the *Flinders Planning Scheme 2000*, however this is not possible. Prior to the scheme becoming effective on 1 June 2022, Council had received an enquiry regarding the current proposal. As the Commission had issued directions on the draft LPS on 21 April 2022, the LPS was legally binding from 28 April 2022 under section 51 of the Act. The subject inquiry was lodged on 27 May and was therefore subject to the *Tasmanian Planning Scheme – Flinders*. Advice was provided at that time that the application would be prohibited due to the existence of the SAP.

As noted above, clause 6.9.1 (b) categorically states that the development is Prohibited and a permit must not be granted. Determination by the Council will provide the applicant with appeal rights to the Tasmanian Civil and Administrative Appeals Tribunal.

### **REFERRAL**

The proposal was referred to Environmental Health Officer and Infrastructure Manager. No objections were raised.

### **NOTIFICATION**

The application was notified for the required 14-day period in accordance with the Act. Full copies of the representation received during the public exhibition period are provided as Annexure 16.2.2 to this report. Consideration of any representation is a requirement under both the Scheme and the Act.

The number of representations received during this time was one (1).

<b>Issued raised</b>	<b>Officer comments</b>
Concern regarding how household waste will be dealt with. This should be identified in the application as Council is in the process of putting in a Waste management Process for the Islands.	This is a matter of policy and is not relevant to assessment under the Scheme.

### **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.

### **RISK/LIABILITY**

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

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER'S RECOMMENDATION**

That the application for the construction of a dwelling and extension to an existing shed in the Rural Living Zone, by R Barnes for land located at 158 Badger Corner Road, Lady Barron (Lot 1 on Plan 177522) be REFUSED on the following grounds:

1. The proposed development does not meet the Acceptable Solutions at clause FLI-S3.7.2 of the *Tasmanian Planning Scheme - Flinders*, in that it proposes to increase the site coverage above the 300m<sup>2</sup> prescribed maximum and there is no corresponding Performance Criteria.
2. Clause 6.9.1 (b) of the *Tasmanian Planning Scheme - Flinders* provides that where a use or development does not comply with an applicable Acceptable Solution and there is no corresponding Performance Criterion, that use and/or development is Prohibited and a permit must not be granted.

### **RECOMMENDATION**

**That the application for the construction of a dwelling and extension to an existing shed in the Rural Living Zone, by R Barnes for land located at 158 Badger Corner Road, Lady Barron (Lot 1 on Plan 177522) be REFUSED on the following grounds:**

1. **The proposed development does not meet the Acceptable Solutions at clause FLI-S3.7.2 of the Tasmanian Planning Scheme - Flinders, in that it proposes to increase the site coverage above the 300m<sup>2</sup> prescribed maximum and there is no corresponding Performance Criteria.**
2. **Clause 6.9.1 (b) of the Tasmanian Planning Scheme - Flinders provides that where a use or development does not comply with an applicable Acceptable Solution and there is no corresponding Performance Criterion, that use and/or development is Prohibited and a permit must not be granted.**

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

## 16.3 DEVELOPMENT APPLICATION REPORT

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Jacci Smith   Development Services Coordinator
<b>File Reference</b>	PLN/0105
<b>Annexures</b>	16.3.1 Development Applications Report – April 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 16.3.1 Development Applications Report – April 2023.

### VOTING REQUIREMENTS

Simple Majority

### RECOMMENDATION

**That the Development Applications Report – April 2023 be received.**

## **17. INFRASTRUCTURE**

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### **17.1 INFRASTRUCTURE MANAGER'S REPORT – MAY 2023**

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Chris Wilson   Infrastructure Manager
<b>File References</b>	WOR/3000
<b>Annexures</b>	17.1.1 Infrastructure Manager's Report – May 2023

#### **INTRODUCTION**

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

#### **OFFICER'S REPORT**

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

#### **VOTING REQUIREMENTS**

Simple Majority

#### **RECOMMENDATION**

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

## 18. NOTICE OF MOTION

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### 18.1 NOTICE OF MOTION – CHILDCARE

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Rachel Summers   Mayor
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	CSV/0902
<b>Annexures</b>	Nil

#### NOTICE OF MOTION

That Council works with relevant stakeholders, including our current childcare provider; Thrive Group to:

- a) investigate options for the provision of reliable early childhood education and childcare services (including before and after school care and school holiday care); and
- b) advocate to both State and Federal Governments for appropriate support and funding.

#### COUNCILLOR'S REPORT

Childcare has become a major issue affecting the Island community.

Until October 2010, Flinders Council was the provider of childcare services on the Island. Unfortunately, due to cuts to subsidies and grants, the facility was running at a substantial loss and Council sought other options to ensure its continuation.

Council appointed NCN (now Thrive Group) to administer the service and supported this in a number of ways over the years.

The Centre currently has a maximum capacity of 15 children. With 19 children born in the last two years and anecdotally six due by the end of the year, it is easy to see that the current facility is unable to cope with current or future demand. Data from the Australian Bureau of Statistics and Tasmanian Department of Health indicates there is currently around 30 children, aged 5 or under, living on Flinders Island.

The provider also faces issues with appropriate staffing which has led to reduced hours of operation. Discussions with businesses on the Island have shown that they have struggled to recruit for positions that require attendance outside of the centre operation hours.

Even Council has had difficulties with recruitment, with some candidates unable to accept positions due to lack of availability of childcare or being limited in the hours that they can work.

Other issues with staffing revolve around the cost of completion of studies, housing, professional development opportunities, salary/benefits and illness. The Centre shut down multiple times this year due to illness, once for almost two weeks (with less than 24 hours notice). Due to our location, it is hard to find staff at short notice who are available to come to the Island.

We cannot sustain or grow our population without adequate access to reliable childcare services.

Whilst Council has already undertaken a considerable amount of work in this area, including working with Thrive Group on their grant application to the Community Child Care Fund program, I would like to formalise Council support.



**MOTION**

**Cr Rachel Summers**

**That Council works with relevant stakeholders, including our current childcare provider; Thrive Group, to:**

- a) investigate options for the provision of reliable early childhood education and childcare services (including before and after school care and school holiday care); and**
- b) advocate to both State and Federal governments for appropriate support and funding.**



## 19. FINANCE

### 19.1 SCHEDULE OF FEES & CHARGES 2023/2024

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<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Kate Blyth   Senior Finance Officer
<b>File Reference</b>	FIN/0701
<b>Annexures</b>	19.1.1 DRAFT Fees & Charges Schedule 2023/2024 19.1.2 DRAFT Rationale for Waiver of Fees 19.1.3 Rationale for Waiver of Fees - adopted 16.08.2018

#### INTRODUCTION

Under Section 205 of the *Local Government Act 1993*, Council can impose fees and charges with respect to the listed activities within the Act. These activities include the use of any property or facility owned by Council and any application, licence, permit or registration granted by the Council. A review of the Rationale on Waiver of Fees has been undertaken and is presented in conjunction with Fees & Charges Schedule 2023/2024.

#### PREVIOUS COUNCIL DISCUSSION

Council Workshop 12 April 2023  
Council Workshop 10 May 2023

#### PREVIOUS COUNCIL CONSIDERATION

Nil

#### OFFICER'S REPORT

Fees and charges and the methodologies of cost structure have been reviewed in the last few years and benchmarked against other Tasmanian Councils. Several cost segments have been recommended to be changed.

Fees and charges have also been reviewed in line with cost increases and the Consumer Price Index (CPI).

Council's role in supporting community services is vital for the future of community groups on the Furneaux Islands and the delivery of high-quality community events that benefit the Furneaux Islands Community.

To maintain consistent support and uphold Council's reputation in delivering community services, a rationale for community support was adopted during the Ordinary Council Meeting on August 16, 2018. This Rationale categorises all community users, groups and events that Council currently assists and specifies the types of assistance provided. It establishes clear guidelines from Council regarding the classifications of user/groups and the level of support Council can offer, which may include fee waivers, in-kind support or covering hard costs.

The proposed revised Rationale, including the recommended level of support from staff, is now presented to Council for endorsement (Annexure 19.1.2).

#### STATUTORY REQUIREMENT

*Local Government Act 1993*

#### POLICY/STRATEGIC IMPLICATIONS

No policy exists on this matter.

### **BUDGET AND FINANCIAL IMPLICATIONS**

High. The adoption of 2023/2024 Fees and Charges are required to perform the next phase of the Budget process for 2023/2024 as they contribute to budgeted revenue.

### **RISK/LIABILITY**

Maintaining Council in a sound financial position is a critical function of a Council.

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

**That Council**

- a) Pursuant to Section 205 of the *Local Government Act 1993*, adopt the Fees & Charges 2023/2024 as per the attached schedule (Annexure 19.1.1).
- b) Adopt the Rationale for Waiver of Fees (Annexure 19.1.2)

## 19.2 LONG-TERM ASSET MANAGEMENT PLAN AND STRATEGY 2021-2031

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	FIN/0701
<b>Annexures</b>	19.2.1 Long-Term Asset Management Plan and Strategy 2021-2031 19.2.2 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 of 28 June 2021. To allow each of the components in the Long-Term Financial & Asset Management Plans, Strategies and Policy 2021-2031 to be reviewed and revised regularly to reflect strategies that arise from Council planning processes, the Plan is being split into four documents:

- Long-Term Financial Management Plan 2023-2033;
- Financial Management Strategy 2023-2033;
- Long-Term Asset Management Plan and Strategy; and
- Asset Management Policy.

At the 26 April 2023 Council Ordinary Meeting, Council adopted the Financial Management Strategy 2023-2033.

The Long-Term Asset Management Plan and Strategy component of the Long-Term Financial & Asset Management Plans, Strategies and Policy 2021-2031 (Annexure 19.2.2) has been extracted and are presented for adoption without change to maintain compliance with Section 70B, and S70D of the Act. Council Officers plan to review and revise the Long-Term Asset Management Plan and Strategy in the next 12 months and re-present to Council for re-adoption.

### PREVIOUS COUNCIL CONSIDERATION

120.06.2021                      28 June 2021

### PREVIOUS COUNCIL DISCUSSION

12 April 2023                      Council Workshop

### OFFICER'S REPORT

The Long-Term Asset Management Plan and Strategy embraces fundamental principles and assumptions to enable the achievement of a robust financial strategy over the next ten years.

The preparation on the long-term strategies and plans, has been based on detailed financial and asset modelling, in conjunction with an assessment of Council's present and historic information. Major assumptions have been carefully considered to align with Councils understanding of the Island challenges, and to reflect the constraints of Council.

## **STATUTORY REQUIREMENT**

*Local Government Act 1993*

## **POLICY/STRATEGIC IMPLICATIONS**

Strategic Plan 2021-2031

Long-Term Asset Management Plan and Strategy

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**

Very High

The adoption of the Long-Term Asset Management Plan and Strategy provides the long-term strategic framework that shapes future Budget Estimates and Annual Plans and aims to comply with the *Act* and *Local Government (Content of Plans and Strategies Order 2014)*.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

**That Council notes the Long-Term Asset Management Strategy 2021-2031 as a standalone document and authorises the General Manager to make a copy of the Long-Term Asset Management Strategy 2021-2031 available on the Council Website and for public inspection at the Council Office during ordinary business hours.**

## 19.3 ASSET MANAGEMENT POLICY

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	FIN/0300
<b>Annexures</b>	19.3.1 DRAFT S-F1 Asset Management Policy

### INTRODUCTION

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

Section 70C of the *Local Government Act 1993* requires Council to maintain an Asset Management Policy. Council adopted an Asset Management Policy as part of the Long-Term Financial and Asset Management Plans, Strategies and Policy 2021-2031 (the Plan) at the 28 June 2021 Special Council Meeting.

To allow each of the components in the Plan to be reviewed and revised regularly to reflect strategies that arise from the Council planning processes, the Plan is being spilt into four documents:

- Long-Term Financial Management Plan 2023-2033;
- Financial Management Strategy 2023-2033;
- Long-Term Asset Management Plan and Strategy; and
- Asset Management Policy.

The Asset Management Policy is now presented for re-adoption as a standalone Policy.

### PREVIOUS COUNCIL CONSIDERATION

278.09.2012	20 September 2012
101.06.2021	28 June 2021

### PREVIOUS COUNCIL discussion

3 May 2018	Council Workshop
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### OFFICER'S REPORT

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

At the 28 June 2021 Council Ordinary Meeting, Council adopted the Long-Term Financial and Asset Management Plans, Strategies and Policy 2021-2031. The document incorporated an Asset Management Policy to address the requirements of Section 70C of the *Local Government Act*.

Council Officers have spilt the Asset Management Policy from the Long-Term Financial and Asset Management Plans, Strategies and Policy 2021-2031 and it is now re-presented to Council for consideration.

### STATUTORY REQUIREMENT

*Local Government Act 1993*

#### **POLICY/STRATEGIC IMPLICATIONS**

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

#### **BUDGET AND FINANCIAL IMPLICATIONS**

Nil

#### **RISK/LIABILITY**

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

#### **VOTING REQUIREMENTS**

Simple Majority

#### **RECOMMENDATION**

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

## 20. GOVERNANCE

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### 20.1 LOCAL GOVERNMENT ASSOCIATION OF TASMANIA (LGAT) ELECTIONS 2023

<b>Action Officer</b>	<b>Decision</b>
<b>File Reference</b>	Warren Groves   General Manager
<b>Annexures</b>	COU/0303
	20.1.1 Letter from Tasmanian Electoral Office Local Government Association of Tasmania Elections
	20.1.2 Email from Tasmanian Electoral Commission Non-Statutory Elections 2023 Announcements
	20.1.3 Candidate Statements

#### INTRODUCTION

The Local Government Association of Tasmania (LGAT) is a critical organisation to guide Councillors and Council Staff in their work within municipalities. There are six candidates for the election to the position of LGAT President and two candidates for Northern Electorate with a population less than 20 000 and three for the Northern Electorate with a population more than 20 000 for the two General Management Committee member positions. As you will read in the letter from the Tasmanian Electoral Office (TEO), the ballot papers are sent to each Mayor. Instructions are that each Council considers the candidates and decides on the preferred candidate for each position. The completed ballot papers then should be placed in the Postal Vote Declaration Envelope, signed by the Mayor, placed in the replied-paid envelope, and mailed as priority mail, to reach the Tasmanian Electoral Commission by 10am on Thursday 15 June 2023.

#### PREVIOUS COUNCIL CONSIDERATION

Nil

#### PREVIOUS COUNCIL DISCUSSION

Nil

#### OFFICER'S REPORT

This is a matter for the consideration and decision of Councillors, based on the TEO material and ballot papers attached.

#### STATUTORY REQUIREMENTS

*Local Government Act 1993*

#### POLICY/STRATEGIC IMPLICATIONS

Nil

#### BUDGET AND FINANCIAL IMPLICATIONS

Nil

#### RISK/LIABILITY

Nil

#### VOTING REQUIREMENTS

Simple Majority

#### RECOMMENDATION

That Council select the preferred candidate for:

- Election as President of LGAT;
- Election to General Management Committee (GMC) Member, Northern District, less than 20,000; and
- Election to General Management Committee (GMC) Member, Northern District, more than 20,000.

## 20.2 HOUSING WORKING GROUP REPORT – APRIL 2023

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	GOV/1102
<b>Annexures</b>	20.2.1 Housing Working Group Report 5 May 2023 Meeting (Elected Members Only)

### INTRODUCTION

At the 25 January 2023 Ordinary Council Meeting, council resolved to form a Housing Working Group with the membership being Deputy 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
117.04.2023	26 April 2023

A report will be presented monthly.

### PREVIOUS COUNCIL DISCUSSION

25 January 2023 Council Workshop

### 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 April 2023 be noted.**



## 20.3 TASWATER CORPORATE PLAN FY2024-28

<b>Action</b>	<b>Decision</b>
<b>Proponent Officer</b>	Council Officer Warren Groves   General Manager
<b>File Reference</b>	COU/0312
<b>Annexures</b>	20.3.1 Letter from TasWater Board Chairman 20.3.2 DRAFT TasWater Corporate Plan 2024-28

### INTRODUCTION

TasWater has released its draft Corporate Plan FY2024-28 for review. As a TasWater shareholder, Flinders Council has been asked to provide feedback in relation to the draft Plan by 26 May 2023.

### PREVIOUS COUNCIL CONSIDERATION

34.2.2020 25 February 2020  
62.4.2021 20 April 2021  
65.4.2021 20 April 2021

### PREVIOUS COUNCIL DISCUSSION

Nil

### OFFICER'S REPORT

As part-owner of TasWater, it is important that the Council continues to participate in, and support, TasWater.

On 28 April 2023, the TasWater Board Chairman sent a letter inviting feedback on the Draft Corporate Plan FY2024-28. The plan has been updated to include updated future direction and priorities to provide greater attention to 'what matters the most'.

The overall strategic direction of TasWater is largely consistent with the previous Corporate Plan, however, priorities have been updated reflecting TasWater's future direction. These include more ambitious targets for protecting and enhancing the natural environment and increasing community engagement and customer experience activities.

The Plan outlines a renewal of key areas and outcomes that TasWater seeks to achieve over the planning period.

Feedback on the Draft Corporate Plan FY2024-28 is to be submitted by 26 May 2023.

### STATUTORY REQUIREMENT

*Local Government Act 1993*

### POLICY/STRATEGIC IMPLICATIONS

Nil

### BUDGET AND FINANCIAL IMPLICATIONS

Nil

### RISK/LIABILITY

Nil

### VOTING REQUIREMENTS

Simple Majority

### RECOMMENDATION

**That Council reviews the draft TasWater Corporate Plan FY2024-28 and requests the General Manager to formally provide Council's feedback to TasWater by 26 May 2023.**

## 20.4 VISITS - CAPE BARREN ISLAND POLICY

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	COU/0600
<b>Annexures</b>	20.4.1 S-07 Visits – Cape Barren Island

### INTRODUCTION:

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

### PREVIOUS COUNCIL CONSIDERATION

341.10.2010	21 October 2010
248.05.04	20 May 2004
83.03.2023	22 March 2023

### PREVIOUS COUNCIL DISCUSSION

Council Workshop 26 April 2023

### OFFICER'S REPORT

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

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

At the 22 March 2023 Ordinary Council Meeting, Council resolved the following motion:

#### *'MOTION*

*83.03.2023 Moved: Cr C Cox      Seconded: Cr P Rhodes  
That Council defers consideration of the Visits - Cape Barren Island Policy until Cape Barren Island Aboriginal Association has been asked for input.*

#### *CARRIED UNANIMOUSLY (7-0)*

*For: Mayor Rachel Summers, Deputy Mayor Vanessa Grace, Cr Garry Blenkhorn, Cr Aaron Burke, Cr Carol Cox, Cr Peter Rhodes and Cr Ken Stockton.'*

The Mayor emailed a representative from Cape Barren Island Aboriginal Association for the Associations input on the Policy but has not received any correspondence. The Visits – Cape Barren Policy is now represented to Council for adoption.

### STATUTORY REQUIREMENT

*Local Government Act 1993*

### POLICY/STRATEGIC IMPLICATIONS

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

**RISK/LIABILITY**

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

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

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

## 20.5 INFORMATION MANAGEMENT PROCEDURE

<b>Action</b>	<b>Decision</b>
<b>Proponent Officer</b>	Council Officer Warren Groves   General Manager
<b>File Reference</b>	ADM/0300, ADM/0900
<b>Annexures</b>	20.5.1 DRAFT S-G12 Information Management Procedure

### INTRODUCTION

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

### PREVIOUS COUNCIL CONSIDERATION

324.12.2016	15 December 2016
86.03.2023	22 March 2023

### PREVIOUS COUNCIL DISCUSSION

Council Workshop 26 April 2023

### OFFICER'S REPORT

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

Council Officers have reviewed the Information Management Procedure; and transferred the procedural content into a separate Procedure document.

At the 22 March 2023 Ordinary Council Meeting, Council resolved the following motion:

#### *'DECISION*

*86.03.2023 Moved: Cr C Cox Seconded: Cr G Blenkhorn*

*That Council adopts the Information Management Policy (as amended) as a strategic document and allows the Policy to lay on the table for 28 days for public comment and Council brings the Information Management Procedure to the next available Council Workshop.*

*CARRIED UNANIMOUSLY (7-0)*

*For: Mayor Rachel Summers, Deputy Mayor Vanessa Grace, Cr Garry Blenkhorn, Cr Aaron Burke, Cr Carol Cox, Cr Peter Rhodes and Cr Ken Stockton.'*

The Information Management Procedure is now represented to Council for consideration.

### STATUTORY REQUIREMENT

*Local Government Act 1993*

### POLICY/STRATEGIC IMPLICATIONS

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

### BUDGET AND FINANCIAL IMPLICATIONS

Nil

**RISK/LIABILITY**

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

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council adopts the Information Management Procedure as a strategic document.**

## 20.6 RISK MANAGEMENT POLICY

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	FIN/1003
<b>Annexures</b>	20.6.1 DRAFT S-W4 Risk Management Policy

### INTRODUCTION

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

### PREVIOUS COUNCIL CONSIDERATION

312.07.2002	11 July 2002
486.08.2005	25 August 2005
307.08.2009	20 August 2009
292.09.2010	23 September 2010
201.07.2011	14 July 2011
804.05.2014	14 & 15 May 2014
80.03.2023	22 March 2023

### PREVIOUS COUNCIL DISCUSSION

10 May 2023	Council Workshop
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### OFFICER'S REPORT

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

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

Councillors were presented with the Risk Management Policy at the 22 March 2023 Council Ordinary Meeting and moved a motion to discuss the Policy at the next available Council Workshop. In the Council Workshop of 10 May 2023, the Policy was reviewed in detail and is now represented to Council for consideration.

### STATUTORY REQUIREMENT

*Local Government Act 1993*

### POLICY/STRATEGIC IMPLICATIONS

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

### BUDGET AND FINANCIAL IMPLICATIONS

Nil

### RISK/LIABILITY

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

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

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

## 20.7 REVIEW OF INSTRUMENT OF DELEGATIONS

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	PLN/0101
<b>Annexures</b>	20.7.1 Council's Instrument of Delegation – revised May 2023

### INTRODUCTION

The purpose of this report is to replace Council's current Instrument of Delegation by adopting an updated instrument.

Staff are delegated the power to represent on behalf of the Planning Authority under the *Land Use Planning and Approvals Act 1993 (Act)* to expedite processes and improve regulatory outcomes for participants to the process. Current delegations do not extend to making submissions for the Planning Authority through the hearing process and in response to directions from the Tasmanian Planning Commission.

### PREVIOUS COUNCIL CONSIDERATION

27.01.2009	20 January 2009
375.11.2010	18 November 2010
087.03.2011	17 March 2011
365.12.2012	13 December 2012
612.08.2013	15 August 2013
740.02.2014	13 February 2014
807.05.2014	15 May 2014
53.02.2015	19 February 2015
205.08.2017	17 July 2017
240.09.2018	13 September 2018
223.08.2019	20 August 2019
108.5.2020	26 May 2020
216.10.2020	20 October 2020
228.11.2021	16 November 2021
118.06.2022	14 June 2022
157.08.2022	16 August 2022
182.09.2022	20 September 2022

### PREVIOUS COUNCIL DISCUSSION

Nil

### OFFICER'S REPORT

Section 22 of the *Local Government Act 1993* (the Act) empowers Council to, in writing, delegate, with or without conditions, certain powers and functions to the General Manager. In addition, Council may authorise the General Manager to further delegate those powers to Council employees [see s.64(1)(b) of the Act]. Various other Acts also empower Council to delegate its powers and functions: examples are s.6 of the *Land Use Planning and Approvals Act 1993* and s.8 of the *Building Act 2016*.



The purpose of Council's Instrument of Delegation is to record, in writing:

1. all delegations made by the Council to the General Manager and other persons under statute; and
2. instances where Council has authorised the General Manager to further delegate Council's powers and functions.

The making of delegations is a necessary and prudent step to ensure that the business of Council can be conducted efficiently and effectively. The most recent review of Council's delegations register was performed to ensure compliance.

The inception of the Tasmanian Planning Scheme and amendments to *Land Use Planning and Approvals Act 1993* required sections of delegations to be included or updated to ensure current legislative compliance with regard to matters pertaining to development.

The final approval of the LPS made the previous delegations for planning scheme amendments obsolete. Council no longer has an interim planning scheme and the relevant delegations that were provided under the former provisions of the Act are not relevant to a LPS. This affected some of the operational matters for processing LPS amendments.

A review of the delegations register was completed and enacted by the Council at its September 2022 Council Ordinary Meeting, which was based on legal advice and provided for staff to complete a wide range of functions across the operations of the suite of legislation that Local Government operates under. That decision resulted in the current instrument of delegation, which includes a range of operational functions under the *Land Use Planning and Approvals Act 1993 (Act)* at section 3.4. An extract of section 3.4 of the current Delegations Register for the Act was provided at Annexure 21.7.1 to this report.

The existing delegations provide for most functions up to section 40H of the Act, and then recommence at 40S. The intervening sections of the Act regulate the assessment of LPS amendments by the Tasmanian Planning Commission.

Operation of the Delegations Register identified a few matters that were omitted from the September 2022 decision but form part of the routine processing of amendments to Council's Local Provisions Schedule (LPS). Key matters that were omitted include the following:

- Part 3 Division 3 – to appoint a representative for the Planning Authority to appear for and advise the Planning Authority;
- 37(2) determination that a request to amend the LPS is in a suitable form;
- 40I to provide a response to requests or directions from the Commission where the Planning Authority has sought an application under Section 40H for an Exemption from public exhibition;
- 40K to submit a report to the Commission where no representations were received and no changes were identified to the amendment; and to respond to Directions from the Commission in response to the Section 40K Report on Representations;
- 40L to provide a response to Directions from the Commission in response to matters raised at hearings under section 40L;
- 40O to provide a response to direction from the Commission for modifications to an amendment;
- 40P to provide a response to direction from the Commission for substantial modifications to an amendment.

As noted earlier in this Agenda item, similar delegations to those listed assisted the Planning Authority and staff to deal with the LPS assessment. Those delegations ended once the LPS started operating.

The existing delegations establish that the General Manager or Development Services Coordinator may determine the relevant matters, with no conditions on the exercise of specific powers established through sections 40 to 43 inclusive.

The delegations proposed under this report are consistent with the existing delegations under those sections of the Act. The recommended delegations were developed on a similar basis, so the same positions are provided the additional delegations and conditions.

A condition was recommended when determining that applications for planning scheme amendments are in a suitable form to commence the formal assessment process under the Act. This delegation ought to be subject to expert advice on whether the application meets the relevant requirements under the Act and associated documents such as the Regional Land Use Strategy, Councils Strategic Plan and other technical requirements such as *Guideline No.1 Local Provisions Schedules – zone and code mapping* and the various practice notes and Information Sheets published by the Commission.

## **STATUTORY REQUIREMENT**

*Land Use Planning and Approvals Act 1993 (Act)*

- S.6 Delegation
- Division 3B Amendments to LPS's
- 37(2) determination that a request to amend the LPS is in a suitable form;
- 40I Exemption from public exhibition
- 40K Report to Commission about draft amendments
- 40L Hearings
- 40O Modifications of draft amendments
- 40P Substantial modification of draft amendments

Section 6(3) of the Act provides the planning authority power to delegate, by resolution, any of its powers and functions under the Act to a person employed by the Authority.

## **POLICY/STRATEGIC IMPLICATIONS**

The *Flinders Council 2021-2031 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.

Delegations that improve the ability of staff to represent and advise the Planning Authority through the LPS amendment process are consistent with the following guiding principles of the Strategic Plan:

3. *Environment, Waste and Sustainable Land Use Practices – value our unique natural environment and encourage sustainable industries, lifestyle and practices.*
4. *Service Quality – provide service excellence, efficiently and effectively, and within our means.*
5. *Transparency – make professional and transparent decisions, communicated and implemented in the interest of the Community.*
6. *Governance and Financial Responsibility – ensure compliance with government regulations and Council's guiding plans: Strategic Plan, Long-Term Financial Management Plan and Long-Term Asset Management Plan.*

7. *Sustainability – strive for sustainability in the social / community, economic / business, and built / natural environments.*
8. *Continuous improvement – Ensure ongoing, documented, continuous improvement processes.*

The following focus areas were identified as relevant to delegations that improve operational efficiency for LPS amendments:

*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.*

*Accessibility/Infrastructure –*

*2.3.1 Develop and implement a Council Land Strategy to ensure land is utilised effectively.*

*Economy/Business:*

*3.1.1 Support and encourage innovation and industry through partnerships, infrastructure provision and support services.*

*Good Governance*

*4.1.1 Ensure Council meets its statutory obligations to manage risk, achieve financial sustainability and model good governance.*

The requested delegations were assessed as consistent with the Flinders Council Strategic Plan 2021-2031.

## **BUDGET AND FINANCIAL IMPLICATIONS**

The budget implications of the requested delegations form part of the operational planning and budget allocations for the functions of the Planning Authority under the Land Use Planning and Approvals and Local Government Acts.

## **RISK/LIABILITY**

Identified risks are considered to be addressed by the Planning Authority observing the statutory process and limited number of staff able to exercise the delegations.

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

## **VOTING REQUIREMENTS**

Two-thirds majority of Councillors in attendance (as per s.124(2) of the *Local Government (Highways) Act 1982*).

## **RECOMMENDATION**

**That Council resolves to:**

- 1. make each of the delegations and authorisations in the terms set out in the revised Instrument of Delegation (May 2023), by exercising the powers of delegation and authorisation referred to in that Instrument;**
- 2. adopt the revised Instrument of Delegation (May 2023) as Council's current delegations register and revokes all previous delegations made and approved by Council (per clause 2 of the Instrument);**

- 3. authorise the Mayor and the General Manager to endorse the revised Instrument of Delegation (May 2023) by executing the document and applying the common seal of Council; and**
- 4. direct the General Manager to keep the new Instrument of Delegation (May 2023) and make it available for inspection at Council's offices as the Delegations Register, as required by s.22(4) of the *Local Government Act 1993*.**

## 20.8 FLINDERS ISLAND MARINE ACCESS AND SAFE HARBOUR PROJECT – EARLY CONTRACTOR INVOLVEMENT STAGE TWO

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves
<b>File Reference</b>	COM/0402, ASM/0200
<b>Annexures</b>	20.8.1 Flinders Island Marine Access and Safe Harbour Project Early Contractor Involvement (ECI) Proposal to Proceed to Stage 2 (Elected Members Only)

### INTRODUCTION

At the 15 December 2020 Council Ordinary Meeting, Council approved an exemption to the procurement method, approved the Early Contractor Involvement (ECI) process and appointed Contractor 1 - Batchelor Construction Group Pty Ltd (BCG) to undertake reports required for the funding application. The application required works, such as detailed drawings, permits, licences, approvals and environmental studies, to be completed to a tender ready stage (shovel ready).

The marine environment is not core Council business and Flinders Council does not have the in-house expertise to prepare the grant application. It was therefore necessary to engage suitably qualified contractors/consultants to undertake this work. In March 2021 meetings were held with TasPorts, Marine and Safety Tasmanian (MAST) and Burbury Consulting Pty Ltd in progression of the funding application process known as a Request for Information (RFI). An extension for the funding application submission to the Federal Government - Community Development Grant (CDG) was sought and granted to 30 June 2021.

In November 2022, Council was contacted in writing by the CDG, confirming the progression of the project and the \$3.6M in funding. Further discussions have since been held with TasPorts around their support for the co-ownership/ transfer of Crown Licenses and Leases for this project. The contractor, BCG, has since re-costed the project to ensure its viability for the funding providers.

The RFI was re-submitted to the CDG in December 2022 due to the combining of two funding streams into one. The \$3.6M total consists of the substantive \$3M initial grant and a further \$600,000 grant obtained by Council to ensure the viability of the project.

Council received the signed and executed Deed for the Federal funding of the Flinders Island Marine Access and Safe Harbour Project (FIMASH) on the 27<sup>th</sup> April 2023.

### PREVIOUS COUNCIL CONSIDERATION

57.02.2011	17 February 2011
120.04.2011	21 April 2011
128.04.2011	21 April 2011 Closed Council
598.07.2013	18 July 2013
232.09.2017	21 September 2017
300.12.2017	14 December 2017
292.10.2018	11 October 2018
33.02.2019	19 February 2019
76.03.2019	19 March 2019
77.03.2019	19 March 2019
88.03.2019	28 March 2019
117.04.2019	16 April 2019
118.04.2019	16 April 2019

250.09.2019	17 September 2019
58.3.2020	24 March 2020
93.5.2020	19 May 2020
135.7.2020	28 July 2020
183.09.2020	22 September 2020
194.09.2020	29 September 2020 Special Council Meeting
249.12.2020	15 December 2020
102.6.2021	15 June 2021
44.03.2023	10 March 2023
45.03.2023	10 March 2023
46.03.2023	10 March 2023
94.04.2023	3 April 2023
95.04.2023	3 April 2023
97.04.2023	3 April 2023

### **PREVIOUS COUNCIL DISCUSSION**

6 July 2017	Council Workshop
31 August 2017	Council Workshop
28 March 2019	Council Workshop
28 June 2019	Council Workshop
11 September 2019	Council Workshop
25 February 2020	Council Workshop
12 May 2020	Council Workshop
7 July 2020	Council Workshop
6 August 2020	Council Workshop
25 August 2020	Council Workshop
24 September 2020	Meeting with the Hon Bridget Archer MP
27 October 2020	Council Workshop
1 June 2021	Council Workshop
7 September 2021	Council Workshop
21 September 2021	Council Workshop
30 November 2021	Council Workshop
1 February 2022	Council Workshop
15 February 2022	Council Workshop
17 May 2022	Council Workshop
22 November 2022	Council Workshop
30 November 2022	Council Workshop
15 January 2023	Council Workshop (Bus Tour)
25 January 2023	Council Workshop
15 February 2023	Council Workshop
1 March 2023	Council Workshop
8 March 2023	Council Workshop
22 March 2023	Council Workshop
26 April 2023	Council Workshop
3 May 2023	Council Workshop
10 May 2023	Council Workshop

### **OFFICER'S REPORT**

Flinders Council has been working towards submitting the grant application for the Federal Government funding to construct stage one of the FIMASH project since 2019.

In May 2020, Council issued a request for expressions of interest (EOI) for Stage One of the FIMASH Project to eight Tasmanian-based civil construction companies recognised as having the necessary experience and capability (quarries, civil construction and specifically maritime civil infrastructure) to deliver the FIMASH Project. Two substantial EOIs, indicating interest

and capacity to complete the project, were received as a result. The low number of EOIs received was believed to be a product of the remoteness of Flinders Island; the significant Government funding on offer at the time for large scale COVID-19 recovery projects and the limited number of suitable contractors in Tasmania.

In December 2020 Council approved an exemption to the procurement method, authorising the Early Contractor Involvement process for Stage One and appointed Contractor 1 - Batchelor Construction Group Pty Ltd(BCG).

The RFI was first submitted to the CDG on 21 June 2021.

The RFI was re-submitted to the CDG in December 2022 due to the combining of two funding streams (the original \$3M amount and an additional \$600,000) into one.

The progress of the grant application was delayed for some months whilst TasPorts, at the request of State Minister for Infrastructure, the Hon Michael Ferguson, proposed an alternative model situated at the Lady Barron Port. It was also further delayed by CDG processing time-frames, the Federal election caretaker period and a further delay due to re-assessing previous Government funding commitments by the new Labor Government.

Throughout Stage One, BCG has showed a high level of commitment despite ongoing delays and uncertainty about the funding for the project. Their steadfast and collaborative approach has significantly contributed to the progress of the project.

The signed Deed for the Federal funding for the Flinders Island Marine Access and Safe Harbour Project (FIMASH) was received on the 27<sup>th</sup> April 2023.

At the 10<sup>th</sup> of May 2023 Council Workshop BCG presented on the Project progress and confirmed their commitment to continue with ECI Stage Two.

In considering how Council progresses into the construction phase of this project, there are two main options available.. Council may either elect to progress to ECI Stage Two with BCG per section 2.2 (l) (i), (ii) or (iii) of Council's Code for Tenders and Contracts (the Code) or conduct a public tender process per section 2 of the Code.

Due to the value of this work being estimated to be greater than \$100,000, the *Local Government Act 1993* requires that, subject to specific exemptions, Council must invite a public tender for the contract. Regulation 27 of the Local Government (General) Regulations 2015 as mirrored in Council's Code for Tenders and Contracts, allows for exemptions to this requirement if it is believed a satisfactory result would not be achieved by inviting tenders.

Given the initial EOI process resulted in only two interested contractors, it is believed that a public tender would not elicit additional interested contractors, and may result in further risks, delays and costs to the project.

Therefore, an exemption is sought from Council per section 2.2 of the Code. An accepted alternative procurement method is a continuation of the existing Early Contractor Involvement (ECI) process which would enable Council to select the interested contractor, who has the required capacity, capability and familiarity with the project, to progress Council to the next stage.

If Council agrees to exempt the public tender process, it is recommended that BCG be invited to participate in the Early Contractor Involvement Stage Two to deliver the works required for the construction phase of the FIMASH project.

## **STATUTORY REQUIREMENT**

*Local Government Act 1993*

Local Government (General) Regulations 2015

Flinders Council Code of Tenders and Contracts

## **POLICY/STRATEGIC IMPLICATIONS**

Access/Infrastructure – Quality infrastructure and services for community benefit.

2.1 Safe and reliable air and sea access to the islands.

2.2.2 Engage with key stakeholders to support and improve commercial and community sea access.

AP-1 Work with the State and Federal Governments to facilitate the Flinders Island Marine Access and Safe Harbour Project.

## **BUDGET AND FINANCIAL IMPLICATIONS**

The FIMASH current project plan developed via ECI Stage One has been scoped and costed to be achievable within the funded amount by BCG.

A tender process is an expensive and time-consuming process.

Construction is required to have commenced per the Deed by August 2023.

If a new contractor is selected via a tender process, the contractor will need time to assess the project design and construction methodology and may allocate greater risk and therefore cost to the project or indeed wish to allocate further risks to Council. If a new contractor wishes to re-design the project, this will likely add time and cost risks to the project.

Any delay in time or increased perception of risk by a new contractor is likely to increase costs and may result in a subsequent decrease in the length of the rock wall.

The rate of construction cost increases has been significant since COVID and currently shows little sign of slowing.

An ECI process had been identified as the most time efficient and cost-effective method to conduct the works required for Stage Two of the project.

## **RISK/LIABILITY**

The Early Contractor Involvement Stage Two proposal process will provide the Council with a level of comfort, in that, delivering the works required for the grant application will present a low-risk proposition from a known and proven contractor who has assessed project risks and incorporated them into the project costings.

## **VOTING REQUIREMENTS**

Absolute Majority

## **RECOMMENDATION**

**That Council**

- 1. Approves an exemption from public tender procurement for the construction, in accordance with the plans and designs submitted for the Flinders Island Marine Access and Safe Harbour Project, as a satisfactory result would not be achieved by inviting tenders due to:**
  - (i) extenuating circumstances;**
  - (ii) the remoteness of the locality;**
  - (iii) unavailability of competitive tenderers; and**



- (iv) the limited likelihood of a new tenderer accepting the existing design and its perceived associated risks to them.**
- 2. Awards the Early Contractor Involvement - Stage Two contract for the delivery of the construction in accordance with the plans and designs submitted for the Flinders Island Marine Access and Safe Harbour Project, to Bachelor Construction Group Pty Ltd.**

## **20.9 COUNCILLOR RESOLUTION REPORT**

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	GOV/0300
<b>Annexures</b>	20.9.1 Councillor Resolution Report May 2023

### **INTRODUCTION**

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

### **PREVIOUS COUNCIL CONSIDERATION**

The Report is presented on a monthly basis.

### **OFFICER'S REPORT**

Please read Annexure 20.9.1 – Councillor Resolution Report May 2023.

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

**That the Councillor Resolution Report May 2023 be noted.**

## 21. CLOSED COUNCIL

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### 21.1 AUDIT PANEL VACANCIES

### 21.2 COUNCILLOR CLOSED RESOLUTION REPORT

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

### 21.4 GENERAL MANAGER'S PERFORMANCE REVIEW COMMITTEE REVIEW

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager

#### REASON FOR CLOSED COUNCIL

Item 21.1 is **CONFIDENTIAL** in accordance with Section 15(2)(g) of the Local Government (Meeting Procedures) Regulations 2015.

Item 21.2 is **CONFIDENTIAL** in accordance with Section 15(2)(a)(b)(c)(d)(f)(g) and (i) of the Local Government (Meeting Procedures) Regulations 2015.

Item 21.3 and 21.4 are **CONFIDENTIAL** in accordance with Section 15(2)(a) of the Local Government (Meeting Procedures) Regulations 2015.

#### VOTING REQUIREMENTS

Absolute Majority

#### RECOMMENDATION

**That Council moves into Closed Council.**

## MEETING CLOSED

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