



Agenda
Ordinary Council Meeting
17 April 2024





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 12 April 2024

Warren Groves
GENERAL MANAGER



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FLINDERS COUNCIL ORDINARY MEETING – AGENDA

1 Attendance

Venue	Flinders Arts and Entertainment Centre
Commencing	1.00 pm
Attendees – Councillors	Mayor Rachel Summers Deputy Mayor Vanessa Grace Garry Blenkhorn Aaron Burke Carol Cox Peter Rhodes Ken Stockton
Apologies	
Attendees- Staff	Warren Groves General Manager Jade Boyes Corporate Services Coordinator Sammi Gowthorp Community Services Coordinator Richard Harley Airport Operations Officer Jacci Smith Development Services Coordinator Oliver Ward Works and Services Coordinator Kyra Davis Executive Assistant (Minute Taker) Sue Mythen Executive Officer (Minute Taker)

2 Acknowledgement of Country

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

3 Confirmation of Minutes

3.1 Minutes of the Ordinary and Closed Council Meeting 20 March 2024

Annexures Nil

RECOMMENDATION

That the Minutes from the Ordinary and Closed Council Meetings held on 20 March 2024 be confirmed.

4 Public Question Time

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

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



The basis on which questions may be asked is:

1. *All questions will be addressed through the Chair (being the Mayor in normal circumstances) who will answer them as she/he sees fit. Under no circumstances will members of the gallery be permitted to address or question either elected members or officers of the Council. The Chair may delegate answers to the appropriate Councillor or staff member if required.*
2. *Persons addressing the Chair must pay the respect due to that office. Failure to do so may mean their address is terminated without notice.*
3. *Where the answer cannot be provided immediately, it will be provided in writing within 14 days and tabled at the following Ordinary Council Meeting.*
4. *All questioners are encouraged to register their intent to question with the General Manager before the meeting. Preference will be given to those who have so registered.*
5. *Question time shall not extend longer than 30 minutes and may be divided into two 15 minute sessions.*
6. *The actual timing of the session(s) is to be immediately after the opening of the meeting and advertised with the notice of meeting.*

5 Response to Public Questions

Nil

6 Councillors' Questions on Notice

6.1 Councillors' Questions on Notice

Nil

7 Councillors' Questions Without Notice

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

8 Responses to Councillors' Questions Without Notice

8.1 Responses to Councillors' Questions Without Notice from 20 March 2024

Nil

9 Late Agenda Items

Under R8(6) of the Local Government (Meeting Procedures) Regulations 2015, the Council may, by absolute majority vote, consider late agenda items at this meeting.

10 Declarations of Pecuniary Interest

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



11 Conflicts of Interest

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

12 Workshops & Information Forums

Action For Information
File Reference COU/0205 Workshops & Information Forums

Council Workshop – 20 March 2024

Council held a workshop on the following subjects:

- Item 2.1 Budget Discussions
- Item 2.2 Airport Development Options
- Item 2.3 Whitemark Tennis Courts EOI – Stage 2
- Item 2.4 Personal Information Protection Policy
- Item 2.5 Staffing Issue

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

Staff and Consultants	In Attendance
Warren Groves General Manager (via Teams)	Item 2.5
Jade Boyes Corporate Service Coordinator	Item 2.1 and 2.5
Richard Harley Acting Infrastructure Manager	Item 2.1 - 2.5
Jacci Smith Acting General Manager and Development Services Coordinator	Item 2.1 - 2.5
Sue Mythen Executive Officer (Minute Taker)	Item 2.1 - 2.5
Marissa Walters Contract Accountant (Via Teams)	Item 2.1
Jason Reed HR Consultant (via Teams)	Item 2.5

Council Workshop – 03 April 2024

Council held a workshop on the following subjects:

- Item 2.1 Coast Road Rezoning
- Item 2.2 Bus Trip Reschedule
- Item 2.3 Acting Infrastructure Manager’s Report
- Item 2.4 General Manager’s Report
- Item 2.5 Lunch
- Item 2.6 King Island Council Request for Councillors meeting attendance via VC
- Item 2.7 Organisation Chart – Corporate Services



- Item 2.8 National Enquiry into Local Government Sustainability
- Item 2.9 ANZAC Day

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

Staff and Consultants	In Attendance
Warren Groves General Manager	Item 2.2 - 2.9
Richard Harley Acting Infrastructure Manager	Item 2.1 - 2.9
Oliver Ward Works and Services Coordinator	Item 2.1 - 2.9
Jade Boyes Corporate Services Coordinator	Item 2.7
Jacci Smith Development Services Coordinator	Item 2.1, 2.2
Sammi Gowthorp Community Services Coordinator	Item 2.2
Sue Mythen Executive Officer (Note Taker)	Item 2.1 - 2.9
Mick Purves Consultant Planner (Via Teams)	Item 2.1

Voting Requirement

Simple Majority.

RECOMMENDATION

That the Council Workshops held on 20 March 2024 and 3 April 2024 be noted.



13 Publications and Reports Tabled For Information

14 Reports To Be Received

14.1 Flinders Boating Special Committee

Action	For Noting
Officer	Warren Groves - General Manager
File Reference	COM/0404 Flinders Boating SC
Annexures	1. 2024.03.04 - Flinders Boating Special Committee- Confirmed Minutes(9-4-24) [14.1.1 - 4 pages]

Officer's Report

The Confirmed Minutes of the Flinders Boating Special Committee held on 4 March 2024 have been provided for consideration. The minutes outline what the Committee has been working on to date and can now be accepted by Council.

Voting Requirement

Simple Majority.

RECOMMENDATION

That the Confirmed Minutes of the Flinders Boating Special Committee held on 4 March 2024 be accepted.



15 Mayor's Report

15.1 Mayor's Report For March and April 2024

Action	For Information
Councillor	Cr Rachel Summers
File Reference	COU/0600 Mayor's Report
Annexures	Nil

Appointments

Date	Description
21/02/2024	Council Workshop
21/02/2024	Ordinary Council Meeting
04/03/2024	Flinders Boating Special Committee Meeting
06/03/2024	Council Workshop
07/03/2024	Governance Meeting
13/03/2024	Local Government Association of Tasmania Mayor and Deputy Mayor Workshops
14/03/2024	Local Government Association of Tasmania General Meeting
15/03/2024	David Stewart – Tasbuilt Homes
15/03/2024	Scott Brazendale – Tas City Builders Portable Homes
19/03/2024	Meeting with community member - Childcare
20/03/2024	Council Workshop
20/03/2024	Ordinary Council Meeting
26/03/2024	Flinders Island Business Association Inc. (FIBI) Meeting
03/04/2024	Council Workshop
04/04/2024	Governance Meeting

Correspondence In

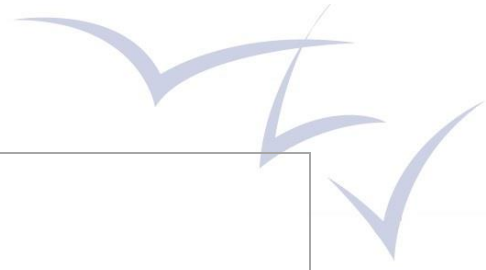
Date	From	Subject
12/02/2024	Dana Rich, Foreign Arrangements Branch, Department of Foreign Affairs and Trade	Invitation to attend a virtual session on the Foreign Arrangements Scheme
12/02/2024	The Honourable Michael Ferguson MP Deputy Premier of Tasmania	Furieux Festival Letter of Congratulations
12/02/2024	Peter Edwards, President, Neighbourhood Watch Tasmania	Neighbourhood Watch Tasmania Updates
15/02/2024	Bella Alcorso, Communications and events Coordinator, Tourism Industry Council Tasmania	Nomination for Tassie's Top Tourism Awards for 2024



16/02/2024	Dion Lester, CEO, Local Government Association Tasmania (LGAT)	Councillor State Election Candidates
19/02/2024	Mayor Dr. Mary Duniam, ALGWA President	Ruth McGowan - Get Elected
20/02/2024	Verity Quill, Women's Legal Service TAS	Scam Education
20/02/2024	Ben Morris, LGAT Policy Director	Course Costs
20/02/2024	Wendy Jubb Stoney	Coastal Area SAP and consequent lack of water storage
21/02/2024	EL3 Project Team	Update on LEG - Flinders Island - Caretaker
21/02/2024	Wendy Jubb Stoney	The intended SAP issues and water shortages document
21/02/2024	Rachel Williams, NE Advertiser	Regional Round-Up
21/02/2024	Planning Matters Alliance	Please come - #Scrap the DAP
22/02/2024	The Honourable Michael Ferguson MP Deputy Premier of Tasmania	2030 Strong Plan for Tasmania
22/02/2024	Melinda Pearce, LGAT	Local Government Association of Tasmania General Meeting
23/02/2024	Rod Whitehead, Auditor-General, Tasmanian Audit Office	Determination of Audit Fees for the year ending 30 June 2024
23/02/2024	Dion Lester, CEO LGAT	LGAT Submission - Future of Local Government Review
26/02/2024	Danielle Golding, Preftrain	Modern Hypothetical Dilemmas for Councillors
28/02/2024	Marguerite Bailey	Patient Travel Assistance Scheme
28/02/2024	Simon Wood, MP Parliamentary Secretary to the Premier	Column North East Advertiser today.
04/03/2024	Leanne McDougall, Office of the Governor General	Official Visit to the municipality of Flinders in 2024
04/03/2024	Michael Buck	Summer Camp/Asbestos
06/03/2024	Denise Gardner, Cape Barren Island Aboriginal Association Inc (CBIAAI)	Advice of Retirement
06/03/2024	Dion Lester, CEO, LGAT	TasWater Owners meeting
11/03/2024	Denise Hooke	Furneaux Museum Invitation



12/03/2024	Melinda Reed Vice President Australian Local Government Women's Association, Tasmania Branch.	A register of women elected to local government in Tasmania
12/03/2024	Simon McCormick, Contact Australia	Is your workplace Culturally safe?
12/03/2024	Zoe Neethling, NAYBA Australia	NAYBA Impact Audit - Tasmania Statewide Report
12/03/2024	Jude Cazaly	Green Waste on Public Open Space
13/03/2024	Anne Rae	Glass Crushing Report to Council
14/03/2024	Guijuan Shan	Invitation to Become a Member of the International City Network of Zero-waste Initiative
15/03/2024	The Honourable Luke Edmunds, MP, Member of the Legislative Council (MLC)	A better future for Local Government in a cost of living crisis
18/03/2024	Julie Andersson, COTA	Wear Purple Initiative
18/03/2024	Rachel Williams, NE Advertiser	Regional Roundup
18/03/2024	Kylie Westaway	National Awards for Local Government Entries
19/03/2024	Road Safety Advisory Council	Invitation: National Road Safety Week Launch
20/03/2024	Beach Energy	OGV Project Update - Otway Offshore Project - Public Comment period now open
22/03/2024	The Honourable Michael Ferguson MP Deputy Premier of Tasmania	For our future - our Strong Plan for Bass
22/03/2024	Melinda Reed, Australian Local Government Women's Association (ALGWA)	ALGWA Tas - Membership
25/03/2024	Mayor Marcus Blackie, King Island Council	King Island Council Request For Councillor Meeting Attendance Dispensation/s Under Compassionate Circumstances.
25/03/2024	Dion Lester, CEO LGAT	National Inquiry into LG Sustainability
26/03/2024	Mike Mogridge	Learning and Development Framework Communique No. 11
27/03/2024	Erin Cassie, Department of Infrastructure, Transport, Regional Development, Communications and the Arts	Housing Support Program - Stream 1 Now Open for Applications [SEC=OFFICIAL]
28/03/2024	Craig Perkins,	TasWater key contacts list



	Customer and Stakeholder Engagement Specialist, TasWater	
29/03/2024	Monica Baba – Badges and Medals	Custom Crests & Plaques: Your Council's Signature of Excellence!
03/04/2024	Ronald Wise	158 Blundstone Road, Flinders Island
04/04/2024	Abby Trapnell, Regional Development Australia/Tasmania	2024 Regional Telecommunications Review
05/04/2024	Dion Lester CEO, LGAT	Unreasonable conduct of Elected Representatives

Correspondence Out

Date	To	Subject
21/02/2024	Rachel Williams, Editor – NE Advertiser	Regional Roundup
27/02/2024	Rachel Williams, Editor – NE Advertiser	Regional Roundup
28/02/2024	Simon Wood, MP Parliamentary Secretary to the Premier	Column in NE Advertiser
29/02/2024	Bass Political Candidates	2024 Flinders Council State Election Priority Projects
04/03/2024	Chantelle Armstrong, Tasbuilt	Display Tour
04/03/2024	Leanne McDougall, Office of the Governor	Official Visit to Flinders Island
04/03/2024	Denise Hooke, President FI Show Society	Governor of Tasmania Official Visit to Flinders Island
05/03/2024	Wendy Jubb-Stoney	SAP and Rain Harvesting
06/03/2024	Maxine Roughley, CEO, Flinders Island Aboriginal Association Inc. (FIAAI)	Response to Public Question 21 February Council Meeting
06/03/2024	Kathryn Longey	Water Tank and Potential Visit
25/03/2024	Rachel Williams, Editor, NE Advertiser	Regional Roundup
04/04/2024	Abby Trapnell	2024 Regional Telecommunications Review

Voting Requirement

Simple Majority.

RECOMMENDATION

That the Mayor's report for March and April 2024 be received.



16 Development Services

16.1 Development Application Report for March 2024

Action	For Information
Officer	Rowena Gill - Development Services Officer
File Reference	PLN/0105 Development
Annexures	1. Development Applications Report March 2024 [16.1.1 - 2 pages]

Introduction

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

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

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

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

Previous Council Consideration

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

Officer's Report

Refer to Annexure 1, Development Applications Report – March 2024.

Voting Requirement

Simple Majority.

RECOMMENDATION

That the Development Applications Report – March 2024 be received.



16.2 Development Application - DA2023/00098 16 Esplanade, Whitemark (C/T: 129006/1)

Action	For Decision
Officer	Contract Planner
File Reference	DA2023/00098
Annexures	<ol style="list-style-type: none"> 1. Planning Report Version 3 [16.2.1 - 24 pages] 2. New Site plan incorporated into plans [16.2.2 - 14 pages] 3. Folio Plan-129006-1 [16.2.3 - 1 page] 4. Folio Text-129006-1 [16.2.4 - 1 page] 5. Letter of consent - Quoin Holdings - 28 November 2023 [16.2.5 - 1 page] 6. Coastal Erosion and Inundation Hazard Assessment and Geotechnical Site Investigation and Form 55 [16.2.6 - 68 pages] 7. Stormwater Detention and Management and Form 55 - Envirotech - Whitemark Wharf-16 Esplanade [16.2.7 - 18 pages] 8. Tas Water Submission to Planning Authority Notice TWDA 2024 00378 [16.2.8 - 2 pages] 9. Representation 1 D A 2023-00098 _ Redacted [16.2.9 - 2 pages]

OFFICER RECOMMENDATION

That the application for Change of Use - Visitor Accommodation and associated development by Ireneinc Planning and Urban Design for land located at 16 Esplanade, Whitemark (CT: 129006/1) be APPROVED subject to the following conditions:

ENDORSED PLANS


1. The use and/or development must be carried out as shown on the endorsed plans by Adams Building Design dated 29.02.2024 Proposed Accommodation at Flinders Wharf 16 Esplanade, Whitemark, Flinders Is, 7255 and described in the endorsed documents to the satisfaction of Council. Any other proposed development and/or use will require a separate application to and assessment by Council.

VEHICLE PARKING

2. Prior to the commencement of Use approved by this permit, or by such later date as approved in writing by Council, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be installed to the satisfaction of Council including:
 - (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather spray-seal; and
 - (d) line-marked or provided with some adequate means of showing the car parking spaces;
 - (e) two pedestrian crossings marked; and
 - (f) signage to denote the shared zones.

CONSTRUCTION HOURS

3. Except with the prior written consent of Council, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7.00am or after 6.00pm;

- 
- (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9.00am or after 3.00pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

SOIL, WATER and DUST CONTROL

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

TASWATER

- 5. The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA 202400378-FC – 16 Esplanade, WHITEMARK attached).

Advisory Notes:

The following notes are not conditions of this permit and are supplied for the assistance of the applicant only.

- A. This permit was issued based on the proposal documents submitted for DA2023/00098. You should contact Council with any other use or developments, as they may require the separate approval of Council.
- B. This permit takes effect after:
 - a) the 14 day appeal period expires; or
 - b) any appeal to the Registrar of the Tasmanian Civil and Administrative Tribunal is abandoned or determined; or
 - c) any agreement that is required by this permit pursuant to Part V of the *Land Use Planning and Approvals Act 1993* is executed; or
 - d) any other required approvals under this or any other Act are granted.
- C. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced.

Restrictive Covenants

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

Access for People with a Disability

- E. This permit does not ensure compliance with the *Disability Discrimination Act*, furthermore the developer may be liable to complaints under the said Act. The developer is directed to Australian Standard 1428 Parts 1 - 4 for technical direction on how to cater for people with disabilities.



Appeal Provisions

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

Aboriginal Heritage

- G. If any Aboriginal relics are uncovered during works;
- a) All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,
 - b) The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania) Fax: (03) 6233 5555 Email: aboriginal@heritage.tas.gov.au; and the relevant approval processes will apply with state and federal government agencies.

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 (TPS-Flinders)*.

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

- (1) *“all applicable standards and requirements in this planning scheme; and*
- (2) *any representations received pursuant to and in conformity with section 57(5) of the Act,*
but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised.”

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

The purpose of this report is for Council to consider a proposal for a change of use – Visitor Accommodation and associated development at 16 Esplanade, Whitemark.

Previous Council Consideration

Nil

Previous Council Discussion


Nil

Statutory Requirement

Land Use Planning and Approvals Act 1993

Strategic Alignment

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

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

1. Officer's Report – Planning Assessment

Applicant	Ireneinc Planning and Urban Design
Owner	Tasmanian Ports Corporation Pty Limited
Property	16 Esplanade, WHITEMARK (CT: 129006/1)
Zoning	Port and Marine Zone
Discretions	C2.6.5 Pedestrian access C10.5.1 Use within a high coastal erosion hazard band C10.6.1 Building and works, excluding coastal protection works, within a coastal erosion hazard area
Existing Land Use	Tourist operation, restaurant (café/bar), community building (reception room), offices, local shop (providore), distillery and vehicle park.
Number of Representations	One
Decision Due	30 th April 2024

The proposal concerns Flinders Wharf building and vehicle parking, located at 16 Esplanade, Whitemark.



Figure 1: Site (outlined in yellow).

The proposal seeks approval for:

- A part change of use of the existing building to include Visitor Accommodation;
- Reconfiguration of the existing vehicle parking layout on the site; and
- External works (building additions).

Change of Use



The existing building has a lower and upper level and combined footprint of 368m² (excluding decks). The proposed change of use of the building is summarised as follows:

	DA2018/00028 Approved Use	BA2018/00028 Approved	Proposed Change of Use (as shown on Adams Building Design plans dated 29 February 2024)	
Lower Level (368m ²)	Food Services (cafe, bar, providore, kitchen area and loading bay),	308m ²	Food Services	306.30m ²
	Resource Processing (Distillery, - excluding store and loading bay)	60m ²	Visitor Accommodation	60.45m ²
Upper Level (179m ²)	Community Meeting and Entertainment	77m ²	Visitor Accommodation	Hotel Rooms 224m ²
	Business and Professional Services (offices)	102m ²	Business and Professional Services (single office)	Single Office 16m ²

Please Note: The floor areas of the building shown in the above table vary between the endorsed plans of Planning Permit DA2018/00028 and the areas shown in the proposal plans prepared by Adams Building Design. The variation is attributed to the difference between the endorsed plans and the as constructed plans of the approved Building Permit BA2018/00028.

The proposal converts the existing offices, meeting room, reception room on the upper level and distillery area on the lower level to Visitor Accommodation (6 rooms). The void on the upper level, above the distillery, will be converted to Visitor Accommodation. The hotel rooms can accommodate a maximum of 12 persons.

The approved cafe/bar/providore and kitchen area on the lower floor level and approved single office on the upper level will be retained by the proposal.

Vehicle Parking

The unsealed area used for parking located to the north of the building will be retained. The area will be spray-sealed, and the parking layout will be reconfigured to provide 17 bays. An additional four (4) parking spaces, which includes two (2) accessible spaces, will be provided on the northern side of the right-of-way, opposite the building. The vehicle parking will not change the ground-level of the existing parking area.

A trench to manage stormwater will be constructed to the western side for the length of the existing parking area.

Building Additions

The proposal also includes the construction of an unroofed deck, timber screen, and a steel staircase. The steel staircase is to provide a fire escape from the upper floor level of the building. The building additions do not change the site coverage on the site.

To summarise, the proposal includes the following:

- One (1) accessible hotel room with access to an unroofed deck (new build), converting the approved distillery on the lower level of the building to Visitor Accommodation;
- Five (5) one-bedroom hotel rooms, converting two offices, a shared office space, a meeting room, a function room, and upper void to Visitor Accommodation;
- Retention of a single office on the upper level of the building;

- Retention of the existing café/bar (including the providore and kitchen area) on the lower level of the building;
- The spray-sealing of the existing car park and reconfiguration of spaces;
- Four (4) new parking spaces next to the right-of-way;
- Two pedestrian crossings, between the accessible car parks and the northern side of the building;
- A fire escape from the upper level of the existing building; and
- Signage to denote the shared zones.

In addition to the above summary, the proposed external works include the following:

- Additional fenestration and doors on all facades other than the northern facades;
- A cut-out on the upper level of the southwestern corner to provide a balcony;
- A new deck that is less than 1m high, with a balustrade;
- A projecting timber batten screen of 3.6m to separate the restaurant from ground floor hotel room attached to the existing deck;
- Fence to a height of 1.4m for a length of 4m on the southwestern corner to prevent access to the water tank area. Note the fence is exempt under exemption 4.6.4 fences not within 4.5m of a frontage.

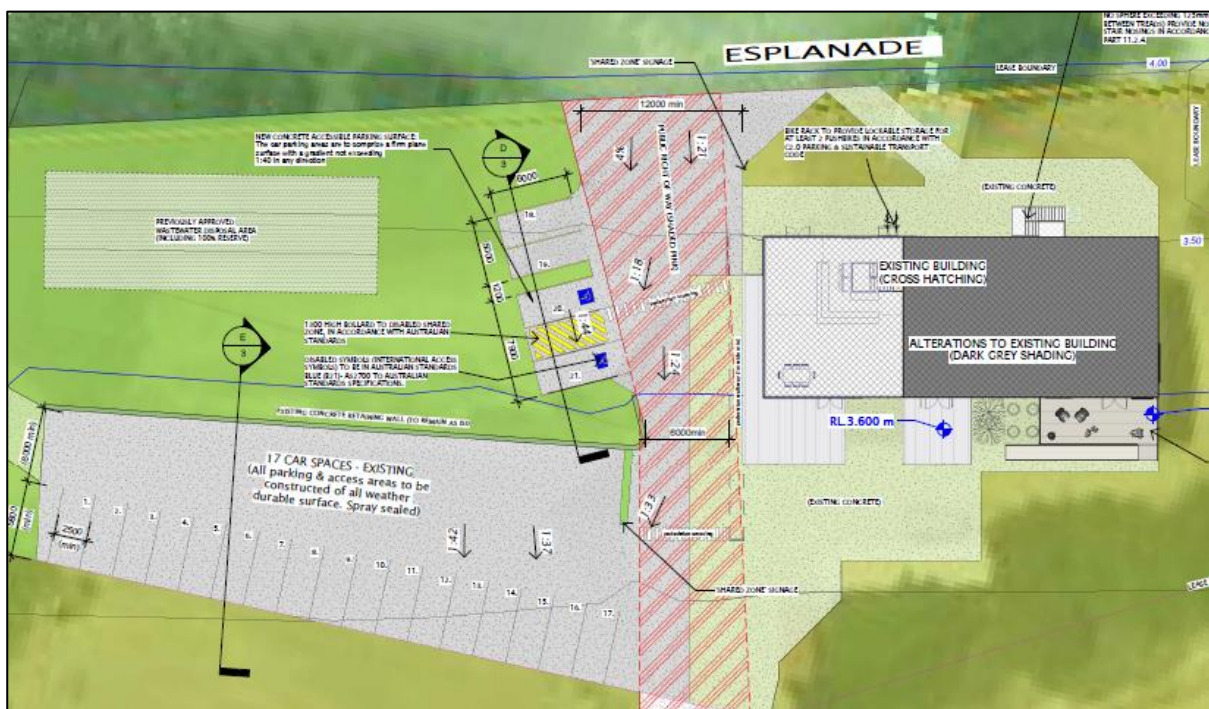


Figure 2: Site Plan, showing the proposed reconfigured vehicle parking and pedestrian crossings.

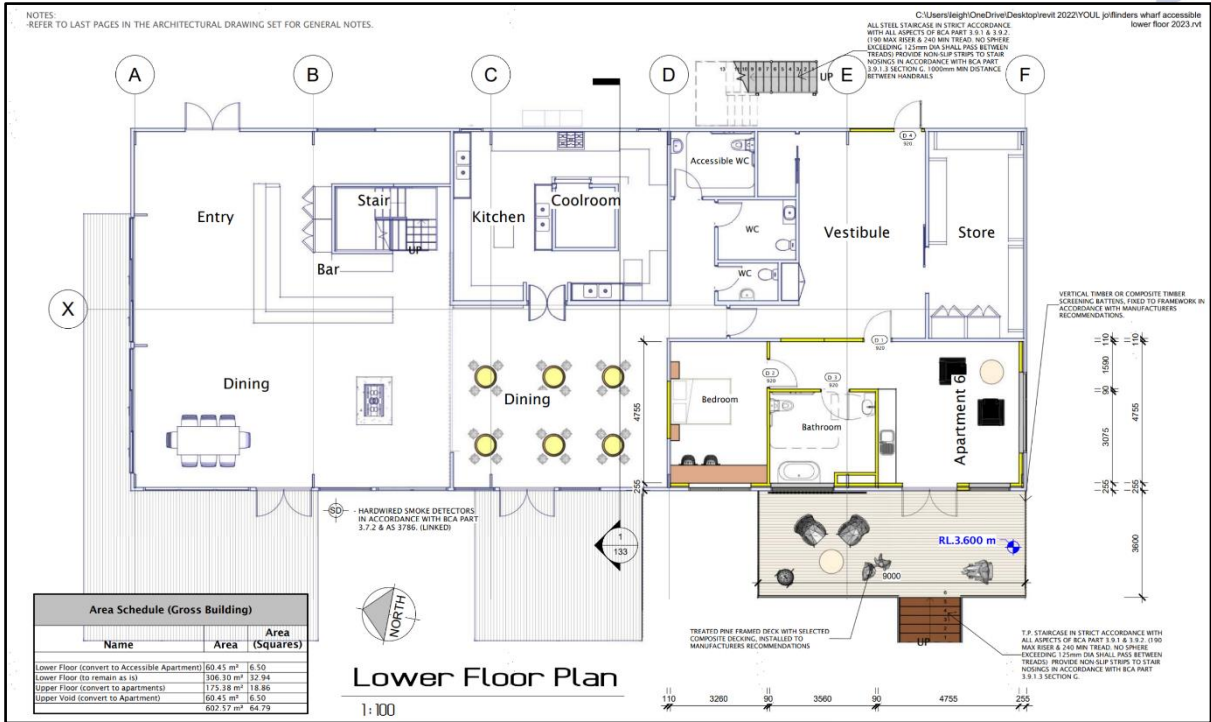


Figure 3: Proposed reconfiguration of the proposed building, lower floor plan.

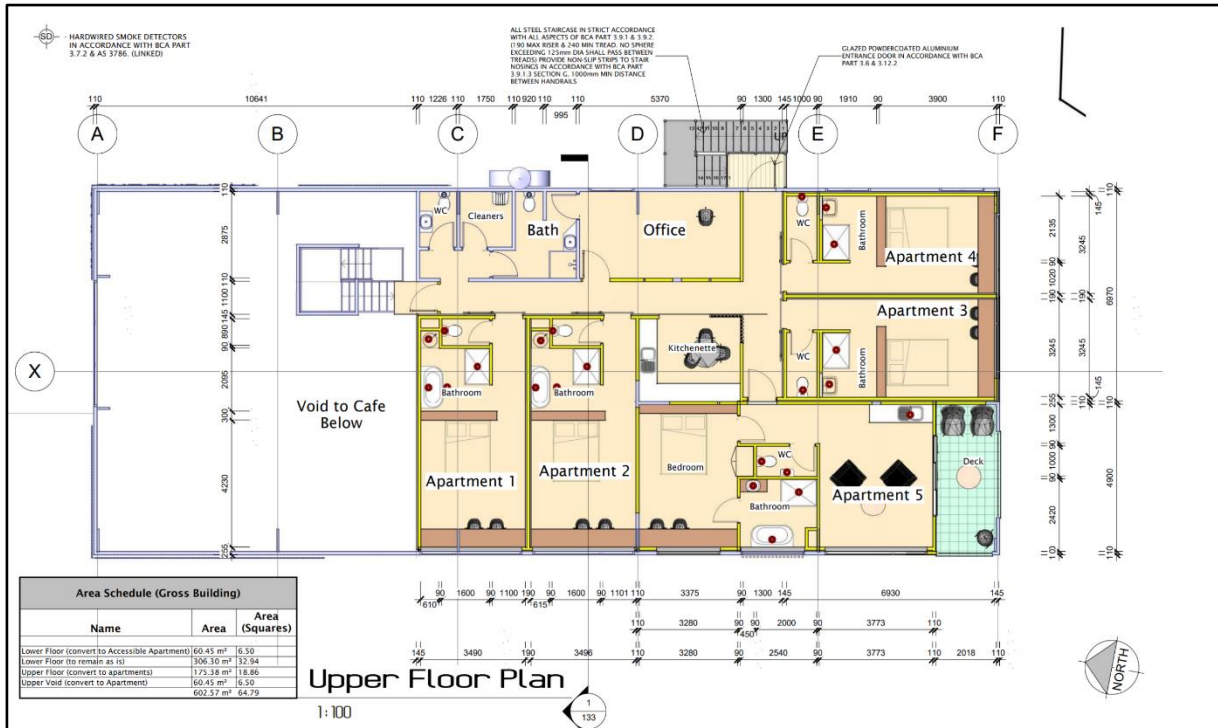


Figure 4: Proposed reconfiguration of the proposed building, upper floor plan.

Background

Approved Use and Development

Planning Permit DA2018/00028, dated June 2018, was granted by the Council for use and development on the site. The approval was granted under the *Flinders Planning Scheme 2000*.

The endorsed Site Plan, Lower and Upper Floor Plans of Planning Permit DA2018/00028 are shown in Figures 5, 6 and 7. The existing building is shown in Photos 2 and 3.



Figure 5: Endorsed Site Plan, DA2018/00028 approved 21 June 2018, showing vehicle parking location and configuration.



Figure 6: Approved uses on the lower floor of the existing building.

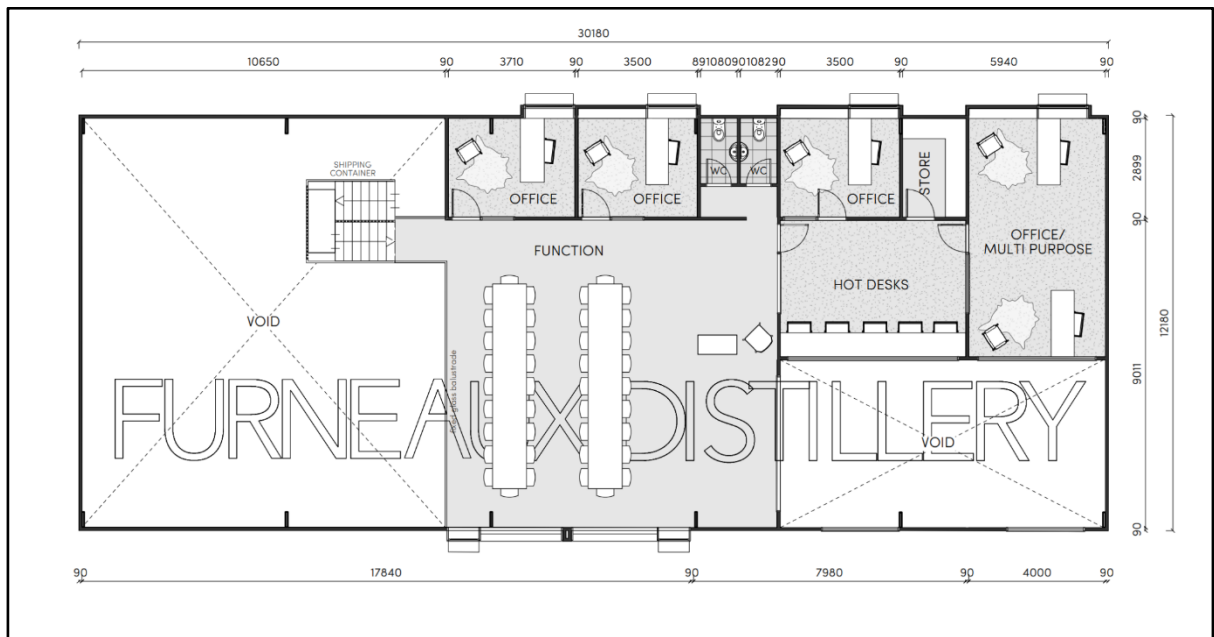
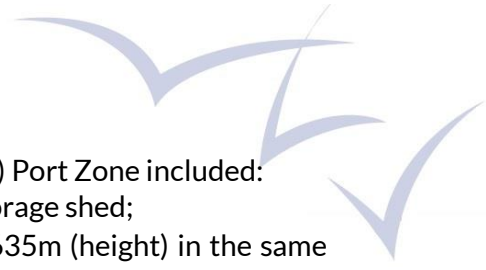


Figure 7: Approved uses of the upper floor of the existing building.

The approved use and development for commercial development on the site was described as follows:

“demolition of the existing wharf shed and a new building accommodating office, light industry (distillery), tourist operation (tourism information desk), restaurant (cafe/bar), community building (reception room) and local shop (provedore) and associated signage”



DA2018/00028 approved the commercial development in the (former) Port Zone included:

- Demolition of the existing 25m x 9m x 7.15m (height) wharf storage shed;
- Construction of the Flinders Wharf Building, 30m x 12m x 7.635m (height) in the same location as the demolished wharf storage shed;
- Use of the constructed building for offices, distillery, tourist operation (information desk), restaurant (cafe/bar), community building (reception room) and local shop (provedore) and associated signage;
- New access to the south of the right-of-way to access the loading bay; and
- 20 vehicle parking spaces (including one accessible space).

The categorisation of uses described by Permit DA2018/00028 does not directly correspond to the use classes under the *Tasmanian Planning Scheme – Flinders (TPS-Flinders)*. For this reason, the use classes approved by the permit have been translated.

The approved uses of the permit are categorised as follows -

Approved DA2018/00028	Use Classes, <i>TPS - Flinders</i>	<i>TPS-Flinders</i> , Table 6.2 Use Classes Description
Offices	Business and Professional Services	<i>Use of land for administration, clerical, technical, professional or similar activities. Examples include a bank, call centre, consulting room, funeral parlour, medical centre, office, post office, real estate agency, residential support services, travel agency and veterinary centre</i>
Tourist operation (information desk)	Tourist operation	<i>Use of land specifically to attract tourists, other than for accommodation. Examples include a theme park, visitor centre or interpretation centre, wildlife park and zoo.</i>
Restaurant (cafe/bar)	Food Services	<i>Use of land for selling food or drink, which may be prepared on the premises, for consumption on or off the premises. Examples include a cafe, restaurant and take away food premises.</i>
Light Industry (Distillery)	Resource Processing	<i>Use of land for treating, processing or packing plant or animal resources. Examples include an abattoir, animal saleyard, cheese factory, fish processing, milk processing, winery, brewery, cidery, distillery, and sawmilling.</i>
Community building (reception room)	Community Meeting and Entertainment	<i>Use of land for social, religious and cultural activities, entertainment and meetings. Examples include an art and craft centre, place of worship, cinema, civic centre, function centre, library, museum, public art gallery, public hall and theatre, community centre and neighbourhood centre.</i>
Local shop (provedore)	General Retail and Hire	<i>Use of land for selling goods or services, or hiring goods. Examples include an adult sex product shop, amusement parlour, beauty salon, betting agency, bottle shop, cellar door sales, commercial art gallery, department store, hairdresser, market, primary produce sales, local shop, shop, shop front dry cleaner and supermarket.</i>
Parking	Vehicle Parking	<i>Use of land for the parking of motor vehicles. Examples include single and multi-storey car parks.</i>

A Building Permit BA2018/00028 was undertaken in two stages to initially demolish the existing wharf storage shed and secondly construct the Flinders Wharf building. The proposed car park was re-orientated north/south as part of the Building Permit (refer to Figure 8).

Site



Figure 9. Aerial photograph showing the existing building, vehicle parking area, lawned area and information parking and access 16 Esplanade, Whitemark, March 2024

The site is a leased area of 3977m², within the 16 Esplanade Whitemark property of 3.617ha. The topography of the site rises by 2m, from the western side to the east from the 2.1m contour to 4m.

The site has three existing vehicle accesses (see figure 9.):

- A right-of-way which serves as the main access to the site;
- An internal driveway which serves as a secondary access to the north of the existing car park shown in Figure 9 and Photo 1; and
- Southern access to the loading bay.



Photo 1: Northern site access from the car park to the Esplanade, March 2024.

The site contains the Flinders Wharf building, which has a rectangular form of 30m x 12m and 7.635m high with hip roof in the same location as the demolished wharf storage shed (refer to Photos 2 and 3).

The main entry point to the building is on its eastern side.

The footprint of the lower floor of the building is 368m² which contains the information desk, cafe/bar, provedore and distillery. There are two deck areas accessed from the lower level, attached on the western side of the building and are orientated to overlook the water.

A reception room and offices, both available for hire by the public, occupy an area of 179m² on the upper level of the building.

The community and offices spaces on the upper level have windows which overlook the Whitemark beach and Whitemark Wharf.

20 vehicle parking spaces (including one accessible space) are provided in the area north of the building. Additional informal vehicle parking for five vehicles occurs directly opposite the northern side of the building, off the main access. A lawned area is on the western side of the vehicle parking area and is used for passive recreation.




Photo 2: As constructed Flinders Wharf building northeastern perspective, main entry point on eastern side.



Photo 3: As constructed Flinders Wharf building northwestern perspective, decking and windows on western side overlooking the Whitemark Wharf.

The site is zoned Port and Marine, and the application proposes a change of use to Visitor Accommodation, which is listed as a Discretionary Use in the zone, and vehicle parking. In



addition to the Discretionary Use Class the site has FLI-Site-specific Qualification FLI25.2. The application relies on Performance Criteria for its approval.

Consultation With State Government and Other Authorities

The application was referred to TasWater. *A Submission to Planning Authority Notice - Conditions (TWDA 2024000378-FC - 16 Esplanade, WHITEMARK)* was received on 10 April 2024. See annexure 16.2.8.

Zoning

25.0 Port and Marine Zone

The subject site is located within the Port and Marine Zone of the *Tasmanian Planning Scheme - Flinders*.

25.1 Zone Purpose

The purpose of the Port and Marine Zone is:

25.1.1 To provide for major port and marine activity related to shipping and other associated transport facilities and supply and storage.

25.1.2 To provide for use or development that supports and does not adversely impact on port and marine activities.

An additional Zone Purpose is stated at FLI-25.1, Site-specific Qualification:

To provide for use or development tourism/hospitality related purposes in association with Whitemark Wharf.

Comment

The site is under the ownership of Tasmanian Ports Corporation Pty Limited. The Whitemark Wharf falls within the use class Port and Shipping and may also include Pleasure Boat Facility due to its use for recreation.

The proposal retains a commercial building on the site not associated with the Port and Shipping use class. The commercial activities within the building have been established for several years. The proposed part conversion of the existing building to Visitor Accommodation will allow the site to operate without adverse impact on the port and marine activities.

The proposal for converting offices to Visitor Accommodation aligns with the FLI-25.1, the additional Zone Purpose statement provided by the Site-specific qualification.

25.2 Use Table

The proposal is categorised as **Visitor Accommodation and Vehicle Parking**.

The 25.2 Use Table lists Food Services, Visitor Accommodation and Vehicle Parking as Discretionary.

The Site-specific qualification FLI-25.2, in addition to the 25.2 Use Table, provides for the following use classes:



- (a) Food Services with the qualification if not for a Take-away food premises;
- (b) Community Meeting and Entertainment; and
- (c) General Retail and Hire with the qualification if for a shop where the gross floor area does not exceed 250m².

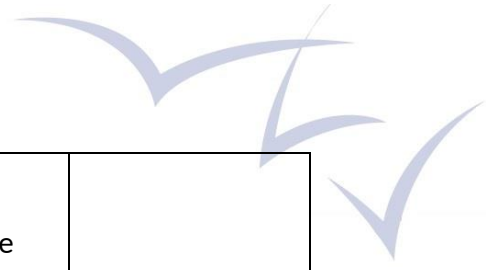
The approved Food Services use will not be modified by the proposal, and there is no development associated with this aspect. The remaining single office is categorised into **Business and Professional Services**. The office forms part of Permit DA2018/00028.

The car park is approved as Vehicle Parking (public and private use). The proposal includes development to reconfigure the existing parking area. While Vehicle Parking is listed as Discretionary in 25.2 Use Table but is considered to have a Permitted status as per clause 7.2.1 of the *TPS-Flinders*.

Site Specific Qualifications (SSQ)

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

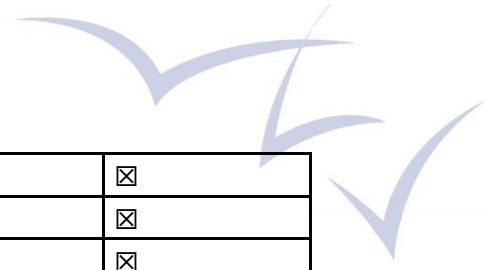
Reference Number	Site reference	Folio of the Register	Description (modification, substitution or addition)	Relevant Clause in State Planning Provisions
FLI-25.1	Part of 16 Esplanade, Whitemark shown on an overlay map as FLI-25.1	Part of 129006/1	An additional Zone Purpose statement for this site is: To provide for use or development for tourism/hospitality related purposes in association with Whitemark Wharf.	Port and Marine Zone - clause 25.1 Zone Purpose
FLI-25.2	Part of 16 Esplanade, Whitemark shown on an overlay	Part of 129006/1	Additional Discretionary Use Classes for this site are: (a) Food Services with the qualification if not for a Take-away food premises; (b)	Port and Marine Zone - clause 25.2 Use Table



	map as FLI-25.2		Community Meeting and Entertainment; and (c) General Retail and Hire with the qualification if for a shop where the gross floor area does not exceed 250m2	
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25.0 Port and Marine Zone	
Scheme Standard	Comment Assessment
25.3 Use Standards	
25.3.1 There are no Use Standards in this Zone	
25.4 Development Standards for Buildings and Works	
25.4.1 Building height	
Acceptable Solution 1	<p>Complies</p> <p>The building height is 8.1m measured from the existing ground level.</p> <p>The proposed un-roofed deck and timber screening is an addition to the building. The height of the un-roofed deck 1.4m and timber screen is 3.6m.</p> <p>The proposed steel staircase addition to the north-eastern elevation will have a maximum building height of 4.6m.</p> <p>The proposal does not increase the height of the building.</p>
25.5 Development Standards for Subdivision	
25.5.1 Subdivision	
Acceptable Solution 1 - 3	<p>Not Applicable</p> <p>The proposal is not for subdivision.</p>
26.5.2 Services	
Acceptable Solution 1 - 3	<p>Not Applicable</p> <p>The proposal is not for subdivision</p>

CODES	Applicable	Not Applicable
C1 Signs	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C2 Parking and Sustainable Transport	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C3 Road and Railway Asset	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C4 Electricity Transmission Infrastructure Protection	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C5 Telecommunications	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C6 Local Historic Heritage	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C7 Natural Assets	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C8 Scenic Protection Code	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C9 Attenuation	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C10 Coastal Erosion	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C11 Coastal Inundation	<input type="checkbox"/>	<input checked="" type="checkbox"/>



C12 Flood-Prone Areas	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C13 Bushfire Prone Areas	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C14 Potentially Contaminated Land	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C15 Landslip Hazard	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C16 Safeguarding of Airports	<input checked="" type="checkbox"/>	<input type="checkbox"/>

C2.0 Parking and Sustainable Transport

Scheme Standard	Assessment
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C2.5 Use Standards

C2.5.1 Car parking numbers

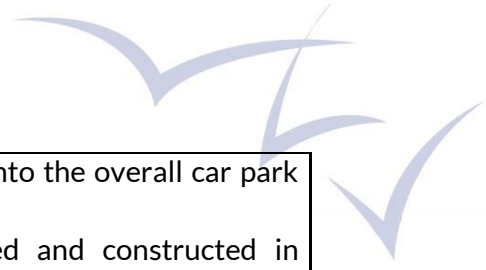
Acceptable Solution 1	<p>Complies</p> <p>The proposal is assessed against applicable sub-clauses of Acceptable Solution 1. The assessment is set out in the table below.</p> <table border="1"> <thead> <tr> <th>Subclause</th> <th>Officer's comment</th> </tr> </thead> <tbody> <tr> <td>(a)</td> <td>Not applicable, the site is not subject to a parking plan adopted by Council.</td> </tr> <tr> <td>(b)</td> <td>Not applicable, the site is not within a parking precinct plan.</td> </tr> <tr> <td>(c)</td> <td>Not applicable, the proposed use classes are for Visitor Accommodation and Vehicle Parking. The use classes are not listed in Clause 2.2.4 of the code.</td> </tr> <tr> <td>(d)</td> <td> <p>The existing use was approved with 20 parking spaces, including an accessible space. The wharf (Port and Shipping & Pleasure Boat Facility currently operates with no formal parking spaces).</p> <p>Table C2.1 requires the following parking for Visitor Accommodation:</p> <ul style="list-style-type: none"> 1 space per self-contained accommodation unit, allocated tent or caravan space, or 1 space per 4 beds, whichever is greater. <p>The number of parking spaces for the existing use and development specified in Table C2.1 is as follows:</p> <table border="1"> <thead> <tr> <th>Existing Use</th> <th>Requirement Table C2.1</th> <th>Spaces</th> </tr> </thead> <tbody> <tr> <td>Distillery</td> <td>2 spaces per 3 employees</td> <td>1.33 (based on 2 employees)</td> </tr> <tr> <td>Offices</td> <td>1 space per 15m², or 1 space per 4</td> <td>6 spaces (based on 90m²)</td> </tr> </tbody> </table> </td> </tr> </tbody> </table>	Subclause	Officer's comment	(a)	Not applicable, the site is not subject to a parking plan adopted by Council.	(b)	Not applicable, the site is not within a parking precinct plan.	(c)	Not applicable, the proposed use classes are for Visitor Accommodation and Vehicle Parking. The use classes are not listed in Clause 2.2.4 of the code.	(d)	<p>The existing use was approved with 20 parking spaces, including an accessible space. The wharf (Port and Shipping & Pleasure Boat Facility currently operates with no formal parking spaces).</p> <p>Table C2.1 requires the following parking for Visitor Accommodation:</p> <ul style="list-style-type: none"> 1 space per self-contained accommodation unit, allocated tent or caravan space, or 1 space per 4 beds, whichever is greater. <p>The number of parking spaces for the existing use and development specified in Table C2.1 is as follows:</p> <table border="1"> <thead> <tr> <th>Existing Use</th> <th>Requirement Table C2.1</th> <th>Spaces</th> </tr> </thead> <tbody> <tr> <td>Distillery</td> <td>2 spaces per 3 employees</td> <td>1.33 (based on 2 employees)</td> </tr> <tr> <td>Offices</td> <td>1 space per 15m², or 1 space per 4</td> <td>6 spaces (based on 90m²)</td> </tr> </tbody> </table>	Existing Use	Requirement Table C2.1	Spaces	Distillery	2 spaces per 3 employees	1.33 (based on 2 employees)	Offices	1 space per 15m ² , or 1 space per 4	6 spaces (based on 90m ²)
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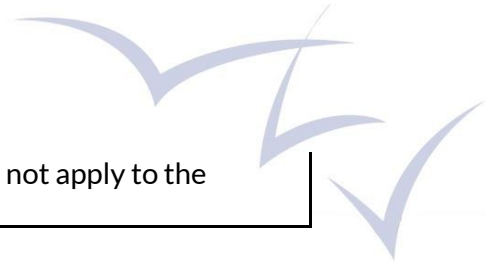
	Reception room	seats, whichever is greater.	10
	Local shop	1 space per 30m ²	1
	Food Services	1 space per 15m ²	19.6
	Wharf	No requirement	0
	Passive Recreation	No requirement	0
	Vehicle Parking	No requirement	0
	Total		38
	<p>The number of on-site parking spaces for the existing use or development specified in Table C2.1 is 38 spaces.</p> <p>The number of parking spaces required by Table C2.1 for the proposed Visitor Accommodation is 6 spaces. There is no requirement for Vehicle Parking.</p> <p>The requirement for the existing use and development prescribed in Table C2.1 is greater than the proposed use and development prescribed in Table C2.1. No additional parking spaces are required.</p> <p>The proposal complies with (d) (i).</p> <p>Sub-clause(d) (ii) is not applicable to the assessment.</p>		
C2.5.2 Bicycle parking numbers			
Acceptable Solution 1	<p>Complies</p> <p>There is no requirement to provide bicycle spaces for Visitor Accommodation or Vehicle Parking.</p> <p>The proposal, however, includes two designated spaces for bicycles as shown on the site plan.</p>		
C2.5.2 Motorcycle parking numbers			
Acceptable Solution 1	<p>Complies</p> <p>The vehicle parking area has 21 parking spaces. Table C2.4 requires that 1 motorcycle space is provided for 21-40 car parking spaces. The vehicle parking area has sufficient area to accommodate 1 space.</p>		
C2.5.4 Loading Bays			



Acceptable Solution 1	Not Applicable The application does not include a use class listed in C2.2.3.
C2.5.5 Number of car parking spaces within the General Residential Zone and Inner Residential Zone	
Acceptable Solution 1	Not Applicable The site is zoned Port and Marine.
C2.6 Development Standards for Buildings and Works	
C2.6.1 Construction of parking areas	
Acceptable Solution 1	Complies The hardstand material of the driveway makes the parking, access, circulation and manoeuvring spaces readily identifiable and will be capable of being used in all weather conditions. The proposal complies with sub-clause (a). The stormwater will be contained on the site in accordance with the Stormwater Report prepared by Envirotech - Whitemark. The proposal complies with sub-clause (b). The vehicle parking area will be spray-sealed. The proposal complies with sub-clause (c).
C2.6.2 Design and layout of parking areas	
Acceptable Solution 1.1	Complies The proposed vehicle parking complies with sub-clause (a) for the following reasons: <ul style="list-style-type: none"> (i) The gradient is in accordance with Australian Standard AS 2890-Parking facilities, Parts 1-6; (ii) Vehicles can enter and exit in a forward-facing direction; (iii) Not applicable, the access to the site is existing and will not be modified; (iv) The spaces have car parking dimensions in accordance with the requirements of Table C2.3 (v) The four new spaces will have a combined access and maneuvering width as required by Table C2.3; (vi) No undercover parking spaces provided; (vii) All parking spaces will be line marked; a condition is recommended.
Acceptable Solution 1.2	Complies The accessible parking spaces provided on the northern side of the right-of-way satisfies the following: <ul style="list-style-type: none"> (a) Two spaces are located as close as practicable to the main entry point to the building;



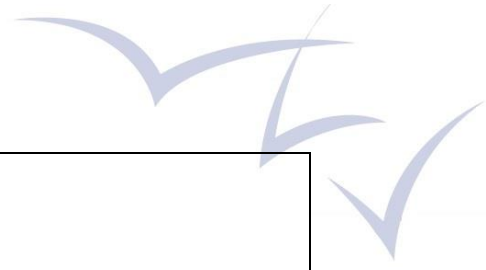
	<p>(b) The spaces are incorporated into the overall car park design; and</p> <p>(c) The two spaces are designed and constructed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking facilities, Off-street parking for people with disabilities.</p>
C2.6.3 Number of accesses for vehicles	
Acceptable Solution 1	<p>Complies</p> <p>The proposal does not propose an additional access.</p>
Acceptable Solution 1	<p>Not Applicable</p> <p>Not Central Business Zone or in a pedestrian priority street.</p>
C2.6.4 Lighting of parking areas within the General Business Zone and Central Business Zone	
Acceptable Solution 1	<p>Not Applicable</p> <p>The site is zoned Port and Marine.</p>
C2.6.5 Pedestrian access	
Acceptable Solution 1.1	Relies on the Performance Criteria
Acceptable Solution 1.2	<p>Not Applicable</p> <p>Two accessible car parking spaces are provided.</p>
C2.6.6 Loading bays	
Acceptable Solution 1	<p>Not Applicable</p> <p>No loading bays required.</p>
Acceptable Solution 2	<p>Not Applicable</p> <p>No loading bays required.</p>
C2.6.7 Bicycle parking and storage facilities within the General Business Zone and Central Business Zone	
Acceptable Solution 1	<p>Not Applicable</p> <p>The site is zoned Port and Marine.</p>
Acceptable Solution 2	<p>Not Applicable</p> <p>The site is zoned Port and Marine.</p>
C2.6.8 Siting of parking and turning areas	
Acceptable Solution 1	<p>Not Applicable</p> <p>The site is zoned Port and Marine.</p>
Acceptable Solution 2	<p>Not Applicable</p> <p>The site is zoned Port and Marine.</p>
C2.7 Parking Precinct Plan	
Acceptable Solution 1	Not Applicable



	Whitemark Parking Precinct Plan does not apply to the Esplanade.
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Performance Criteria

C2.0 Parking and Sustainable Transport Code
C2.6.5 Pedestrian access
<p>Objective <i>That pedestrian access within parking areas is provided in a safe and convenient manner.</i></p>
<p>Performance Criteria P1</p> <p><i>Safe and convenient pedestrian access must be provided within parking areas, having regard to:</i></p> <ul style="list-style-type: none"> <i>(a) the characteristics of the site;</i> <i>(b) the nature of the use;</i> <i>(c) the number of parking spaces;</i> <i>(d) the frequency of vehicle movements;</i> <i>(e) the needs of persons with a disability;</i> <i>(f) the location and number of footpath crossings;</i> <i>(g) vehicle and pedestrian traffic safety;</i> <i>(h) the location of any access ways or parking aisles; and</i> <i>(i) any protective devices proposed for pedestrian safety.</i>
<p>Response</p> <p>The proposal includes 10 or more car parking spaces and does not provide a separate footpath to the access way. The proposal relies on the Performance Criterion P1 for its approval.</p> <p>The proposal is assessed to having a safe and convenient pedestrian access from the parking area to the existing building, having regard to:</p> <p><i>(a) the characteristics of the site;</i></p> <p>The Whitemark Wharf and port area are shared areas that cater for a variety of recreational uses by the general public. The vehicle parking area and access ways are established on the site. The parking area on the site is unsealed and there are no footpaths or pedestrian crossings to the existing building. The access way and vehicle parking area has functioned as a shared area between people and vehicles. The area is a low-speed shared area with sufficient sight lines to provide views around and through the site.</p> <p><i>(b) the nature of the use;</i></p> <p>The vehicle parking area will providing on-site parking for patrons accessing the existing building. It will also provide parking for the general public accessing the wharf and Whitemark beach.</p>



(c) the number of parking spaces;

There are 21 parking spaces proposed.

(d) the frequency of vehicle movements;

The *RTA Guide to Traffic Generating Developments version 2.2* provides the following rates for Motels and Restaurants:

3.4.1 Motels

Rates

Daily vehicle trips = 3 per unit

Evening peak hour vehicle trips = 0.4 per unit.

above rates assume 100% occupancy of units

6 rooms = 18 vehicle movements per day.

3.7.2 Restaurants

Rates

Evening peak hour vehicle trips = 5 per 100 m2 gross floor area.

Daily vehicle trips = 60 per 100m2 gross floor area.

294m2 = 176 vehicle movements per day.

Use	Peak hour rate	Quantity	Peak hour trip generation
Visitor Accommodation	0.4 per unit	6 units	2.4
Food Services	5 per 100m2	294m2	14.7

The site has a mix of uses which likely attract certain groups at various times of the day resulting in different peak times for different uses. Notwithstanding this, the peak hourly vehicle movements to and from the site will not be changed significantly.

(e) the needs of persons with a disability;

Two accessible car parking spaces are provided directly opposite the Flinders Wharf building, a pedestrian crossing is provided to allow the shortest path to the main entry.

(f) the location and number of footpath crossings;

Two crossings are proposed from each parking area across the access to the main building. The two crossings will provide a visual queue.

(g) vehicle and pedestrian traffic safety;

The area is a low-speed shared area with sufficient sight lines to provide views around and through the site.

The proposal seeks to further increase the safety of vehicles and pedestrians in the area through shared zone signage and marked pedestrian crossings.

(h) the location of any access ways or parking aisles; and

The access ways and parking aisles are identified in the proposal plans. Please refer to Adams Building Design dated 29.02.2024. The proposed parking area will comply with the Australian Standard AS 2890-Parking facilities, Parts 1-6:

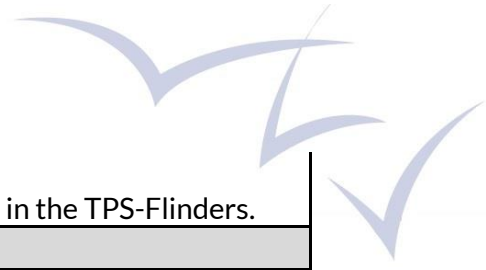
(i) any protective devices proposed for pedestrian safety.

No protective devices are proposed or required for pedestrian safety.

If approved, it is recommended to include a condition to ensure line marking is undertaken after the site is sealed.

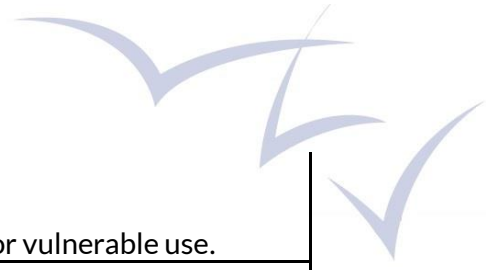
The proposed development is considered to be consistent with the Objective and Performance Criterion of P1.

C3.0 Road and Railway Assets Code	
Scheme Standard	Assessment
C3.2 Application of this Code	
C3.5 Use Standards	
C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction	
Acceptable Solution 1.1	Not Applicable Not a category 1 road.
Acceptable Solution 1.2	Not Applicable The proposal will use the existing accesses. No new accesses are required.
Acceptable Solution 1.3	Not Applicable
Acceptable Solution 1.4	Complies Existing vehicle movements are estimated using the <i>RTA Guide to Traffic Generating Developments version 2.2 'Restaurants' Daily vehicle trips = 60 per 100m² gloss floor area = 176 vehicle movements per day.</i> The increase in vehicle traffic is proposed of 18 movements represent a less than 20% increase therefore the proposal complies with Table C3.1.
Acceptable Solution 1.5	Not Applicable



	There are no major roads prescribed in the TPS-Flinders.
C3.6 Development Standards for Buildings and Works	
C3.6.1 Habitable buildings for sensitive uses within a road or railway attenuation area	
Acceptable Solution 1	Not Applicable The proposal is not for a sensitive use in an attenuation area.
C3.7 Development Standards for Subdivision	
C3.7.1 Subdivision for sensitive uses within a road or railway attenuation area	
Acceptable Solution 1	Not Applicable The proposal is not for subdivision.

C10.0 Coastal Erosion Hazard Code	
Scheme Standard	Assessment
C10.2 Application of this Code	
<p>The site is in a high coastal erosion hazard band.</p> <p>The use and development associated with the existing building meets the exemptions at clause 10.4 (see below) and therefore the code does not apply.</p> <p>The use and development associated with the Vehicle Parking, however, cannot meet the exemption at clause 10.4 and therefore the code applies to the development.</p> <p>The Enviro-tech Consultants have confirmed the code applies to both building and works and have assessed the requirements of the code.</p>	
C10.4 Use or Development Exempt from this Code	
C10.4.1	<p>Exempt</p> <p><u>Change of Use</u></p> <p>The application for change of use is exempt from the code as clause C10.4.1 c) - alterations and extensions are not increasing the site coverage by 20m² or more and development is not vulnerable use, providing visitor accommodation for less than 12 guests.</p>
C10.5 Use Standards	
C10.5.1 Uses within a high coastal erosion hazard band	
Acceptable Solution 1	<p>Relies on the Performance Criteria</p> <p>There is No Acceptable Solution. The site is identified to be in a high coastal erosion hazard band.</p>
C10.5.2 Uses located within a non-urban zone and within a low or medium coastal erosion hazard band	
Acceptable Solution 1	<p>Not Applicable</p> <p>The site is not within a non-urban zone.</p>
C10.5.3 Critical use, hazardous use or vulnerable use	



Acceptable Solution 1	Not Applicable The application is not hazardous use or vulnerable use.
Acceptable Solution 2	Not Applicable The use is not a critical use.
Acceptable Solution 3	Not Applicable The use is not a hazardous use.
Acceptable Solution 4	Not Applicable The use is not a vulnerable use
C10.5.4 Uses located within a coastal erosion investigation area.	
Acceptable Solution 1	Not Applicable The site is not identified to be in an investigation area.
C10.6 Development Standards for Buildings and Works	
C10.6.1 Buildings and works, excluding coastal protection works, within a coastal inundation hazard area	
Acceptable Solution 1	Relies on the Performance Criteria There is No Acceptable Solution. The site is identified to be in a high coastal erosion hazard band.
C10.6.2 Coastal protection works within a coastal erosion hazard area	
Acceptable Solution 1	Not Applicable There is No Acceptable Solution. The application does not include coastal protection works.
C11.7 Development Standards for Subdivision	
C11.7.1 Subdivision within a coastal inundation hazard area	
Acceptable Solution 1	Not applicable The proposal is not for subdivision.

Performance Criteria

C10.0 Coastal Erosion Code
C10.5.1 Uses within a high coastal inundation hazard band
<i>Objective</i>
<i>That use within a high coastal erosion hazard band: (a) is reliant on a coastal location; and (b) can achieve and maintain a tolerable risk from coastal erosion.</i>
<i>Performance Criteria P1.1</i>
<i>A use within a high coastal erosion hazard band must be for a use which relies upon a coastal location to fulfil its purpose, having regard to: (a) the need to access a specific resource in a coastal location; (b) the need to operate a marine farming shore facility;</i>

- (c) the need to access infrastructure available in a coastal location;*
- (d) the need to service a marine or coastal related activity;*
- (e) provision of an essential utility or marine infrastructure;*
- (f) provision of open space or for marine-related educational, research or recreational facilities;*
- (g) any advice from a State authority, regulated entity or a council; and*
- (h) the advice obtained in a coastal erosion hazard report.*

Response

The vehicle parking is within a high coastal erosion hazard band. The use relies upon a coastal location to fulfil its purpose, having regard to the following:

- (a) the need to access a specific resource in a coastal location;*

Vehicle parking is necessary for both public and patrons to access the Whitemark Wharf and Flinders Wharf operation.

- (b) the need to operate a marine farming shore facility;*

Not applicable, the use is not required to operate a marine farming facility.

- (c) the need to access infrastructure available in a coastal location;*

The existing Whitemark Wharf and Flinders Wharf building require access by the public and patrons.

- (d) the need to service a marine or coastal related activity;*

The Whitemark Wharf and Flinders Wharf building are accessible by the public. The site is accessed for recreational fishing and other coastal related activities. The proposed parking area will provide the safe movement of people and vehicles to the water.

- (e) provision of an essential utility or marine infrastructure;*

Not applicable, it is not for the provision of an essential utility.


- (f) provision of open space or for marine-related educational, research or recreational facilities;*

Not applicable, the vehicle parking is not for the provision of open space or marine-related education and research.

- (g) any advice from a State authority, regulated entity or a council; and*

Not applicable.

- (h) the advice obtained in a coastal erosion hazard report.*



The development application is supported by a Coastal Erosion and Inundation Assessment dated 25 May 2023 and prepared by Enviro-Tech Consultants (see annexure 16.2.6) assesses the code at section 2.2.1 Coastal Erosion Assessment of their report.

Coastal erosion hazard overlay mapping is presented in Map 4 of the assessment. The Performance Criterion **P1.1 C10.5.1** is addressed in Attachments 3 and 8 on pgs. 22 and 35.

The proposed development is considered consistent with the Objective and Performance Criteria.

Performance Criteria P1.2

A coastal erosion hazard report also demonstrates that:

- a) any increase in the level of risk from coastal erosion does not require any specific hazard reduction or protection measures; or*
- b) the use can achieve and maintain a tolerable risk from a coastal erosion event in 2100 for the intended life of the use without requiring any specific hazard reduction or protection measures.*

Response

The development application is supported by a Coastal Erosion and Inundation Assessment dated 25 May 2023 and prepared by Enviro-Tech Consultants (see annexure 16.2.6). The report provides an assessment of the code at section 2.2.1 Coastal Erosion Assessment (page 5).

Coastal erosion hazard overlay mapping is presented in Map 4 of the assessment. The Performance Criterion P1.2 of clause **C10.5.1** is addressed in Attachments 3 and 8 of the report (refer to pages 22 and 36).

The Coastal Erosion and Inundation Assessment confirms that the proposal can satisfy P1.2 sub-clauses (a) and (b):

- (a) any increase in the level of risk from coastal erosion does not require any specific hazard reduction or protection measures;*

There is no increase in risk and as such no specific hazard reduction or protection measures are required.

- (b) the use can achieve and maintain a tolerable risk from a coastal erosion event in 2100 for the intended life of the use without requiring any specific hazard reduction or protection measures.*

The use can achieve and maintain a tolerable risk from a coastal erosion event in 2100 for the intended life of the use without requiring any specific hazard reduction or protection measures.

The report demonstrates that the proposal can comply with sub-clause (a) and sub-clause (b).

The proposal is considered consistent with the Objective and Performance Criterion P1.2.

C10.0 Coastal Erosion Code

C10.6.1 Buildings and works, excluding coastal protection works, within a coastal erosion hazard area

Objective

That:

***(a) building and works, excluding coastal protection works, within a coastal erosion hazard area, can achieve and maintain a tolerable risk from coastal erosion; and
(b) buildings and works do not increase the risk from coastal erosion to adjacent land and public infrastructure.***

Performance Criteria P1.1

Buildings and works, excluding coastal protection works, within a coastal erosion hazard area must have a tolerable risk, having regard to:

- (a) whether any increase in the level of risk from coastal erosion requires any specific hazard reduction or protection measures;***
(b) any advice from a State authority, regulated entity or a council; and
(c) the advice contained in a coastal erosion hazard report.

Response

The proposed works are associated with vehicle parking. The assessment prepared by Enviro-Tech Consultants (see annexure 16.2.6) is provided in support of the proposal. The report prepared by a suitably qualified person confirms that the vehicle parking within a coastal erosion hazard area must a tolerable risk, having regard to:

(a) whether any increase in the level of risk from coastal erosion requires any specific hazard reduction or protection measures;

Buildings and works achieve and maintain a tolerable risk and no specific hazard management measures are required.

(b) any advice from a State authority, regulated entity or a council; and

Not applicable.

(c) the advice contained in a coastal erosion hazard report.

The Coastal Erosion and Inundation Assessment prepared by Enviro-Tech Consultants assesses the code at section 2.2.1 Coastal Erosion Assessment of their report.

Coastal erosion hazard overlay mapping is presented in Map 4 of the assessment. The Performance Criterion P1.1, clause **C10.6.1** is addressed in Attachment 3 (refer to page 23).

Performance Criterion P1.1, clause C10.6.1 is addressed based on a risk matrix which assesses the identified hazards within the modelled timeframe and the proposed development (refer to Attachment 8, page 36).

The use can achieve and maintain a tolerable risk from a coastal erosion event in 2100 for the intended life of the use without requiring any specific hazard reduction or protection measures.

The proposed development is considered consistent with the Objective and Performance Criteria P1.1.

Performance Criteria P1.2

A coastal erosion hazard report demonstrates that:

(a) the building and works:

(i) do not cause or contribute to any coastal erosion on the site, on adjacent land or public infrastructure; and

(ii) can achieve and maintain a tolerable risk from a coastal erosion event in 2100 for the intended life of the use without requiring any specific coastal erosion protection works;

(b) buildings and works are not located on actively mobile landforms, unless for engineering or remediation works to protect land, property and human life.

Response

The coastal erosion hazard report demonstrates that:

(a) the building and works:

i. do not cause or contribute to any coastal erosion on the site, on adjacent land or public infrastructure; and

ii. can achieve and maintain a tolerable risk from a coastal erosion event in 2100 for the intended life of the use without requiring any specific coastal erosion protection works;

The proposal is supported by Coastal Erosion and Inundation Assessment by Enviro-Tech Consultants (see annexure 16.2.6) which provides an assessment at section 2.2.1 Coastal Erosion Assessment of their report.

Coastal erosion hazard overlay mapping is presented in Map 4. P1.2 of clause is addressed in Attachments 3 and Attachment 9.

The risk matrix assesses building and works against the Performance criteria C10.6.1 and identified hazards.

Based on the provided plans and the coastal erosion hazard modelling, it is barely credible that the proposed works will cause or contribute to coastal erosion on the land or on adjacent land and can achieve and maintain a tolerable risk (see Attachment 9, page 38).

(b) buildings and works are not located on actively mobile landforms, unless for engineering or remediation works to protect land, property and human life.

Development is not within an actively mobile landform.

The proposed development is considered consistent with the Objective and Performance Criterion P1.1.

C11.0 Coastal Inundation Code	
Scheme Standard	Assessment
C11.2 Application of this Code	
The site is in the low coastal inundation hazard band.	
The use and development associated with the existing building meets the exemptions at clause 11.4 (see below). The Enviro-tech Consultants has confirmed that exemption applies to both building and works.	
The code is not applicable.	
C11.4 Use or Development Exempt from this Code	
C11.4.1	Exempt <u>Change of Use</u> The application for change of use is exempt from the code as clause C11.4.1 a) - alterations and extensions are not increasing the site coverage by 20m ² or more and development is not vulnerable use, providing visitor accommodation for less than 12 guests.

C16.0 Safeguarding of Airports Code	
Scheme Standard	Assessment
C16.4 Use or Development Exempt from this Code	
C16.4.1	
	Exempt The following use or development is exempt from this code:

	<p>(a) development that is not more than the AHD height specified for the site of the development in the relevant airport obstacle limitation area.</p> <p>Inner horizontal surface AHD 51.5 Building height proposed 8.1m</p>
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Local Provisions Schedule

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

Specific Area Plans (SAP)

SAP	Applicable	Not Applicable
FLI-S1.0 Coastal Settlement Specific Area Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FLI-S2.0 Whitemark Rural Living Specific Area Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FLI-S3.0 Coastal Areas Specific Area Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FLI-S4.0 Lady Barron Port Specific Area Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FLI-S5.0 Whitemark and Lady Barron Urban Development Specific Area Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Internal Referral

The proposal was referred to the Acting Manager Infrastructure and Airport. No objections were raised.

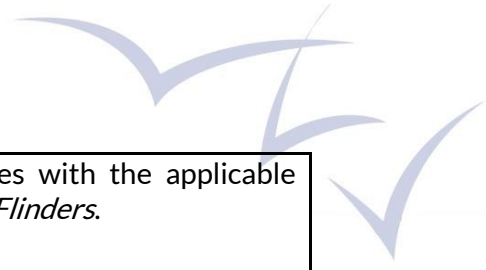
Public Notification

The application was notified for the required 14 day period in accordance with the Act. Full copies of the representations received during the public exhibition period were provided to Elected Members Only as Annexure 16.2.9 to this report. Consideration of any representation is a requirement under both the *Scheme* and the *Act*.

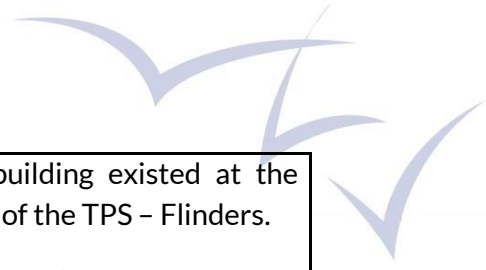
The number of representations received during this time was one. A summary of concerns raised by the public about this planning application is provided below. This summary is an overview only, and should be read in conjunction with the full representations (see annexure 16.2.9). In some instances, personal information may be redacted from individual representations.

Council offers any person who has submitted a formal representation the opportunity to speak about it before a decision is made at the Council Meeting.

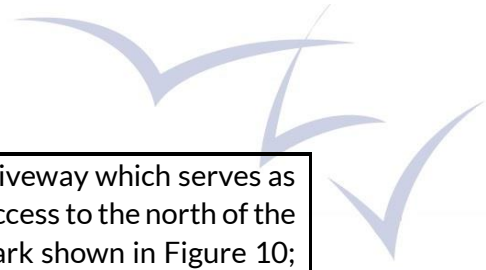
Issues raised	Officer comments
The proposed building will set precedence for high-rise developments for accommodation along the shoreline of islands in the Furneaux Group.	Noted. The proposed building is existing. The original building height is not increased by the proposal.



	<p>The proposal complies with the applicable standard of the <i>TPS- Flinders</i>.</p>
<p>Accommodation units do not require close proximity to the sea.</p>	<p>The 25.2 Use Table lists Visitor Accommodation and Vehicle Parking as Discretionary.</p> <p>An additional Zone Purpose is stated at FLI-25.1, Site-specific Qualification:</p> <p><i>To provide for use or development tourism/hospitality related purposes in association with Whitemark Wharf.</i></p> <p>The representors assert that the proposed Visitor Accommodation does not require a coastal location.</p> <p>The site is shown to be within a high coastal erosion hazard band and within a low coastal inundation hazard band.</p> <p>The codes, C10.0 Coastal Erosion Hazard Code and C11.0 Coastal Inundation Hazard Code are applicable to the assessment of the proposal.</p> <p>It is assumed that the representation is referring to Clauses 10.2.3 and C11.2.4 which state that for the purposes of assessing the standards of the codes, Visitor Accommodation is not reliant on coastal location.</p> <p>Clauses 10.2.3 and C11.2.4 are not applicable to the assessment if the use and development proposed is exempt from these codes.</p> <p>The assessment determined that the proposal is for:</p> <ul style="list-style-type: none">• use or development requires authorisation under the <i>Building Act 2016</i> and it is not for a vulnerable use;• the site coverage is not increased by more than 20m²; and



	<ul style="list-style-type: none"> the existing building existed at the effective date of the TPS – Flinders. <p>The term ‘vulnerable use’ is defined in the codes. The proposal is for accommodation for a maximum of 12 guests. The proposal is not defined as a vulnerable use.</p> <p><i>Site coverage means the proportion of a site, excluding any access strip, covered by roofed buildings.</i></p> <p>The unroofed deck, timber screen and fire escape for the upper floor level are new additions to the building. The development does not include roofed buildings and will not change the site coverage.</p> <p>The codes are not applicable to the assessment of Visitor Accommodation.</p>
<p>The change of use of the existing development will change the nature of the use of land in the vicinity of and including the site. The development NOT in keeping with the character of Flinders Island and the Furneaux Group.</p>	<p>The 25.2 Use Table lists Visitor Accommodation and Vehicle Parking as Discretionary.</p> <p>An additional Zone Purpose is stated at FLI-25.1, Site-specific Qualification: <i>To provide for use or development tourism/hospitality related purposes in association with Whitemark Wharf.</i></p> <p>The proposed change of use has been assessed against the applicable standards of the <i>TPS - Flinders</i>.</p> <p>The proposal can comply with the applicable standards of the Port and Marine Zone and the codes.</p> <p>The proposal complies with the applicable standard of the TPS- Flinders.</p>
<p>Access and participation in foreshore amenity will be impacted. Accommodation units have a different requirement for noise and light than recreational activities which can be passive or active.</p>	<p>The TPS-Flinders does not specifically consider the impact on amenity from the proposal.</p>
<p>The change of use will increase the existing restriction of traffic flow already imposed by the present development to the adjacent existing commercial port facility.</p>	<p>The site has three existing vehicle accesses:</p> <ul style="list-style-type: none"> A right of way which serves as the main access for the site;



	<ul style="list-style-type: none"> • An internal driveway which serves as a secondary access to the north of the existing car park shown in Figure 10; and • Southern access to the loading bay. <p>No changes are proposed to the current accesses.</p> <p>The increase in vehicle traffic is proposed of 18 vehicle movements per day for the Visitor Accommodation. The proposal can comply with the applicable Acceptable Solutions of the Road and Railway Assets Code.</p> <p>The proposal complies with the applicable standard of the TPS- Flinders.</p>
<p>Concern about the safety of pedestrians crossing the vehicular access to the commercial wharf when moving between the designated car park and the existing development.</p>	<p>The proposal relies on Clause C2.6.5 for its approval. The proposal includes:</p> <ul style="list-style-type: none"> • Two pedestrian crossings; and • Signage to denote the shared zones. <p>The proposal facilitates safe and convenient pedestrian access and satisfies the Performance Criterion P1 of clause C2.6.5.</p>
<p>Stifle use by the public of the existing public car park to the south of the existing building.</p>	<p>The unsealed area used for parking on the site will be retained. The area will be spray sealed and involves the reconfiguration of parking spaces to provide 17 bays. An additional four (4) parking spaces, which includes two (2) assessable spaces, will be provided on the northern side of the right-of-way.</p> <p>21 vehicle parking spaces (including two accessible spaces) are provided in total.</p> <p>The number of on-site parking spaces for the existing use or development specified in Table C2.1 is 38 spaces.</p> <p>The number of parking spaces required by Table C2.1 for the proposed Visitor Accommodation is 6 spaces.</p> <p>The requirement for existing use and development is greater than the proposed use and development. No additional parking spaces are required.</p>



Conclusion

It is considered that the application for Use and Development for a Change of Use – Visitor Accommodation and associated development is acceptable in the Port and Marine Zone and is recommended for approval.

Voting Requirement

Simple Majority

RECOMMENDATION

That the application for Change of Use - Visitor Accommodation and associated development by Ireneinc Planning and Urban Design for land located at 16 Esplanade, Whitemark (CT: 129006/1) be APPROVED subject to the following conditions:

ENDORSED PLANS

1. The use and/or development must be carried out as shown on the endorsed plans by Adams Building Design dated 29.02.2024 Proposed Accommodation at Flinders Wharf 16 Esplanade, Whitemark, Flinders Is, 7255 and described in the endorsed documents to the satisfaction of Council. Any other proposed development and/or use will require a separate application to and assessment by Council.

VEHICLE PARKING

2. Prior to the commencement of Use approved by this permit, or by such later date as approved in writing by Council, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be installed to the satisfaction of Council including:

- (a) constructed and available for use in accordance with the endorsed plans;
- (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
- (c) treated with an all-weather spray-seal; and
- (d) line-marked or provided with some adequate means of showing the car parking spaces;
- (e) two pedestrian crossings marked; and
- (f) signage to denote the shared zones.

CONSTRUCTION HOURS

3. Except with the prior written consent of Council, demolition or construction works must not be carried out:

- (a) Monday-Friday (excluding public holidays) before 7.00am or after 6.00pm;
- (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9.00am or after 3.00pm; or
- (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

SOIL, WATER and DUST CONTROL

4. Soil, water and dust must be managed on the site during construction to:

- a) prevent the escape of soil and sediments beyond site boundaries; and
- b) direct water runoff to a lawful point of discharge without causing nuisance for neighbours.

TASWATER

5. The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA 202400378-FC – 16 Esplanade, WHITEMARK) as attached.

Advisory Notes:

The following notes are not conditions of this permit and are supplied for the assistance of the applicant only.

- A. This permit was issued based on the proposal documents submitted for DA2023098. You should contact Council with any other use or developments, as they may require the separate approval of Council.
- B. This permit takes effect after:
 - a) the 14 day appeal period expires; or
 - b) any appeal to the Registrar of the Tasmanian Civil and Administrative Tribunal is abandoned or determined; or
 - c) any agreement that is required by this permit pursuant to Part V of the *Land Use Planning and Approvals Act 1993* is executed; or
 - d) any other required approvals under this or any other Act are granted.
- C. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced.

Restrictive Covenants

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

Access for People with a Disability

- E. This permit does not ensure compliance with the *Disability Discrimination Act*, furthermore the developer may be liable to complaints under the said Act. The developer is directed to Australian Standard 1428 Parts 1 - 4 for technical direction on how to cater for people with disabilities.

Appeal Provisions

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

Aboriginal Heritage

- G. If any Aboriginal relics are uncovered during works;
 - a) All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,
 - b) The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania) Fax: (03) 6233 5555 Email: aboriginal@heritage.tas.gov.au); and the relevant approval processes will apply with state and federal government agencies.

16.3 Development Application - Lady Barron Surrounds Structure Plan Amendment

Action	For Decision
Officer	Planning Consultant
File Reference	PLN/0300
Annexures	<ol style="list-style-type: none">1. Planning Report - Coast Road (Feb 2024) [16.3.1 - 54 pages]2. 23001 541 Coastal assessment RE V 04 [16.3.2 - 30 pages]3. Structure Plan [16.3.3 - 39 pages]4. CONFIDENTIAL - Appendix- A- Draft- Structure- Plan- Guidelines- Consultation- Draft- November-2022 [16.3.4 - 23 pages]

Introduction

A request was received for the rezoning of a parcel of land on Coast Road, Lady Barron, which required the draft Flinders Structure Plan 2016 (Structure Plan) to be amended to:

- include the subject and two adjoining lots within the town boundary, and
- identify the subject titles as suitable for smallholder development.

The Structure Plan was adopted by the Planning Authority as the local strategy to inform application of the Northern Tasmanian Regional Land Use Strategy for assessment of the Flinders Local Provisions Schedule, which was ultimately approved to become part of the Tasmanian Planning Scheme – Flinders (Scheme).

This Agenda item provides for the Planning Authority to consider the request to amend the Structure Plan. A recommendation was provided for the Planning Authority to consider.

Previous Council Consideration

Nil

Previous Council Discussion

03 April 2024 Council Workshop

Officer's Report

The proposal


A request was lodged to rezone CT 139505 Folio 1 Coast Road, Lady Barron (site) by *IreneInc Planning & Urban Design* (Applicant) from Rural to Rural Living, category C. on behalf of the owner of the land, A.C.N. 099 350 464 PTY LTD (Owner), under Section 37(1) of the *Land Use Planning and Approvals Act 1993* (Act). The request was supported by *Coast Road, Lady Barron - Planning report v4*, Ireneinc Planning and Urban Design (Ireneinc Report).

The requested rezoning will see the land change from not being able to subdivide, to being able to subdivide up to 6 lots for residential use.

The detail of the requested rezoning and supporting documents will not be examined in this report, which considers whether the request should be put out for public exhibition of the required amendment to the draft Flinders Structure Plan. The requested rezoning represents a logical extension to the existing Lady Barron settlement, noting there are issues with some natural values and potential conflict with the adjoining Murray Holloway Airfield.

Northern Tasmanian Regional Land Use Strategy

The Northern Tasmania Regional Land Use Strategy (NTRLUS) operates across northern Tasmania and establishes a broad strategic land use planning policy framework within each



region that guide future development of the region over a 25-year horizon. The NTRLUS was originally declared by the Minister for Planning in 2011, with the most recent amendments approved by the Minister for Planning in June 2021.

The NTRLUS is the primary tool used by the Tasmanian Planning Commission to determine applications to amend the planning scheme.

The NTRLUS sets out clear growth strategies for the region through the following:

- Part D Regional Land Use Categories;
- Part E Regional Planning Policies;
- Part F Implementation and Monitoring; and
- Part G Local Provisions Schedule Preparation (this section applied to development and assessment of the LPS, but does not apply to amendments to an approved LPS).

Section B3 of the NTRLUS recognised the acute challenges for the Furneaux Islands. The normal requirements of Parts D and E of the NTRLUS were set aside for specific provisions to direct and inform growth based on local strategy. These are:

- D2.2.4 Key planning principles for rural areas recognise that the Furneaux Group of Islands are more reliant on local strategies for Rural Residential Area and the protection of agricultural land to respond to the complexities of the remote area economics;
- E2.1 Strategic Context - Map E.1 and Table E.1 exclude the Furneaux Islands from the Regional Settlement Hierarchy due to isolation and land use conditions, and recognise local strategy as the primary control for planning for the islands and the creation of demand to support economic objectives for population retention and visitation;
- RSN-P3 – Recognise the isolated relationship of the Furneaux Group of islands to the settlement system of the region, and that settlement and activity centre planning will be dependent on local strategies to support sustainable outcomes.
- RSN-P25 - Recognise that the Furneaux Group of islands are more reliant on local strategies for Rural Residential Areas and the protection of agricultural land that respond to the complexities of remote area economics and the need to retain or increase population and visitation.
- E.5.1 Strategic Context – Regional Economic Development is The Furneaux Group of Islands do not experience the same economic conditions as the balance of the region due to their remoteness. As such, the Furneaux Group relies on local strategies to capitalise on its unique attributes and to further economic objectives.

As previously noted, the Structure Plan was supported by the *LPS and Zoning Strategy* and a range of discussion papers that provided the local strategy that was established under the NTRLUS for assessment of the Scheme by the Commission.

Draft Flinders Structure Plan 2016

The Structure Plan was prepared in 2015/2016 and completed community consultation, however the final document was never completed. The Structure Plan remains in draft form.

It remains relevant for consideration of the current request to rezone land, pending review and development of a new structure plan for Flinders Island.

The Structure Plan identified potential growth opportunities for Flinders and specifically, Lady Barron through the Lady Barron Surrounds Structure Plan. Extracts of the Structure Plan and Lady Barron Structure Plan are provided in Figures 1 through 3. The site for the requested rezoning was highlighted by the black line in Figures 2 and 3 and was not recognised for future growth when the Structure Plan was developed.

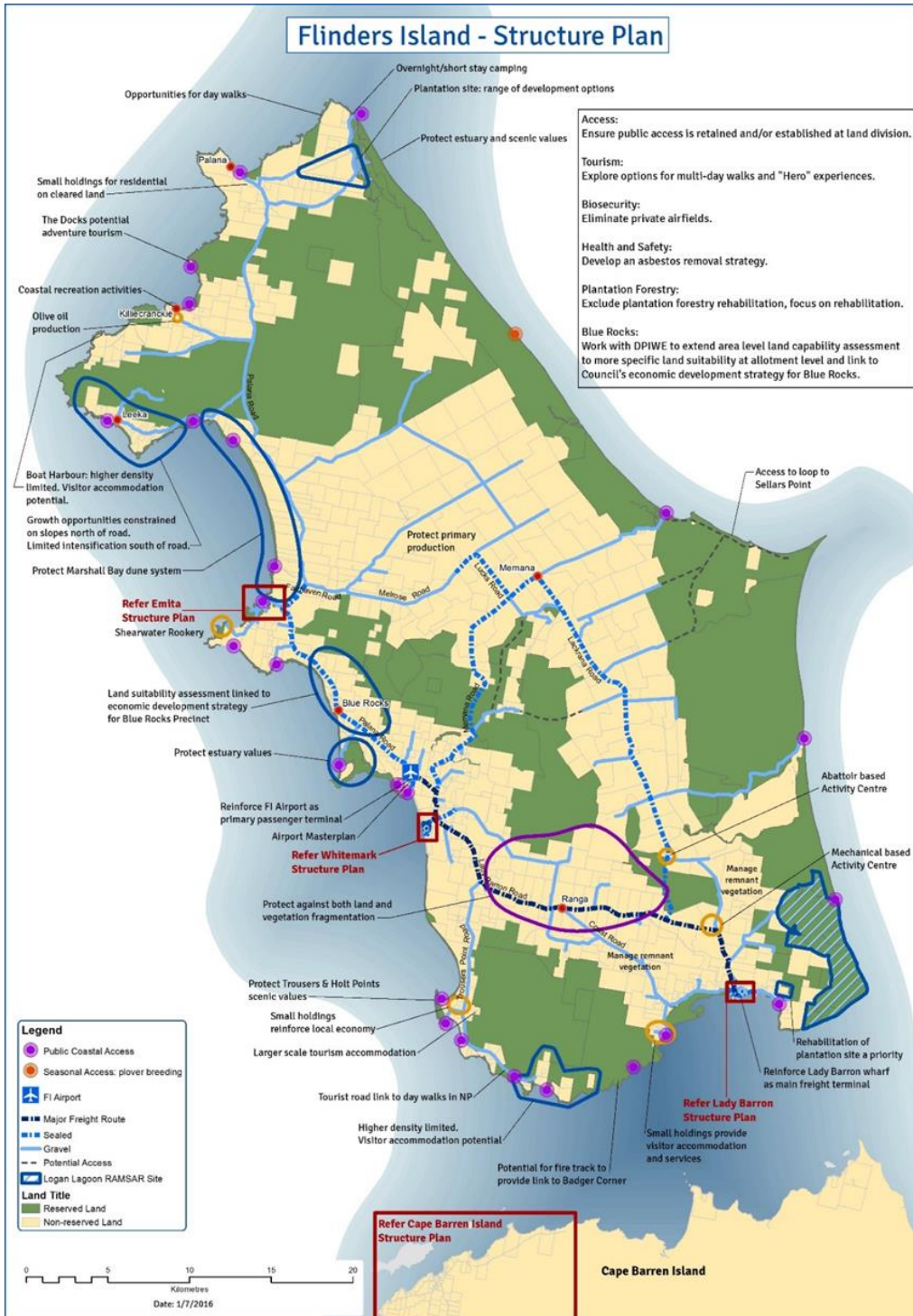


Figure 1 – Extract – Flinders Structure Plan

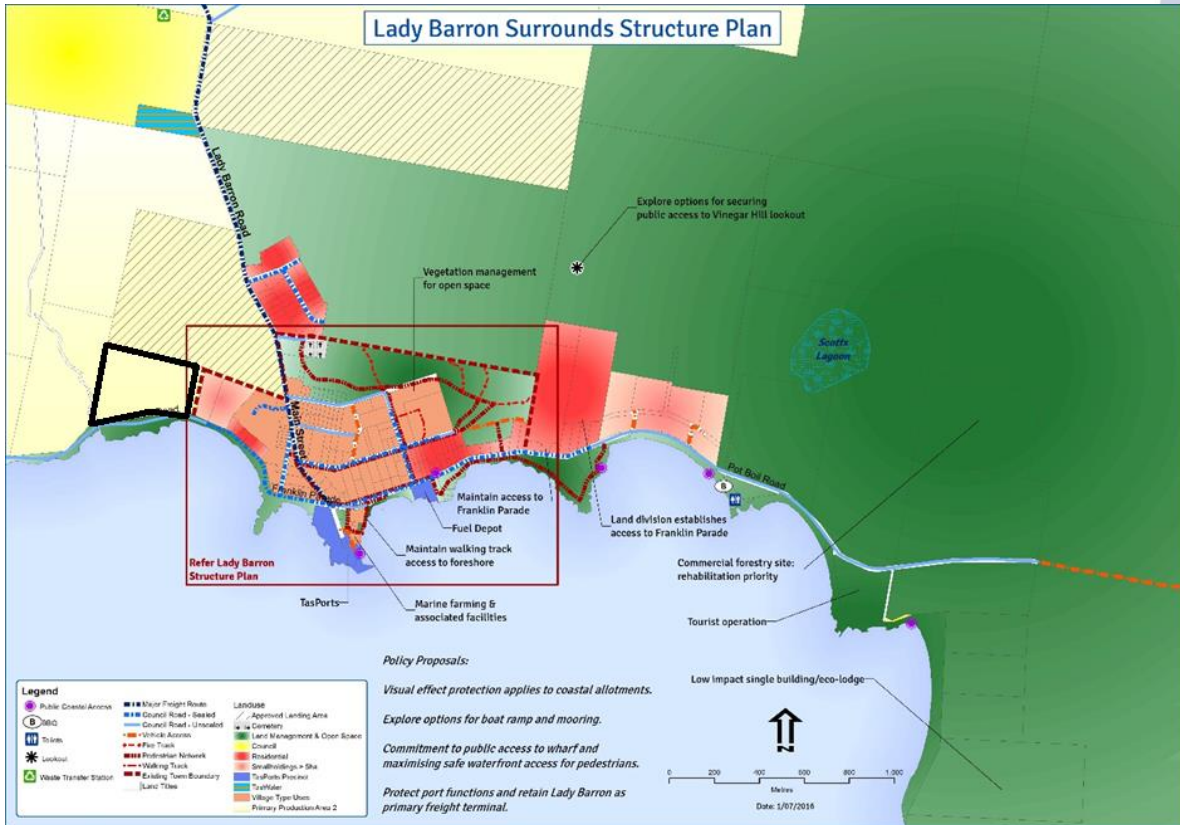


Figure 2 – Extract – Lady Barron Surrounds Structure Plan

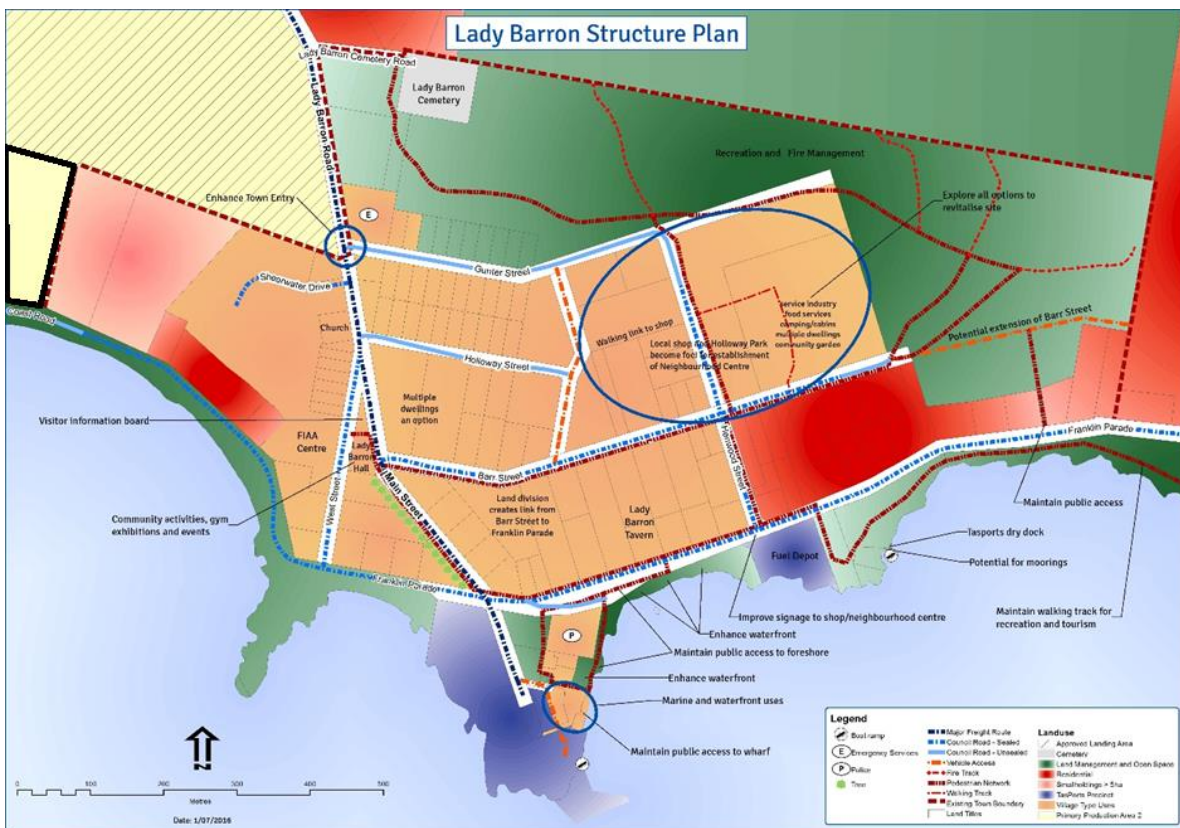


Figure 3 – Extract – Lady Barron Structure Plan

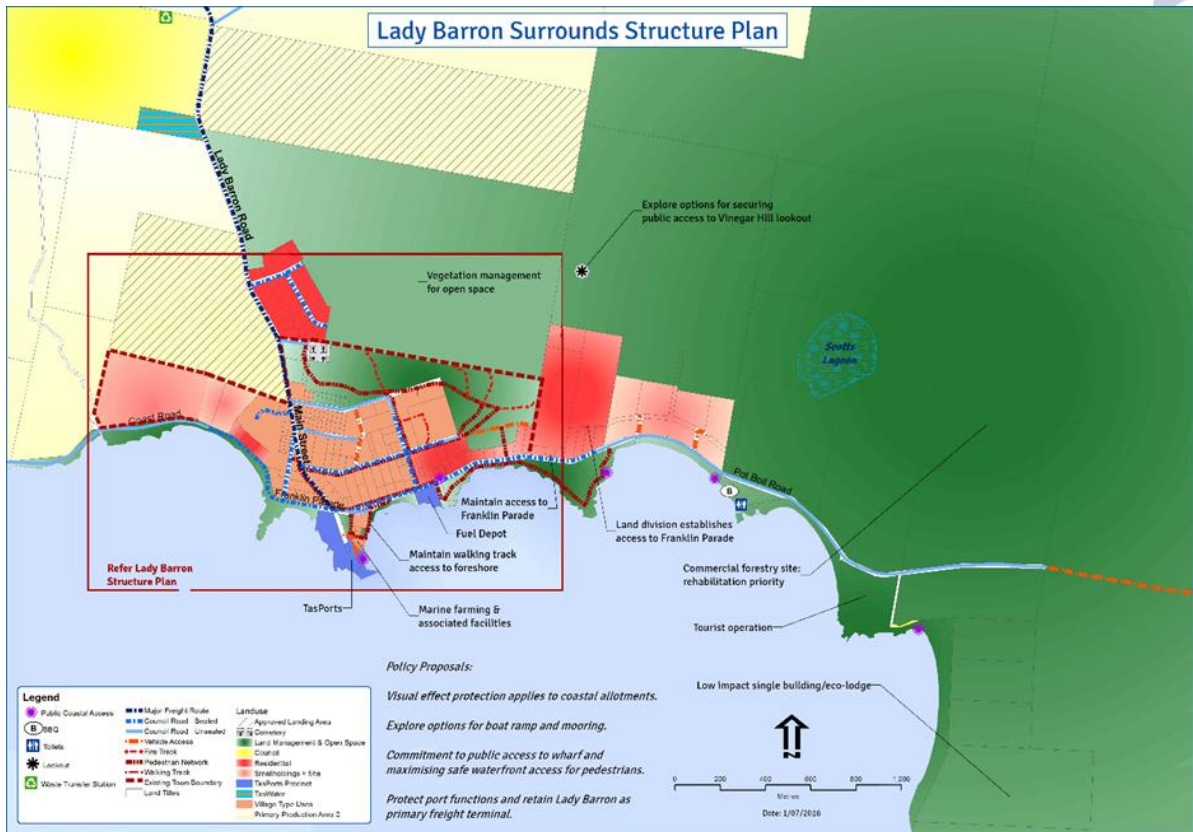


Figure 4 – Revised Lady Barron Surrounds Structure Plan

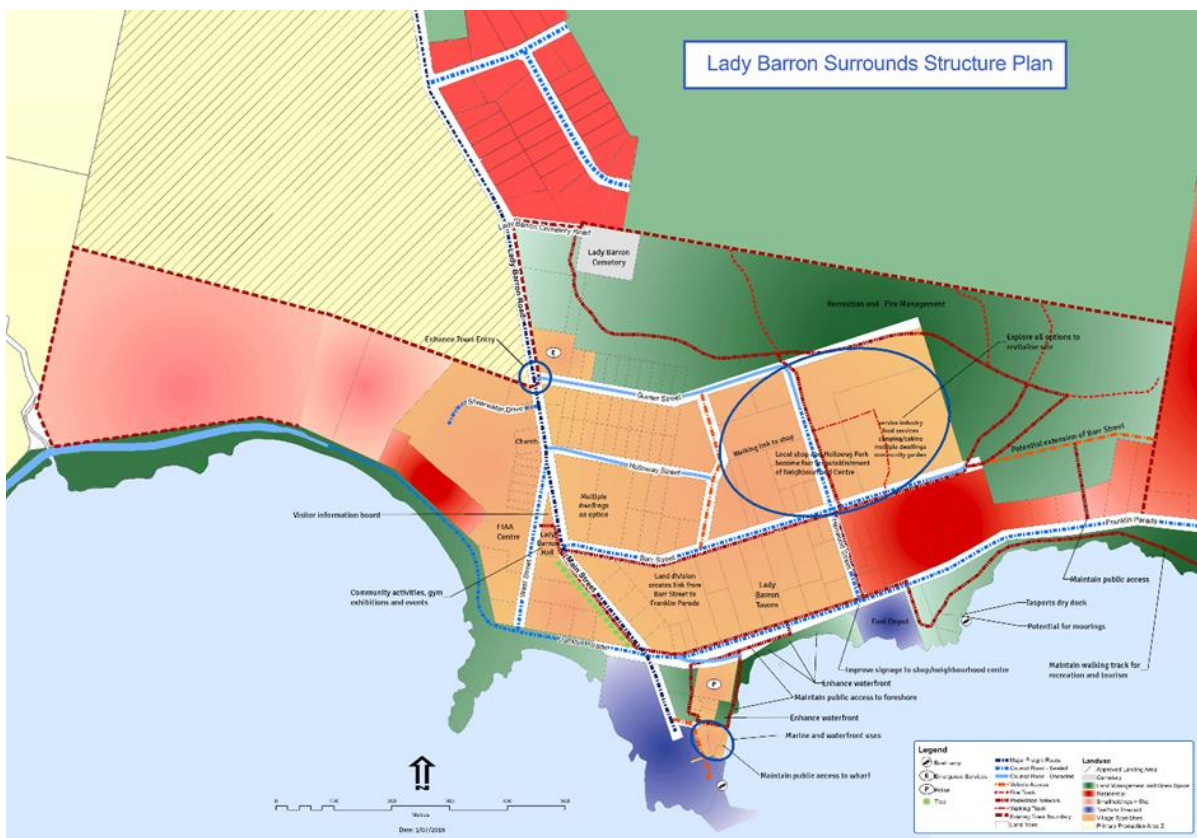
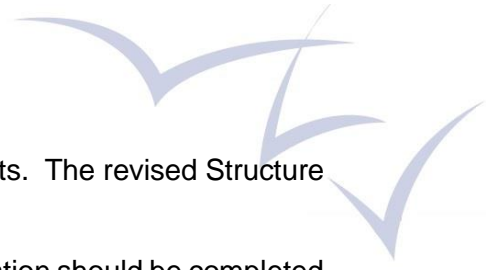


Figure 5 – Revised Lady Barron Structure Plan

The requested amendments will see the site and two adjoining titles identified as part of the Lady Barron township, with the subject site potentially given the opportunity for subdivision of



additional lots and the subsequent creation of additional dwelling rights. The revised Structure plan diagrams were provided at Figures 4 and 5 of this agenda item.

The purpose of this report is to determine whether community consultation should be completed on the request. Initial review of the request identified that the request should be consulted with the community to inform further consideration of the request.

The State Planning Office released *draft Structure Planning Guidelines* (Guidelines) in December 2022, which are not yet finalised. A copy was attached for information. Section 2.1.4 provides guidance for stakeholder engagement and consultation. While no advice was provided for requests to amend a structure plan, following is provided at page 14:

As with stakeholder engagement, community consultation should be undertaken at key points throughout the structure planning process, including the stages after finalisation of the structure plan. The outcomes of consultation should inform the structure plan as it evolves, as well as its monitoring and review phases.

The request to amend the Structure Plan to enable rezoning of land is considered a key point.

It is appropriate that any changes to the Structure Plan are consulted with the community prior to final consideration by the Planning Authority. A consultation period of 28 days was provided in the recommendation.

Statutory Requirement

There are no statutory requirements for consideration of amendments to the structure Plan.

Strategic Alignment

The *Flinders Council 2021-2031 Strategic Plan* (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.

The following guiding principles of the Strategic Plan were identified as relevant to the request:

1. *Community Engagement – encourage and value community contribution.*
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 – comply with government regulations and Council's guiding plans: Strategic Plan, Long-Term Financial Management Plan and Long-Term Asset Management Plan.*
8. *Continuous improvement – Ensure ongoing, documented, continuous improvement processes.*

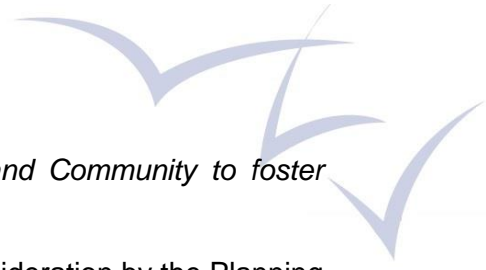
The following focus areas were identified as relevant to the request:

Focus Area 1 - Liveability

1.3.2 Maintain a current Flinders Structure Plan for the Municipality.

Focus Area 4 – Good Governance

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



4.1.2 Improve communication channels between Council and Community to foster greater community participation and outcomes.

Consultation of the request to amend the Structure Plan prior to consideration by the Planning Authority is consistent with multiple themes and specific requirements/outcomes of the Strategic Plan.

Budget and Financial Implications

Nil

Risk/Liability

The request for the amendment to the Structure Plan must be considered and cannot be dismissed without making a decision.

The following key risks/liabilities were identified in this assessment:

- If the request is not supported, the rezoning is unlikely to be supported under the NTRLUS and ultimately in consideration by the Commission (as previously discussed in this Agenda item);
- If consultation on the requested change is not completed prior to consideration, there is a risk the views of the community will not be afforded due consideration prior to a decision on the request; and
- The lack of a clear process under law or through guidelines issued by the State confuses the appropriate process to be followed.

Given the risks around the request, it is recommended that the request is consulted with the community for 28 days prior to its final consideration by the Council.

Voting Requirement

Simple Majority.

RECOMMENDATION

That the Council and the Planning Authority:

- 1. Receive the request to amend the DRAFT Flinders Structure Plan 2016 to revise the Lady Barron Surrounds Structure Plan and Lady Barron Structure Plan diagrams at Appendix 3 as shown in Figures 4 and 5 in this recommendation; and**
- 2. Endorse Figures 4 and 5 for the purposes of consultation with the Community for a period of 28 days, and to inform the future consideration of the request to amend the DRAFT Flinders Structure Plan 2016.**



17 Infrastructure

17.1 Infrastructure Update March 2024

Action	For Information
Officer	Richard Harley - Acting Infrastructure Manager
File Reference	WOR/3000 Infrastructure
Annexures	1. 2024.04.17- Works Manager Report [17.1.1 - 5 pages]

Introduction

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

Officers Report

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

Voting Requirement

Simple Majority.

RECOMMENDATION

That the Acting Infrastructure Manager's Report – March 2024 be received and accepted by Council.



18 Notices of Motions

18.9 Support King Island Request for Council Meeting Attendance Virtually Under Specific Compassionate Circumstances

Action	For Decision
Councillor	Mayor Rachel Summers
Officer	Warren Groves - General Manager
File Reference	COU/0600
Annexures	<ol style="list-style-type: none">1. King Island Council Letter to Do L G_- _25 Mar 24 Request for KI Councillor Attendance Dispensation_ [18.9.1 - 1 page]2. King Island Council Minutes 20 Feb 2024 extracted [18.9.2 - 4 pages]

Notice Of Motion That:

- a) Council supports the request by King Island Council that the Tasmanian Government makes changes to the Local Government Act to allow Councillors to attend Ordinary Council meetings via video conferencing in certain compassionate and emergency situations; and
- b) The Mayor writes to the Premier, Jeremy Rockliff and Minister of Local Government, Nic Street, requesting changes to the Local Government Act to allow Councillors to attend Ordinary Council meetings via video conferencing in certain compassionate and emergency situations.


Councillor's Report

Marcus Blackie, Mayor of King Island Council, wrote to the Office of Local Government requesting the Minister for Local Government consider a special dispensation for King Island Councillors to still attend Ordinary Council Meetings – virtually – when they are forced to travel off the Island for specialist medical treatment and/or other compassionate circumstances. King Island Council recently had an instance where a Councillor was removed from office after not attending 3 consecutive Ordinary Council Meetings without leave. Unfortunately, the spouse of the Councillor was undergoing medical treatment for a terminal condition at the time.

At the 20 February 2024 King Island Ordinary Council Meeting, Cr Sarina Laidler submitted a Notice of Motion outlining the challenging circumstances recently endured by her, due to her husband's failing health, and eventual loss of life. She also highlighted two other cases where a Councillor has been required to be off-island supporting loved ones or receiving specialised treatment themselves.

Similar circumstances have occurred on Flinders Island where due to our remote location specialised and end-of-life care has required a Councillor to travel away from their homes at these very vulnerable times.

The Act makes provision for a Councillor to apply for a 'leave of absence' in respect of one or more meetings, however extenuating circumstances can lead to this option not being undertaken or the ability of the Councillor may be impaired due to grief, stress or capacity. In such circumstances the ability to attend Council Meetings via video conferencing could



alleviate unnecessary angst and the vacating of a Councillor's position. It will show much needed empathy and support.

I therefore advocate to support the King Island Council's proposed motion to allow video conferencing under special compassionate grounds for attendance at Ordinary Council meetings and further propose that the motion be modified to include Flinders Council.

Previous Council Consideration

Nil

Previous Council Discussion

03 April 2024 Council Workshop

Officer's Report

Whilst *the Act* provides for Elected Members to apply for a Leave of Absence, circumstances surrounding personal and compassionate matters can impact and lead to emergency situations and challenging circumstances where Councillors find themselves with diminished capability to adhere to the legislation.

For King and Flinders Islands' there is a compounding factor due to our remote location and the need to seek specialist medical and end of life care off island.

It is recommended that Flinders Council support the proposed King Island Motion to request that the Tasmanian Government changes, or at least reviews, the *Local Government Act 1993* to allow Councillors to attend Council Meetings via video conferencing on approved compassionate grounds for King and Flinders Islands'.

Statutory Requirement

Local Government Act 1993

Strategic Alignment

GOOD GOVERNANCE

4.1 An organisation that provides good governance, effective leadership and high-quality services, within our means

4.1.4 Collaborate with King Island Council, other councils and stakeholders to improve efficiencies and advocacy.

Budget and Financial Implications

Whilst minimal financial implications may apply to Flinders Council to facilitate remote meeting attendance, there are costs involved should a by-election be called.

Risk/Liability

Organisational: Councillor seats may become vacant following three consecutive absences without a leave of absence. This can be disruptive through loss of skills and knowledge and costly to Council to recruit and undertake retraining.

Voting Requirement

Simple Majority.



MOTION

That:

- c) Council supports the request by King Island Council that the Tasmanian Government makes changes to the Local Government Act to allow Councillors to attend Ordinary Council meetings via video conferencing in certain compassionate and emergency situations; and
- d) The Mayor writes to the Premier, Jeremy Rockliff and Minister of Local Government, Nic Street, requesting changes to the Local Government Act to allow Councillors to attend Ordinary Council meetings via video conferencing in certain compassionate and emergency situations.



18.11 Flinders Island Business Inc Council Representative

Action	For Decision
Councillor	Cr Garry Blenkhorn
Officer	Warren Groves - General Manager
File Reference	COU/0600
Annexures	Nil

Notice Of Motion

That Council accepts Cr Garry Blenkhorn's resignation as Council representative to the Flinders Island Business Inc. (FIBI) organisation and appoints a new Councillor representative for the committee.

Councillor's Report

Flinders Council currently has a number of Committees that allow communication, discussion and community input into decision-making on specific areas or activities of Community and Council importance.

Post the 2022 election, Cr Blenkhorn accepted the nomination to represent Council on the FIBI committee. He has now resigned from this position and calls for nominations from Councillors to fill the role.

Previous Council Consideration

238.11.2022	Council Meeting
236.11.2022	Council Meeting

Previous Council Discussion

20 March 2024	Council Workshop
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Officer's Report

The representation of Councillors on external committees and organisations is integral in keeping Council informed on community matters and providing a conduit to allow information sharing between Council and the community.

FIBI advocates and supports business activities on Flinders Island. It aims to deliver business initiatives, projects and activities, with limited resources, to the business and wider community of Flinders Island.

The General Manager and Mayor meet with FIBI Management regularly, however it is recommended that Councillors maintain a representative on the committee to participate and provide input.

Statutory Requirement


Local Government Act 1993

Strategic Alignment

LIVEABILITY

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

1.1.2 Promote the islands' authentic lifestyle, business and entrepreneurial opportunities to attract 'working age' population and families.



1.1.3 Collaborate with stakeholders to enable a variety of training and employment opportunities, including local skills and knowledge sharing.

ECONOMY/BUSINESS

3.1 Ongoing opportunities across all business sectors to future-proof the critical needs of the islands.

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

3.3 A visitor economy that embraces regenerative tourism principles.

3.3.1 Encourage and support positive impact and regenerative visitor experiences that create conditions for people and places to thrive.

GOOD GOVERNANCE

4.1 An organisation that provides good governance, effective leadership and high-quality services, within our means

4.1.2 Improve communication channels between Council and Community to foster greater community participation and outcomes.

Budget and Financial Implications

Nil

Risk/Liability

Organisation: Councillors' connections with the community they serve are critical to Council's reputation and to avoid risk.

Voting Requirement

Simple Majority.

MOTION

That Council accepts Cr Garry Blenkhorn's resignation as Council representative to the Flinders Island Business Inc. (FIBI) organisation and appoints a new Councillor representative for the committee.



19 Finance

19.1 Quarterly Financial Report - April 2024

Action	For Information
Officer	Marissa Walters – Contract Accountant
File Reference	FIN/0100 Quarterly Finance Report
Annexures	1. Council Reports for March 2024 with Cap X [19.1.1 - 12 pages]

Introduction

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

This report, and the attached Quarterly Financial Report (Annexure 1) have been prepared based on changes made to formatting and presentation that were adopted as part of the 2023/24 Council budget and include high level operational reports for Council's information.

Previous Council Consideration

Not applicable.

Officer's Report

Annexure 1, with overview provides a summary of income and expenditure for the Council at the end of the third quarter ending 31 March 2024.

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

This report is for information only.

Statutory Requirement

Local Government Act 1993

Strategic Alignment

Not Applicable for this report

Budget and Financial Implications

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

Risk/Liability

Nil

Voting Requirement

Simple Majority.

RECOMMENDATION

That Council receives and notes the Quarterly Financial Report – March 2024.



20 Governance

20.1 Fraud and Corruption Control Plan

Action	For Decision
Officer	Warren Groves - General Manager
File Reference	COU/0603 Code of Conduct PER/0500 Human Resources
Annexures	1. S- H R 14- P Fraud Control Plan draft Master [20.1.1 - 19 pages]

Introduction

Flinders Council operates within the framework of local government defined by the *Local Government Act 1993* and provides service, compliance and regulatory functions to the Community.

As part of this regulatory function, Flinders Council has developed a Fraud and Corruption Control Plan (FCCP) in accordance with the Australian Standard 8001:2021 – Fraud and Corruption Control.

Previous Council Consideration

Nil

Previous Council Discussion

Nil

Officer's Report

At the 22 March 2023 Council Meeting, Councillors adopted the revised Fraud Prevention and Control Policy and requested the development of a Fraud and Corruption Control Plan to create a culture of awareness that outlines management's key responsibilities, informs employees of their responsibilities and highlights Council's anti-fraud strategies.

Council officers have developed The Fraud and Corruption Control Plan (FCCP) in accordance with the Australian Standard 8001:2021 – Fraud and Corruption Control that demonstrates a commitment to best practice.

At the 27 February 2024 meeting of the Flinders Council Audit Panel, the FCCP was considered; the Panel extended their appreciation for the work done in developing the document, and that they supported the FCCP being presented to Council for consideration.

The Fraud and Corruption Control Plan is presented to Council for Consideration.

Statutory Requirement

Strategic Alignment

GOOD GOVERNANCE

4.1 An organisation that provides good governance, effective leadership and high-quality services, within our means

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



Budget and Financial Implications

Nil

Risk/Liability

Organisation: the recommended plan will assist Council to protect its finances, properties and intellectual rights from attempts or actual fraud or corruption events.

Voting Requirement

Simple Majority.

RECOMMENDATION

That Council endorses and adopts the Fraud and Corruption Control Plan at Annexure 1 as a strategic document and allows the Plan to lay on the table for 28 days for public comment.



20.2 Personal Information Protection Policy

Action	For Decision
Officer	Warren Groves - General Manager
File Reference	PER/0500 Human Resources
Annexures	1. S HR15 Personal Information Protection Policy 2024 04 17 [20.2.1 - 4 pages]

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

263.09.2023	Council Meeting
83.03.2015	Council Meeting
49.02.2015	Council Meeting

Previous Council Discussion

12 March 2015	Council Workshop
20 March 2024	Council Workshop

Officer's Report

Flinders Council collects and uses personal information about individuals to enable it to carry out its functions under the *Local Government Act 1993* and other legislation and regulations. As a personal information custodian, Flinders Council is required under the *Personal Information Protection Act 2004* to document Council's policy on management of personal information and to make that document available to any person who requests it.

This policy was developed in response to legislative requirements and has been revised as part of Council's cyclic review process to include Council Decision 263.09.2023 'That Council rescind motion 141.05.2015 and support amending Council's internal planning process to prevent the publishing of any personal details within representations received regarding discretionary planning applications and, if required, update the personal information protection policy to reflect this change'.

This Policy has been reviewed and additional feedback has been considered from Councillors at the 20 March 2024 workshop. The reviewed Personal Information Protection Policy is presented for council consideration.

Statutory Requirement

Local Government Act 1993
Personal Information Protection Act 2004

Strategic Alignment

GOOD GOVERNANCE

4.1 An organisation that provides good governance, effective leadership and high-quality services, within our means

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



Budget and Financial Implications

NIL

Risk/Liability

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

Voting Requirement

Simple Majority.

RECOMMENDATION

That Council endorses and adopts the revised Personal Information Protection Policy at Annexure 1 and allows it to lay on the table for 28 days for public comment.



20.3 Quarterly Grants Report January to March 2024

Action	For Noting
Officer	Warren Groves - General Manager
File Reference	COU/0601
Annexures	1. Quarter 3 - Grants Report Q 3 2023 24 MASTER [20.3.1 - 3 pages]

Introduction

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

Previous Council Consideration

Provided as quarterly reports.

Previous Council Discussion

3 May 2022 Council Workshop

Officer's Report

At the 3 May 2022 Council Workshop, Councillors requested a quarterly report on grants. Please read Annexure 1 Quarterly Grants Report January to March 2024.

Statutory Requirement

There are no Statutory Requirements.

Strategic Alignment

GOOD GOVERNANCE

4.1 An organisation that provides good governance, effective leadership and high-quality services, within our means

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

Budget and Financial Implications

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

Risk/Liability

Nil

Voting Requirement

Simple Majority.

RECOMMENDATION

That the Quarterly Grants Report January to March 2024, be received.



20.4 Quarterly Report Against the Annual Plan January to March 2024

Action	For Information
Officer	Warren Groves - General Manager
File Reference	COU/0600
Annexures	1. Quarter 3 - Annual Plan Report [20.4.1 - 3 pages]

Introduction

The purpose of this report is to provide Councillors with progress updates on the various Annual Plan actions undertaken by the whole of Council for the third quarter of the 2023 – 2024 financial year.

Previous Council Consideration

Provided as quarterly reports.

Officer's Report

Please read Annexure 1, Quarterly Report January to March 2024.

Statutory Requirement

There are no Statutory Requirements.

Strategic Alignment

Not Applicable for this report

Budget and Financial Implications

Nil

Risk/Liability

Nil

Voting Requirement

Simple Majority.

RECOMMENDATION

That the Quarterly Report Against the Annual Plan January to March 2024 be received and accepted by Council.



20.5 Continuous Improvement Quarterly Report January to March 2024

Action	For Information
Officer	Warren Groves - General Manager
File Reference	GOV/1004 Continuous Improvement
Annexures	1. Quarter 3 continuous improvement register [20.5.1 - 1 page]

Introduction

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

Previous Council Consideration

The report is presented on a quarterly basis.

Officer's Report

Continuous improvement is essential within an organisation and this has been ongoing within Council for many years. A continuous improvement program was formally developed in 2022. Continuous improvement activities are documented in a register which is brought to Council on a quarterly basis.

Please read Annexure 1 – Continuous Improvement Register for the period of January to March 2024.

Statutory Requirement

There are no Statutory Requirements.

Strategic Alignment

GOOD GOVERNANCE

4.1 An organisation that provides good governance, effective leadership and high-quality services, within our means.

Budget and Financial Implications

Nil

Risk/Liability

Nil

Voting Requirement

Simple Majority.

RECOMMENDATION

That the Continuous Improvement Quarterly Report January to March 2024 be noted.



20.6 Use of the Flinders Council Common Seal January to March 2024

Action	For Information
Officer	Warren Groves – General Manager
File Reference	GOV/1000 Common Seal Register
Annexures	1. Quarter 3 Common Seal [20.6.1 – 1 page]

Introduction

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

Previous Council Consideration

Considered quarterly.

Officer's Report

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

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

Annexure 1 details the use of the Flinders Council Common Seal from January to March 2024.

Statutory Requirement

Local Government Act 1993

Strategic Alignment

Not Applicable for this report

Budget and Financial Implications

Nil

Risk/Liability

Corporate: Minimum risk.

Voting Requirement

Simple Majority.

RECOMMENDATION

That the report on the use of the Flinders Council Common Seal from January to March 2024 be received.



20.7 Quarterly Service Request Report January to March 2024

Action	For Noting
Officer	Warren Groves – General Manager
File Reference	RMS/0200 Service Requests
Annexures	1. Quarter 3 – Service Request register [20.7.1 – 2 pages]

Introduction

This register identifies the service requests received, recommended actions and resolutions actioned by staff for the period ending 31 March 2024.

Previous Council Consideration

The report is presented on a quarterly basis.

Officer's Report

Please read Annexure 1 – Service Request Register Report January to March 2024.

Statutory Requirement

There are no Statutory Requirements.

Strategic Alignment

ACCESSIBILITY/INFRASTRUCTURE

2.1 Quality public infrastructure, roads and footpaths

2.1.1 Maintain a network of safe roads and pedestrian pathways that recognises the changing needs of the Community.

2.1.2 Create townships that are attractive and welcoming through improvements to community infrastructure.

GOOD GOVERNANCE

4.1 An organisation that provides good governance, effective leadership and high-quality services, within our means

4.1.2 Improve communication channels between Council and Community to foster greater community participation and outcomes.

Voting Requirement

Simple Majority.

RECOMMENDATION

That the Service Request Register Report January to March 2024 be noted.



20.8 Quarterly Accident and Incident Report January to March 2024

Action	For Information
Officer	Warren Groves - General Manager
File Reference	RSM/0100 Accident / Incident Reports
Annexures	1. CONFIDENTIAL - Quarter 3 - Accident Incident Quarterly report 2024 [20.8.1 - 1 page]

Introduction

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

Previous Council Consideration

Provided as quarterly reports to Council as from August 2021.

Officer's Report

Please read Annexure 1 Accident and Incident Quarterly Report January to March 2024. This report is for the information of Elected Members only as it contains confidential personnel information.

Statutory Requirement

There are no Statutory Requirements.

Strategic Alignment

GOOD GOVERNANCE

4.2 Skilled, committed and professional employees in a supportive environment

4.2.1 Maintain a framework for staff performance management, training and safety.

Budget and Financial Implications

Nil

Risk/Liability

Nil

Voting Requirement

Simple Majority.

RECOMMENDATION

That the Accident and Incident Quarterly Report January to March 2024 be noted.



20.9 Housing Working Group - April 2024

Action	For Information
Officer	Warren Groves - General Manager
File Reference	GOV/1102 Housing Working Group
Annexures	1. Housing Working Group Report [20.9.1 - 2 pages]

Introduction

At the 25 January 2023 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.

At the 24 January 2024 council meeting, Council resolved the Housing Working Group reports every second month moving forward.

Previous Council Consideration

18.01.2023	25 January 2023
32.02.2023	22 February 2023
91.03.2023	22 March 2023
18.01.2024	24 January 2024

A report will be provided every second month from January 2024.

Previous Council Discussion

25 January 2023	Council Workshop
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Officer's Report

The Housing Working Group met on 8 April 2024 and a report summarising their activities is provided at annexure 1.

Statutory Requirement

Nil

Strategic Alignment

LIVEABILITY

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

Nil

Risk/Liability

Nil

Voting Requirement

Simple Majority.

RECOMMENDATION

That Council notes the report for the Housing Working Group for April 2024.



20.10 Resolution Report - April 2024

Action	For Information
Officer	Warren Groves - General Manager
File Reference	GOV/0300 Councillor Resolution Reports
Annexures	1. 2024 Resolution Report 2024 04 [20.10.1 - 4 pages]

Introduction

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

Officer's Report

This Report is presented on a monthly basis. Please read Annexure 1 Resolution Report – April 2024.

Voting Requirement

Simple Majority.

RECOMMENDATION

That the Councillor Resolution Report – April 2024 be noted.



21 CLOSED COUNCIL 17 April 2024

21.1 General Managers Performance Review Committee (GMPRC) Minutes

Reason for Closed Council – item is CONFIDENTIAL in accordance with Section 15(2)

(g) information of a personal and confidential nature or information provided to the council on the condition it is kept confidential

21.2 General Managers Performance Review (GMPRC) Process

Reason for Closed Council – item is CONFIDENTIAL in accordance with Section 15(2)

(g) information of a personal and confidential nature or information provided to the council on the condition it is kept confidential

Action Officer	For Decision Warren Groves - General Manager
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Closure of Meeting

In accordance with Section 15 of the Local Government (Meeting Procedures) Regulations 2015, *a council by absolute majority may close a part of the meeting to the public for a specified reason.*

Voting Requirement

Absolute Majority.

RECOMMENDATION

That the meeting be closed to the public pursuant to regulation Section 15 of the Local Government (Meeting Procedures) Regulations 2015 to discuss the matters listed.

Closure of Meeting