



**FLINDERS**  
COUNCIL

Agenda  
Ordinary Council Meeting  
19<sup>th</sup> December 2013

## 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 13<sup>th</sup> day of December 2013.



Raoul Harper  
**GENERAL MANAGER**

## FLINDERS COUNCIL ORDINARY MEETING

### AGENDA

**DATE:** Thursday 19<sup>th</sup> December 2013  
**VENUE:** Flinders Art and Entertainment Centre, Whitemark  
**COMMENCING:** 1.00 pm

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#### PRESENT

Mayor Carol Cox  
Deputy Mayor David Williams  
Cr Marc Cobham  
Cr Peter Rhodes  
Cr Gerald Willis  
Cr Ronald Wise

#### APOLOGIES

Cr Mary-Anne Roberts

#### STAFF IN ATTENDANCE

Raoul Harper - General Manager  
Kim Hossack - Corporate Services Manager  
Jacci Viney - Development Services Coordinator  
Vicki Warden - Executive Assistant

#### CONFIRMATION OF MINUTES

- (1) That the Minutes from the Ordinary Council Meeting held on the 21<sup>st</sup> November 2013 be confirmed.
- (2) That the Unconfirmed Minutes from the Annual General Meeting held on the 6<sup>th</sup> December 2013 be noted.

#### PUBLIC QUESTION TIME

In accordance with *Section 31 (1) of the Local Government (Meeting Procedures) Regulations 2005* and the Flinders Council Policy the following procedures be adhered to at public question time:-

It is the policy of the Flinders Council to allow a 'Question Time' 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 appropriate.

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.

#### **LATE AGENDA ITEMS**

Nil

#### **DECLARATION OF PECUNIARY INTEREST**

*In accordance with Part 2 Regulation 8 (7) of the Local Government (Meeting Procedures) Regulations 2005, the Chairman of a meeting is to request Councillors to indicate whether they have, or are likely to have, a pecuniary interest in any item on the agenda.*

*Accordingly, Councillors are requested to advise of a pecuniary interest they may have in respect to any matter appearing on the agenda, or any supplementary item to the agenda, which the Council has resolved to deal with, in accordance with Part 2 Regulation 8 (6) of the Local Government (Meeting Procedures) Regulations 2005.*

#### **LEAVE OF ABSENCE**

Nil

#### **PETITIONS**

Nil

## WORKSHOPS & INFORMATION FORUMS

File No: COU/0205

### Council Workshop held on 6<sup>th</sup> December 2013

Council held a Workshop on the following subjects:

- Item 1 TasWater Presentation
- Item 2 Productivity Commission
- Item 3 House Excisions in the Rural Zone (via teleconference)
- Item 4 Emergency Services Levy / Donation
- Item 5 Community Service Hub Update
- Item 6 Steam Weed Killer Update
- Item 7 Citizen of the Year Award Policy

#### Councillors Present:

Mayor Carol Cox , Deputy Mayor David Williams, Cr Marc Cobham, Cr Peter Rhodes, Cr Gerald Willis and Cr Ronald Wise.

#### Apologies:

Cr Mary-Anne Roberts

#### Staff and Consultants Present:

Mike Brewster (TasWater CEO), Miles Hampton (TasWater Chairman), Raoul Harper (General Manager), Kim Hossack (Corporate Services Manager), Jo Oliver (Senior Town Planner)(Item 1 only, via teleconference), Jacci Viney (Development Services Coordinator)(Item 1 & 3 only), Vicki Warden (Executive Officer) (Item 7 only).

*As workshops and information sessions are for information and discussion purposes only, no decisions are made or foreshadowed at these proceedings.*

## PUBLIC MEETINGS

Nil

## COUNCILLOR'S QUESTIONS ON NOTICE

### QUESTION 1

**Cr Gerald Willis**

What were the events, their dates and the applicants for Place of Assembly licences issued by the Flinders Council since 1<sup>st</sup> January 2013 to date?

#### Response from Raoul Harper, General Manager

There have been 10 specific event licences and 2 annual licences issued. In addition Council's public buildings are assessed for Place of Assembly licences on an annual basis which covers public events being held at the venues.

The majority of the events which are organised for locals and visitors to attend are hosted by volunteers or community groups. Council may waive the Place of Assembly fees, at the General Manager's discretion, when a request is made. For this calendar year Council has waived fees for 9 specific event licences and 1 annual licence, amounting to \$945.

## **QUESTION 2**

### **Question from Cr Gerald Willis**

Is the General Manager able to provide an update on his response to my question tabled at the Flinders Council meeting on 19<sup>th</sup> September 2013 which was "Will the General Manager arrange for the removal of unsightly and hazardous bush situated at the southeast corner of the grounds on the Lady Barron Memorial Hall?"

### **Response from Raoul Harper, General Manager**

Brian Barnewall (Works and Services Manager) has a budget allocation for the removal of the vegetation situated near the Lady Barron Memorial Hall for this financial year. Mr Barnewall has also spoken with Shirley Holloway (Treasurer of the Lady Barron Memorial Hall and Recreation Special Committee) in regards to this work being carried out. The task will be undertaken when time allows.

## **COUNCILLOR'S QUESTIONS WITHOUT NOTICE**

*Regulation 29 of the Local Government (Meeting Procedures) Regulations 2005 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.*

## **PUBLICATIONS/REPORTS TABLED FOR COUNCIL INFORMATION**

### **Freelance Global, Natural Acumen, The Flinders Island Trail: Identifying the Next Steps**

**File No:** CSV/1704

**Annexure 1:** *Freelance Global, Natural Acumen, The Flinders Island Trail: Identifying the Next Steps*

## **OFFICER'S REPORT (Raoul Harper, General Manager):**

That the report provided by the Flinders Island Trail Committee be noted.

## REPORTS TO BE RECEIVED

### **Furneaux (Emita) Hall and Recreation Ground Special Committee – Emita Sports Working Group**

**File No:** AME/0502

**Annexure 2:** Furneaux (Emita) Hall and Recreation Ground Special Committee - Emita Sports Working Group Unconfirmed Minutes 8<sup>th</sup> August 2013

### **OFFICER'S REPORT (Raoul Harper, General Manager):**

The Unconfirmed Minutes of the Furneaux (Emita) Hall and Recreation Ground Special Committee - Emita Sports Working Group held on 8<sup>th</sup> August 2013 have been provided for consideration. The minutes outline what the Working Group has been working on to date and can now be noted by Council.

### **OFFICER'S RECOMMENDATION**

That the Unconfirmed Minutes of the Furneaux (Emita) Hall and Recreation Ground Special Committee - Emita Sports Working Group meeting held on 8<sup>th</sup> August 2013 be noted.

### **Furneaux (Emita) Hall and Recreation Ground Special Committee**

**File No:** AME/0502

**Annexure 3:** Furneaux (Emita) Hall and Recreation Ground Special Committee Confirmed Minutes 1<sup>st</sup> October 2013

### **OFFICER'S REPORT (Raoul Harper, General Manager):**

The Confirmed Minutes of the Furneaux (Emita) Hall and Recreation Ground Special Committee held on 1<sup>st</sup> October 2013 have been provided for consideration. The minutes outline what the Committee has been working on to date and can now be accepted by Council.

### **OFFICER'S RECOMMENDATION**

That the Confirmed Minutes of the Furneaux (Emita) Hall and Recreation Ground Special Committee meeting held on 1<sup>st</sup> October 2013 be accepted.

### **Furneaux (Emita) Hall and Recreation Ground Special Committee**

**File No:** AME/0502

**Annexure 4:** Furneaux (Emita) Hall and Recreation Ground Special Committee Unconfirmed Minutes 20<sup>th</sup> November 2013

### **OFFICER'S REPORT (Raoul Harper, General Manager):**

The Unconfirmed Minutes of the Furneaux (Emita) Hall and Recreation Ground Special Committee held on 20<sup>th</sup> November 2013 have been provided for consideration. The minutes outline what the Committee has been working on to date and can now be noted by Council.

### **OFFICER'S RECOMMENDATION**

That the Unconfirmed Minutes of the Furneaux (Emita) Hall and Recreation Ground Special Committee meeting held on 20<sup>th</sup> November 2013 be noted.

**Furneaux Group Shipping Special Committee**

**File No: COM/0403**

**Annexure 5:** Furneaux Group Shipping Special Committee Unconfirmed Minutes  
19<sup>th</sup> November 2013

**OFFICER'S REPORT (Raoul Harper, General Manager):**

The Unconfirmed Minutes of the Furneaux Group Shipping Special Committee held on 19<sup>th</sup> November 2013 have been provided for consideration. The minutes outline what the committee has been working on to date and can now be noted by Council.

**OFFICER'S RECOMMENDATION**

That the Unconfirmed Minutes of the Furneaux Group Shipping Special Committee meeting held on 19<sup>th</sup> November 2013 be noted.

**DECISION:**

**COUNCILLORS' REPORTS**

Nil

## MAYOR'S REPORT:

<b>ACTION</b>	<b>Information</b>
<b>PROPONENT</b>	Mayor Carol Cox
<b>FILE REFERENCE</b>	COU/0600
<b>ASSOCIATED PAPERS</b>	<i>Nil</i>

## REPORT:

### ACTIVITIES:

15/11/13	TasWater Owners Representatives Quarterly Report
19/11/13	Furneaux Shipping Special Committee Meeting
21/11/13	Council Meeting
27/11/13	Sub-Regional Alliance visit - meeting and tour
04/12/13	LGAT General Meeting - Launceston
04/12/13	Mayor's Dinner
05/12/13	Mayor's Workshop
05/12/13	Meeting with Launceston Airport CEO - Mr P Hodgen
06/12/13	Meeting with TasWater - Whitemark
06/12/13	Councillor Workshop
08/12/13	Revealing of plaque at donated playground equipment
09/12/13	Flinders Island District High School Association Meeting
11/12/13	Round Table Meeting for Productivity Commission Inquiry - Tasmanian Shipping

### **Productivity Commission Public Inquiry into Tasmanian Shipping and Freight**

The inquiry was opened on 29<sup>th</sup> November with submissions due by 13<sup>th</sup> December and a final report due to be produced by 7<sup>th</sup> March 2014.

The guidelines given on which to base submissions were:

#### *"Background*

*Tasmania is a small economy that relies heavily on sea trade. The shipping costs associated with getting goods to market are a concern for Tasmanian businesses and consumers. These transport costs create an additional cost burden for Tasmanian businesses compared to businesses on the mainland, which may be placing them at a disadvantage. While the Government operates three schemes to address the freight cost disadvantage, there is a concern that these are not delivering an efficient outcome or achieving the stated objectives.*

### Scope of Inquiry

- *Examine shipping costs, competition and shipping industry competitive structures across Bass Strait.*
- *Identify the factors inhibiting the provision of international shipping services to Tasmania.*
- *Examine the competitiveness of Tasmania's freight industry, economic infrastructure and possible reforms that would assist in enhancing effective competition, investment and productivity growth.*
- *Assess the merits and weaknesses of the current arrangements for supporting freight and passenger services between the mainland and Tasmania and provide recommendations on an appropriate future approach and/or arrangements.*
- *In making assessments in relation to matters in paragraph 4, the inquiry should:*

*Report on the freight and passenger tasks and their costs between Tasmania, Flinders and King Islands and the mainland of Australia; and between Tasmania and international ports;*

*Quantify any freight cost disadvantages for goods eligible under the Tasmanian Freight Equalisation Scheme and the Tasmanian Wheat Freight Scheme, identify their primary causes and assess the impact of that disadvantage on Tasmanian business;*

*Quantify any cost disadvantages for passengers travelling to Tasmania who are currently eligible for support through the Bass Strait Passenger Vehicle Equalisation Scheme;*

*Assess the effectiveness of the current schemes as a mechanism for addressing cost disadvantages, including identification of the costs and benefits, the impact on stakeholders, and any unintended consequences or distortionary effects of the current arrangements; and*

*Identify any alternative mechanisms that could more effectively address cost disadvantages, including assessing the full economic costs and benefits of any alternative mechanism."*

(taken from the website

<http://www.pc.gov.au/projects/inquiry/tasmanian-shipping/terms-of-reference>)

This information was circulated to Councillors, Furneaux Shipping Special Committee Members and other parties, including the Island News Editor. Council discussed the issues at a workshop and through emails. A round table discussion was held in Launceston on 11<sup>th</sup> December and the interests of the Furneaux Group were represented by the General Manager, myself, Mr Scott Anderson (livestock producer) and Mr Geoff Cossar (Markarna Park). The King Island Mayor represented that Municipality. There was a lot of discussion on the freight subsidy scheme, its strengths and weaknesses, and it was comforting to have the Head of Office of the Productivity Commission inform the meeting that the Federal Government had announced it was not intending to remove the scheme. With input from these varied sources and from previous relevant studies the General Manager has lodged a submission (previously circulated to Councillors) by the due date and I commend all involved in achieving this in the short time frame allocated.

### **TasWater**

I attended the presentation of the first quarterly report to Owners Representatives. The issue of head works charges was discussed and queries made on the calculation of head works charges for small rural communities. Due to the 29 council areas each previously having different charging regimes, it will take some time to get all customers to the same targeted price for equivalent supplies. The CEO, Mr Mike Brewster and the Chair, Mr Miles Hampton, held further discussions with Flinders Councillors at a meeting in Whitemark. Investigations are being made into a potable water supply for the towns of Whitemark and Lady Barron. If it is achieved the charge for the service will be the same as the supply of potable water elsewhere in Tasmania, once all water schemes reach the targeted cost.

### **Launceston Airport**

Although the sign into the Overflow Carpark at the Sharp Terminal at Launceston Airport displays a charge of \$2 for the first 20 minutes, the free drop-off period of 10 minutes still applies and cars exiting the carpark less than ten minutes after entering are not being charged. Paul Hodgen is the new CEO of Launceston Airport and has only been in the position for a short period of time.

### **Donated Playground Equipment**

As requested by the Goode family who put much work and thought into the donation of the bright playground equipment in the Whitemark playground, a plaque has been installed near the equipment recognising the large contribution Jimmy Xypteras made to the community.

### Flinders Island District School Association

The final meeting for 2013 was held on 9<sup>th</sup> December. Mr David Dunn would assist with liaison between the school and the Community Shed Group. Levies were ratified. The final Assembly will be on 16<sup>th</sup> December.

### CORRESPONDENCE IN:

Mrs Rosemary Walker	Emita Hall update from Committee Members & confirmation of commitment
Tasbus	New Policy Document - Moving People Tasmania
Tasmanian Audit Office	Report of the Auditor General- Infrastructure Financial Accounting in Local Government
Mr Tony Griggs	Launceston Airport Charges
Tasmanian Audit Office	Flinders Island - Report of the Auditor General - Draft
Department of Premier and Cabinet	Thank you for submission to <i>Dog Control Act 2000</i> Issues paper
Tasmanian Shipping	Alert to new Productivity Commission Inquiry into Tasmanian Freight and Shipping
Flinders Island District High School	Invitation - End of Year Assembly on 16/12/13
Tourism Northern Tasmania	Invitation to "Champions of Tourism" event
Mr David Conn	Collection of funds for emergency services
Director of Heritage Tasmania	Historic Cultural Amendment Bill 2012 passed - intent to proclaim on 1/3/2014
TasWater - Miles Hampton	Notice of Owners Representatives Quarterly Briefing 14/2/13
Mrs Dianne Walsh - Flinders Lions Club	Update on fundraising for passenger lifter
Mr David Williams	Final result of Run4acure
Hon Will Hodgman MP	Season's greetings
Break O'Day Council - Mayor	Season's greetings
The Governor of Tasmania	Season's greetings
General Manager Infrastructure Strategy	2011-12 Tasmanian Freight Survey completed - DIER website
The Hon David O'Byrne MP	Northern Integrated Transport Plan has been released
The Hon Warren Truss MP	New Community Development Grants Program
National Australia Day Council	Citizenship ceremonies

**CORRESPONDENCE OUT:**

18/11/13	Mrs Dale Williams, Tasmanian Regional Arts	Support Letter - Sharp Terminal Exhibition
26/11/13	Mrs Rosemary Walker	Re Emita Hall update
26/11/13	CEO TasWater	Information on Bluff Road Subdivision re headworks charges
26/11/13	Mr Tony Griggs	Re Launceston Airport Charges
10/12/13	Mr P Hodgen, Launceston Airport	Drop off time to Sharp Airlines Terminal

**PUBLICATIONS:**

ALGA	FOCUS, Vol. 29, No. 12, December 2013
Brighton Community News	December 2013
UTAS	Unitas October/November 2013
pitt&sherry	PS: Spring issue 2013
Stornoway	Rethinking tomorrow, Summer 2013

**VOTING REQUIREMENTS:**

Simple Majority

**RECOMMENDATION:**

That the Mayor's report be received and accepted.

## OPERATIONAL BUSINESS OF COUNCIL

### A. DEVELOPMENT SERVICES AND PLANNING APPLICATIONS

Item A1: Development Application – Cohen and Associates Pty Ltd  
File No: DA2013/0028  
Annexure 6: *AK Consultants Ag Report*  
Annexure 7: *Proposed Subdivision Plan*

Item A2: Development Application - D Short & S Arnold  
File No: DA2013/0010  
Annexure 8: *Bush Fire Management Plan*  
Annexure 9: *Title Sheet*  
Annexure 10: *Site Plan A*  
Annexure 11: *Site Plan B*  
Annexure 12: *Ground Floor Plan*  
Annexure 13: *Elevations*  
Annexure 14: *Sections*  
Annexure 15: *Proposed Power Shed Floor Plan*

### B. NOTICE OF MOTIONS

Item B1: Notice of Motion from Mayor Carol Cox – Investigation into Fuel Distribution  
File No: COM/0200

Item B2: Notice of Motion from Mayor Carol Cox – Essendon Airport Passenger Lifter  
File No: COM/0103

### C. CORPORATE SERVICES

Item C1: Draft Orders under Sections 70F, 84(2A) and 85B of the *Local Government Act 1993*  
File No: LEG/0600  
Annexure 16: *Draft Ministerial Orders*

### D. GOVERNANCE

Item D1: Ordinary Council Meetings & Councillor Workshops - Times and Dates 2014  
File No: COU/0203

**Item D2:** **Citizen of the Year Award Policy**  
**File No:** PUB/0800  
*Annexure 17: Citizen of the Year Award Policy*

**Item D3:** **Councillor Resolution Report**  
**File No:** COU/0600  
*Annexure 18: Councillor Resolution Report December 2013*

**Meeting Closed**

**A. DEVELOPMENT SERVICES AND PLANNING APPLICATIONS**

*Pursuant to Section 25 of the Local Government (Meeting Procedures) Regulations 2005 the Council will now act as a Planning Authority under the Land Use Planning and Approvals Act 1993.*

**Item A1: Development Application – Cohen and Associates Pty Ltd**

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Cohen and Associates Pty Ltd
<b>OFFICER</b>	Justin Simons (Consultant Town Planner)
<b>APPROVED BY SENIOR PLANNER</b>	Jo Oliver (Consultant Senior Town Planner)
<b>FILE REFERENCE</b>	DA2013/0028
<b>ASSOCIATED PAPERS</b>	<i>Annexure 6: AK Consultants Ag Report Annexure 7: Proposed Subdivision Plan</i>

Proposal: Subdivision (1 Lot and Balance Lot). Lot 1 less than 40ha in the Rural Zone.

Location: 1763 Lackrana Road, MEMANA (CT: 241033/35)

Applicant: Cohen & Associates Pty Ltd

Zoning: Rural Zone

**INTRODUCTION:**

Council has received an application for a subdivision (1 Lot and Balance Lot) at 1763 Lackrana Road, Memana. The property is zoned under the planning scheme as Rural Zone. The subject land is owned by D. A & P. M. Conn and adjoins another holding which is farmed in conjunction with the subject title. The subject property currently contains a house and an ancillary residential outbuilding (shed), as well as two large agricultural outbuildings and a stockyard. The land has two accesses off Lackrana Road.

The subject property is 284.6ha in area. The property is located immediately to the east of the Darling Ranges. The topography of the land is relatively flat. The land has been predominately cleared for agricultural use, with stands of riparian vegetation remaining along the watercourses traversing the site.

In close proximity to the house, the land contains small clusters of remnant vegetation. The existing house and outbuilding (shed) are identified as a residential use.

The proposal seeks to excise the existing dwelling, along with 20ha of land onto a separate title. Access to the land will use an existing access onto Lackrana Road. The landowners have identified this dwelling as being surplus to the requirements of their agricultural operations.

The application submits that the balance of the land, comprising 265ha, will continue to be farmed in conjunction with the titles to the north and east which are under the same ownership. Besides the construction of a new agricultural fence along the boundary, no new use or development has been proposed. Access to the balance lot will be via an existing access on Lackrana Road.

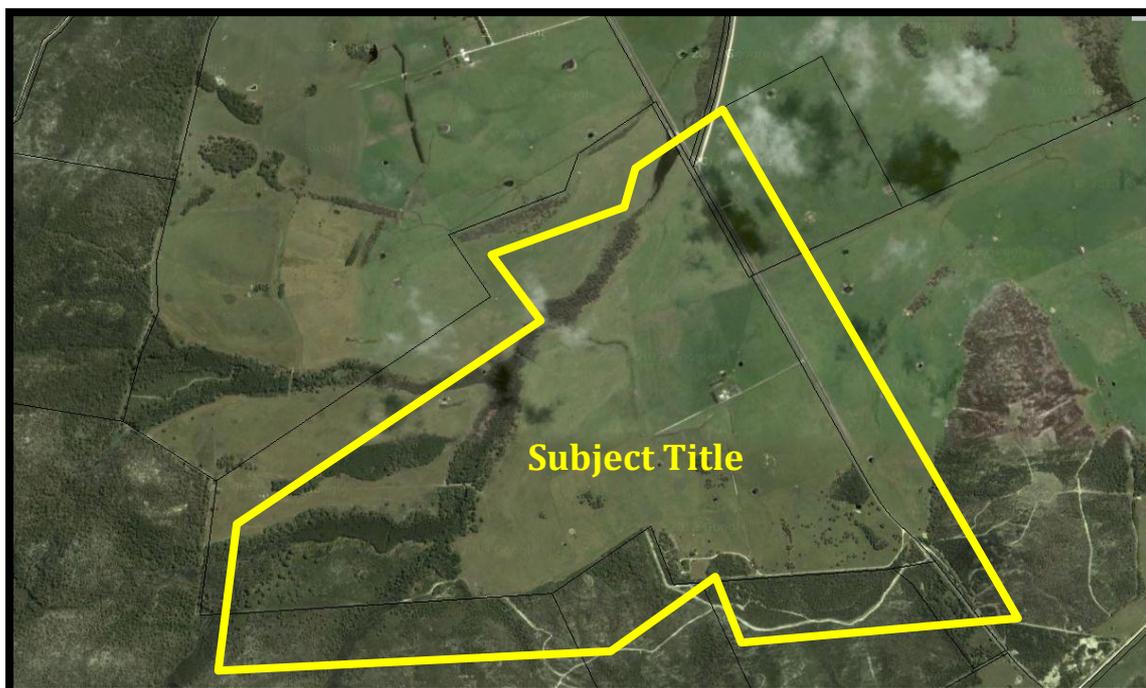


Photo 1: Subject site showing the approximate location of the title boundary.  
Source: [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au)

## Zoning

The subject property is located within the Rural Zone, pursuant to the Flinders Planning Scheme 1994. Figure 1 below shows the zoning of the property.

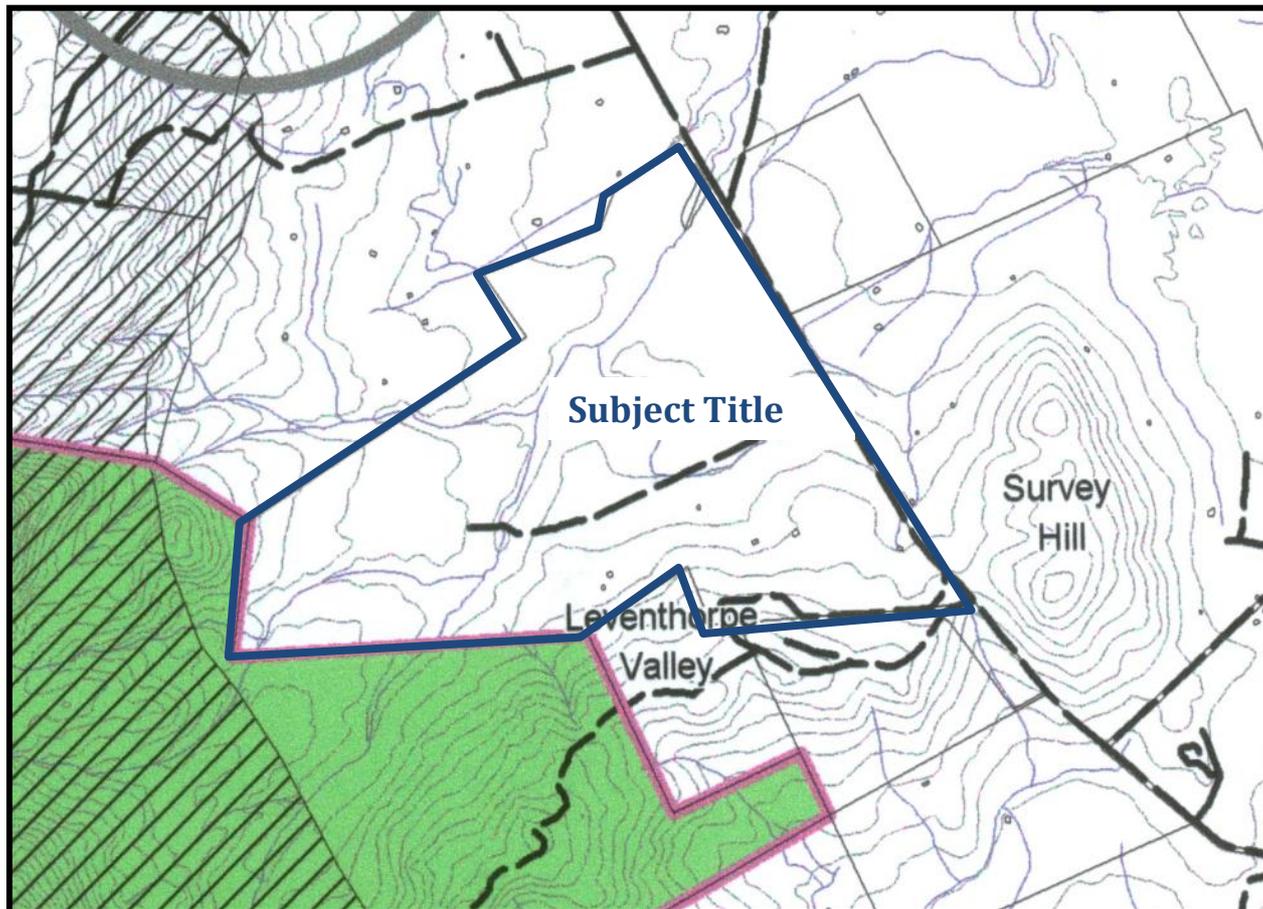


Figure 1: Zoning Map

The bordering properties to the north, east and south are also zoned Rural. The property to the south-west takes in the foothills of the Darling Ranges and is zoned Environmental Management and Recreation.

### **Statutory Timeframes**

Date Received: 24<sup>th</sup> October 2013

Advertised: 30<sup>th</sup> October 2013

Closing date for representations: 14<sup>th</sup> October 2013

Request for further information: N/A

Information received: N/A

Extension of time granted: 3<sup>rd</sup> December 2013

Extension of time expires: 20<sup>th</sup> December 2013

Decision due: 19<sup>th</sup> December 2013

**OFFICER'S REPORT:**

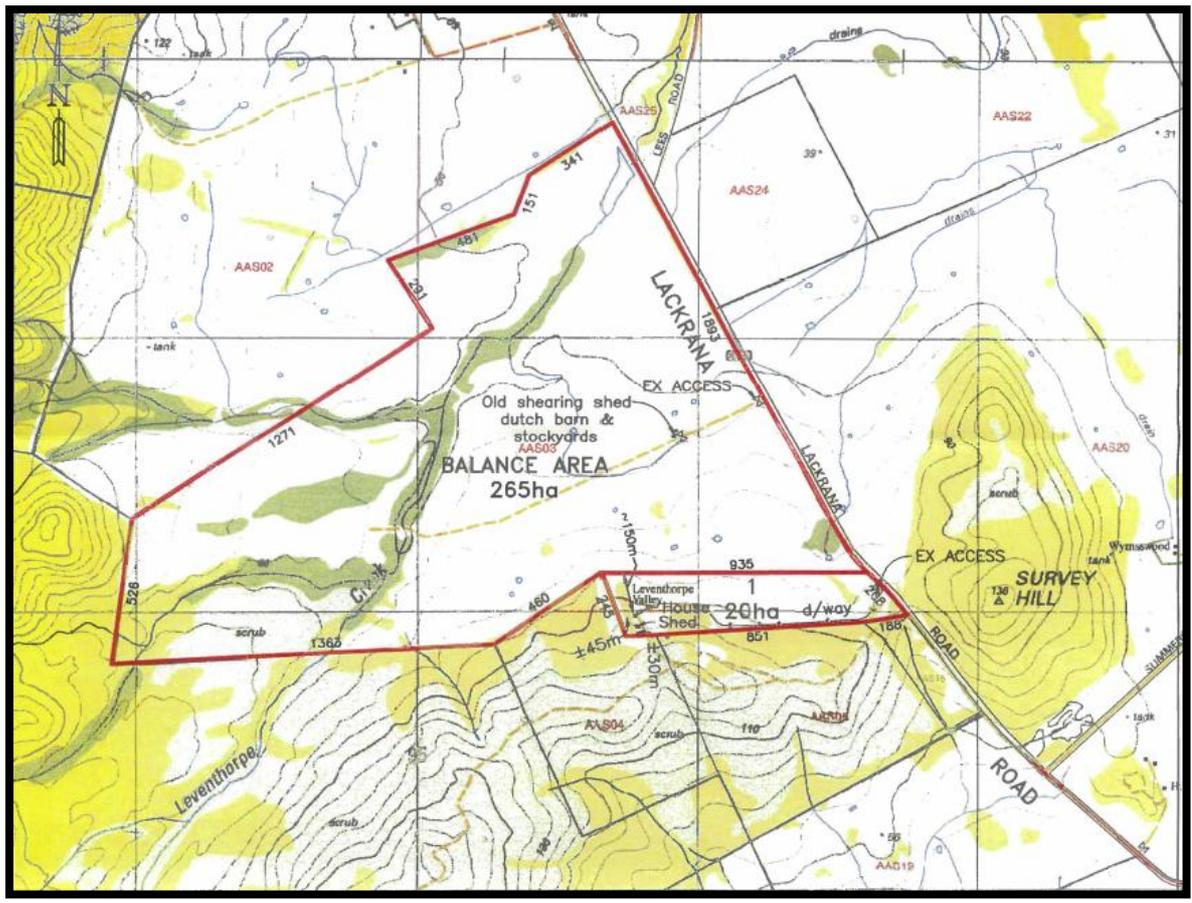
**General**

The application proposes the subdivision of a property at 1763 Lackrana Road, Memana into two lots for the purpose of excising a dwelling.

Lot 1 will have an area of 20ha and will include the existing dwelling and a residential outbuilding. The land will be used for residential purposes and will be accessed via an existing crossover on Lackrana Road.

The balance lot, Lot 2, will have an area of 265ha and will be accessed via a separate, existing crossover on Lackrana Road. Lot 2 will be used for agricultural purposes and will retain the existing stockyards, shearing shed and barn.

Figure 2 below shows the proposed subdivision.



**Figure 2: Proposed plan of subdivision.**



**Photo 2: Existing house at 1763 Lackrana Road (to be located on proposed Lot 1).**



**Photo 3: Existing access to proposed Lot 1 (showing remnant vegetation).**



**Photo 4: Subject land, looking north along Lackrana Road from the crossover to proposed Lot 2.**



**Photo 5: Subject land, looking south along Lackrana Road from the crossover to proposed Lot 2.**

### **Assessment:**

In accordance with Clause 5.8.3 (b), the proposed subdivision is subject to a discretionary application as proposed Lot 1 at 20 hectares does not meet the minimum lot size requirement of the Rural Zone (40ha).

### **5.8- Rural Zone**

#### **Zone Intent, Desired Zone Character and Zone Guidelines:**

The Intent of the Rural Zone is outlined under Clause 5.8.1 of the Scheme, which states:

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

The Desired Zone Character and Zone Guidelines are outlined under Clause 5.8.2 of the Scheme, which state:

- (a) The use or development of small existing rural lots for the purpose of residential living shall only be approved where such use of development is compatible with an existing or potential agricultural use of that land or surrounding lands.*
- (b) Use or development should enhance the rural character of the zone. Buildings should be substantial distances from the road frontage and apart, unless inappropriate for operational or topographical reasons. Where land clearance is undertaken it should be visually sympathetic; important trees (or strands of trees) should be retained, important hilltop locations should not be cleared and location of trees and shrubs along fence lines, property boundaries, watercourses and at property entrances is encouraged. Buildings and structures for aquaculture should be sited with regard to the*

*protection of coastal scenery and compatibility with recreational use of the coastline.*

- (c) *Land use or development and management practices shall be environmentally appropriate and shall avoid contamination or despoliation of the land, ground water, watercourses, shorelines, lagoons and marshes. Sand-dunes and coastal vegetation and ecologically important areas shall be protected from degradation.*
- (d) *Forestry activities in the zone shall be in accordance with Forest Practices Codes.*

#### **COMMENT:**

The proposed subdivision is considered to be in keeping with the Zone Intent. Although the proposal will result in the creation of a new, sub-minimal lot in the Rural Zone, the use of the land will be largely unchanged. The existing dwelling and residential use will be restricted to the smaller 20ha with the balance continuing to be used for agricultural activities.

An agricultural report submitted with the application demonstrates that the agricultural capacity of the land will not be adversely impacted by the excision of the house. The proposed boundaries are located a sufficient distance (150m) to the north of the existing dwelling, ensuring the impacts of the dwelling on agricultural activities and vice versa are adequately mitigated. The excision of the house will allow the owner of the balance to concentrate financial resources into the agricultural activities, in conjunction with the adjoining title to the north, which also contains a dwelling. The subject dwelling is excess to requirements for the farm and unnecessary for the management of the land.

However, it is noted that as the balance land will retain a separate title and is 265ha in area, there remains the potential for an application to be made in the future for a new dwelling on this land. Whilst the incremental increase of housing on small lots is not in keeping with the Zone Intent or Desired Zone Character and Zone Guidelines, the priority for the zone is the continuation of and investment in agricultural uses. Divestment of surplus houses is an important mechanism to ensure that farms are not unnecessarily burdened with the costs of unnecessary infrastructure as it becomes increasingly necessary for farms to expand to maintain viability. For Flinders Island, this issue has an additional impact, whereby the maintenance of usable housing stock is an important factor in population retention and growth, consistent with the overall intent of the Scheme to “*foster the social and economic well-being of the community*”.

The agricultural report submitted with this application also suggests that a dwelling is not necessary for the management of the land. Any potential future application for a dwelling on the balance land can be addressed at that time. In reality, in the context of the whole title, the application proposed is marginally less in size and impact on the agricultural land, than a lot that would meet the minimum lot size for the zone.

As the proposal is for subdivision only and accesses are already established, no works or development are proposed, besides some new agricultural fencing along the proposed boundary. No vegetation clearance is proposed and the visual appearance of the land will remain as existing. Subdivision will not be fragmenting or diminishing the agricultural potential of the land, as productive land will be concentrated within the proposed balance lot and little agriculture is undertaken on the land comprising Lot 1. There will be minimal change to the existing use pattern.

The creation of a residential lot is only contemplated by the Desired Zone Character and Zone Guidelines where it is demonstrated that the land which is comprised in Lot 1 is compatible with any existing or potential agricultural use on the title or surrounding land. The agricultural report recognizes that the land contained in Lot 1 is not currently used for agriculture, the residential use of the land will not be intensified and setback distances to new boundaries are a sufficient buffer.

### **5.8.3 Subdivision Standards**

The proposed Lot 1 (20ha) does not meet the minimum lot size required by Clause 5.8.3 (a). A lot less than 40ha may be approved at Council's discretion for a use, other than agriculture, that is consistent with the Zone Intent, Desired Zone Character and Zone Guidelines.

As the proposal has demonstrated that it is in the interests of primary industry production, the proposal is considered to be in keeping with the Zone Intent.

In accordance with Clause 5.8.3 (c), an agricultural report has been submitted with the application demonstrating that the land to be excised has limited agricultural potential. The land has shallow sandy soils, with poor drainage, rock outcrops and remnant vegetation. While some areas have been classified as having a Class 5 land capability, these areas are so small that it is impossible to manage them as such. Overall, proposed Lot 1 has a land capability of Class 6 and would be best retained under the existing natural vegetation cover.

The Balance Lot of 265ha is significantly greater in area than the 40ha minimum lot size.

## **Part 6 Use and Development Principles**

### **6.1 Use**

- (a) Use or development shall not unreasonably impact on any existing or intended use or development of neighbouring land.*
- (b) Subdivision of land shall be carried out in accordance with the subdivision provisions for the Zone within which the land is located or where that is not appropriate in accordance with:
  - (i) The requirements of the intended use, and*
  - (ii) the Zone intent, or alternatively by*
  - (iii) an approved Development Plan that has been adopted by Council and inserted as a provision in the Scheme.**

#### **COMMENT:**

The proposal will not unreasonably impact use and development of neighbouring land. The dwelling is existing and the impacts of creating a smaller lot are discussed above. While the boundary to the east, south and west will not be altered, the proposed boundary to the north is located 150m from the dwelling providing sufficient distance separation between neighbouring use and development. The balance will be used for agriculture, in keeping with the land to the north and east. Use and development in proximity to the Environmental Management and Recreation Zone to the west will be unchanged.

The proposal does not comply with the minimum lot size prescribed for the Rural Zone, however a dispensation is considered acceptable given that the proposal is for the benefit of agricultural productivity (see comments above).

### **6.2 Character**

- (a) Use and development shall adequately respect the character of, and future intentions for the area in which it is to be located.*
- (b) Subdivision layout, particularly roads, shall take adequate account of the land contours and the need to avoid visual scarring.*
- (e) Where trees are an important element in the character of an area they should be retained.*

## COMMENT:

As the application is for subdivision only and no new works or development are proposed, the proposal will not adversely impact the character of the area and the visual appearance of the site and landscape will be largely unaltered.

Access to the proposed lots will be via existing crossovers from Lackrana Road. No new roads are proposed.

The existing vegetation on the site will be retained.

### 6.3 Amenity

*(a) Adequate public open space shall be provided in areas of new subdivision, to meet the recreational and open space requirements of the community generally and particularly the new owners of the lots created by subdivision.*

*(b) Use or development shall accord all existing and/or future occupiers with adequate and reasonable levels of amenity, especially in relation to privacy, sunlight, aspect, views and noise disturbance.*

*(c) Dwellings shall provide an adequate amount and appropriate type of private open space, to meet the expected lifestyle requirements of occupants. Such private open space shall provide adequate privacy, be exposed to reasonable levels of sunshine and directly accessible from the dwelling to which it belongs.*

## COMMENT:

The subdivision proposes to create an additional allotment which has the potential to accommodating future residential development. It is anticipated that increased residential development will result in increased demand on public open space areas. Where the developer does not incorporate adequate public open space into the subdivision design, Council requires the payment of a Public Open Space Contribution in lieu.

Lot 1 is of sufficient size that the occupants of the dwelling are afforded a reasonable level of amenity and private open space. The new title boundary to the north is 150m away from the dwelling. This is considered sufficient separation to mitigate potential land use conflicts and provide an adequate degree of privacy.

## 6.4 Environment

- (a) *Use or development shall not be allowed to detrimentally affect the environment. All areas and sensitive ecological and/or visual areas in particular, shall be developed in a manner and to an extent which is consistent with the protection of the values of the area.*

### COMMENT:

The Leventhorpe Creek traverses proposed Lot 2 and the land to the west is zoned Environmental Management and Recreation and is in an Ecologically Significant Area. The application is for subdivision only and no new works are proposed which will adversely impact the environmental values of the land or adjoining land. No vegetation clearance is proposed. A Natural Values Atlas Report has also identified a threatened flora species on the subject title, however this is located in excess of 500m from the proposed title boundary.

- (c) *Use or Development shall not be located in areas of unacceptable risk (eg. from fire, flood or landslip). In situations where risk may exist, use and development shall be appropriately sited and designed to provide an acceptable level of protection and safety for future users. In particular.*
- iii. *Use and development in bushfire prone areas will comply with the provisions of Schedule 7 Development in Bushfire Prone Areas or some other provisions acceptable to Council and the Tasmania Fire Service.*

### COMMENT:

The proposed subdivision is not located in an area of unacceptable risk. As the existing dwelling will be located 150m from the proposed northern boundary and the east, west and south boundaries will not be altered, it is not considered that the risk from bushfire will be increased by the subdivision. The existing dwelling has sufficient area to meet the maximum requirements for Building Protection Zones and Fuel Modified Buffer Zones within the boundaries of the proposed Lot 1. However, as the proposal is not considered to increase the risk associated with bushfire there is no trigger to require these zones to be established.

- (f) *Use or development shall be of a suitable form and siting to avoid any adverse impact on any watercourse and vice versa. Use or development (including the siting of effluent disposal systems) shall be setback a minimum of 40 metres, or such distance as is required, from a watercourse to avoid degradation of water quality.*

## COMMENT:

The proposed boundary is not located within 40m from a perennial watercourse. The application is for subdivision without works and the use of the land will largely be as existing.

### 6.5 Heritage

## COMMENT:

The subject title is not heritage listed. If an item of potential Aboriginal significance is located during any works, the applicant is required under the *Aboriginal Relics Act 1975* to report the finding.

### 6.6 Access and Parking

- (a) All new lots must be provided with satisfactory pedestrian and vehicular access to a public street.*

## COMMENT:

The subject title currently has two accesses onto Lackrana Road. As the use of the land will not be intensified as a result of the subdivision, these accesses are considered to be sufficient. The southern access will provide independent access to the dwelling on Lot 1, while the crossover to the north provides access to the cluster of agricultural buildings on the balance lot.

### 6.7 Services

- (a) Use or Development shall be provided with adequate and appropriate services which are suited to the lifestyle requirements of people, the nature of the location, and the ability of the community to provide.*
- (c) In areas not serviced with water use or development shall provide adequate water supply and effluent disposal systems. Each dwelling shall provide a potable water storage facility (minimum capacity of 40kl) to provide for the anticipated number of occupants, and a wastewater disposal system approved by the Council's Environmental Health Officer.*
- (e) Use or Development shall be appropriately sited, designed and constructed to avoid conflict with service mains (including telephone, power, sewer, water and irrigation channels/pipelines). Buildings shall*

*not be erected over any service main or within any easement providing for same whether utilised or not.*

**COMMENT:**

No additional services or infrastructure are required as a result of the proposal. The land is not serviced by TasWater infrastructure. The existing on-site waste water treatment system associated with the dwelling will be entirely contained within Lot 1.

The water supply to the dwelling will be as existing. There are no easements indicated on the certificate of title. Power is drawn from overhead lines along Lackrana Road.

**6.8 Social Interest**

1. *Use or Development should demonstrate how it suits the community interest.*
2. *Use or Development shall have adequate and appropriate types and levels of access to social facilities and services (eg. Shops, government agencies, telecommunications, health services and educational facilities).*

**COMMENT:**

The proposed development does not conflict with the interests of the community and does not increase the need for social facilities or services

**6.9 Administration**

- (a) *In considering subdivision and/or rezoning proposals, an appropriate balance shall be maintained between current demand and stock available for use or development, and the number of new lots that would be created.*

**COMMENT:**

One additional lot will be created. This is not considered to exceed demand.

**Part 7**

**7.5 Shorelines, Water Bodies and Watercourse**

While the Leventhorpe Creek traverses the subject title, the proposed boundary changes will be located in excess of 700m from the watercourse. No

change of use or works are proposed and the land within the vicinity of the creek will not be impacted. The proposal does not pose a threat to environmental values and no vegetation is proposed to be removed.

### **Schedule 7 Development in Bushfire Prone Areas**

As the dwelling is existing and the proposed boundary is located 150m to the north, the risk of bushfire is not considered to be increased by the proposal. Lot 1 has sufficient area that bushfire protection zones can be achieved within the boundaries of the lot should they be established in the future (see comments above).

### **Clause 3.10 Consideration of Applications for Planning Permits**

The relevant provisions of Clause 3.10 are discussed below:

- 1. The objectives, the intent of the zone, use and development principles, any development plan affecting the land and any relevant development standards or other relevant requirements of the Scheme.*

#### **COMMENT:**

The intent and principles of the Rural Zone have been discussed above. The proposed subdivision is considered in keeping with these requirements.

- 3. Any representations received following public notification where required under the Act.*

#### **COMMENT:**

The application was advertised for the statutory 14 day period and no representations were received.

- 4. Whether any part of the land is subject to:*

*(a) Bush fire hazard:*

#### **COMMENT:**

Bushfire hazard has been discussed above.

*(f) Any Special Area Provisions in Part 7*

**COMMENT:**

The proposed boundary is located in excess of 700m from the Leventhorpe Creek.

5. *Whether the proposed use or development is satisfactory in terms of its siting, size or appearance and levels of emissions in relation to:*

*(a) Existing site features;*

**COMMENT:**

As discussed, the subdivision will not alter the current landscape.

*(b) Adjoining land*

**COMMENT:**

The proposed subdivision will not have an adverse impact on the adjoining land. No change of use or works are proposed in close proximity to adjoining land and the use and appearance of the land will be largely as existing.

*(c) The streetscape and/or landscape*

**COMMENT:**

The proposed subdivision will not alter the appearance of the landscape or streetscape. The visual impact of any future development will be considered if or when an application is lodged.

*(d) The natural environment*

**COMMENT:**

The environmental characteristics of the land have been discussed above. The application is currently for subdivision without works, apart from a new agricultural boundary fence, no works or vegetation removal are proposed.

*(f) Buffer zones, attenuation areas*

**COMMENT:** The land is not within a Buffer/Attenuation Area.

*(g) Easements*

**COMMENT:**

The land is not subject to any easements.

*(h) A water supply for firefighting purposes*

**COMMENT:**

The risk of bushfire is not considered to have increased in regard to the existing dwelling. As such, there is no requirement for additional firefighting provisions.

*(i) Any received pollution*

**COMMENT:**

The proposed boundary has been placed a significant distance to the north of the dwelling to ensure that emissions from agricultural activities on the balance lot do not have a detrimental impact on the use of the dwelling, and vice versa.

The application does not suggest that the subdivision will result in any form of pollution not currently associated with the dwelling or agricultural activities.

*(j) The escape of pollutants into storm drains and watercourses: and*

**COMMENT:**

The application is for subdivision only. The drainage of storm water and waste water will be as existing.

*(k) Isolation, separation from other lands.*

**COMMENT:**

The boundaries to the east, west and south of Lot 1 will be as existing. The boundary to the north is located 150m from the dwelling. This is considered to provide sufficient separation from the adjoining land use.

*6. Whether the proposed use or development will be supplied with an adequate level of infrastructure and services, and if there is any necessity to improve deficient access, roads or road junctions, water, sewerage, electricity or transport services and the like, without detriment to existing users.*

**COMMENT:**

Access to the proposed lots will be taken from Lackrana Road, via existing accesses. The lots are of sufficient size that onsite waste water treatment and water collection are possible. An overhead power line runs along Lackrana Road and is accessible from both lots. It is considered that there are no additional demands on services.

7. *Whether the proposed use or development would adversely affect the existing and possible future use or development of adjacent land, and vice versa.*

**COMMENT:**

The impact of the proposal on the existing uses and possible future uses of adjoining land has been discussed. The land use will be largely as existing.

9. *The sight distance available to and from proposed point(s) of access, together with an estimate of the speed of passing traffic.*

**COMMENT:** Access to the land is via existing access points. The use of these accesses is not proposed to be intensified.

**Referrals**

The application was referred to:

- Environmental Health

No comment

- Works

No comment

**State Policies**

**Tasmanian State Coastal Policy 1996**

The subject title is not located within the 'Coastal Zone' and is not subject to the Tasmanian State Coastal Policy 1996.

### Tasmanian State Policy on Water Quality Management 1997

As the subdivision boundary will be in excess of 700m from the watercourse it is not considered to have any detrimental impact on the creek. As there is no proposed change of use or intensification of current agricultural practices, the subdivision will not impact perennial watercourses any more than existing. The proposal does not suggest the future use of the land will produce any emissions not normally associated with a dwelling or agricultural activities.

### Tasmanian State Policy on the Protection of Agricultural Land 2009

The proposed subdivision is considered to be in keeping with the PAL Policy. The land of which Lot 1 is comprised is Class 5-6, non-prime agricultural land and is currently not used for primary industry activities. An agricultural report submitted with the application demonstrates that the residential use of Lot 1 will not adversely impact the agricultural use of the adjacent land and vice-versa or convert agricultural land. The proposal will result in a net benefit for primary industry by allowing greater investment in the productivity of the land, rather than surplus dwellings.

#### **STATUTORY REQUIREMENT:**

The application was advertised for 14 days in accordance with the Act and no representations were received.

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

The relevant strategic outcome and strategies of the Flinders Council Strategic Plan 2011 is outlined under *Land Use, Development and Building*.

The strategic outcome is identified as:

*“A productive system of land and building development that promotes investment and activity while protecting people and the environmental characteristics of the Flinders municipal area.”*

The proposal is considered to be in keeping with this strategic outcome, promoting investment in primary industry activities and allowing for residential lifestyle option without compromising the Zone Intent and Desired Zone Character and Guidelines.

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

Not applicable.

#### **OFFICER'S RECOMMENDATION:**

That the application for the subdivision (Lot 1 and Balance Lot), Lot 1 less than 40ha in the Rural Zone, by Cohen and Associates Pty Ltd for land located at 1763 Lackrana Road, Memana (CT:241033/35) be APPROVED generally in accordance with the endorsed plans and subject to the following conditions:

- 1. Notwithstanding additional requirements below, the development as shown on the endorsed plans must not be altered or modified except with the written consent of Council.**
- 2. Except for the prior written consent of the Council, covenants or similar restrictive controls must not be included on the titles created by this permit if they seek to prohibit any use or development provided for in the Flinders Planning Scheme or place limits on the size or number of dwellings that may be established.**
- 3. Prior to the sealing of the final plan, a payment to Council of \$1409.00 as an amount equal to 5% of the land value for the newly created lot as a public open space contribution, is required.**

Note:

1. Council will undertake periodic reviews of approved developments to ensure compliance with Planning Permit conditions.
2. This permit is granted pursuant to the *Land Use Planning and Approvals Act 1993* and does not constitute any other approval required under any other Act or Regulation.
3. 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.
4. Where any other approvals under this Act or any other Act are required for the proposed use or development to which this permit relates, the permit does not take effect until those approvals have been granted.
5. This permit takes effect 14 days after the date of Council's notice of determination or at such time as any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined. If an applicant is the only person with a right of appeal

pursuant to Section 61 of the *Land Use Planning and Approvals Act 1993* and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing. A copy of Council's Notice to Waive Right of Appeal is attached.

**Item A2: Development Application - D Short & S Arnold**

<b>ACTION</b>	Decision
<b>PROPONENT</b>	D Short & S Arnold
<b>OFFICER</b>	Justin Simons (Consultant Town Planner)
<b>APPROVED BY SENIOR PLANNER</b>	Martin Gill (Consultant Senior Town Planner)
<b>FILE REFERENCE</b>	DA2013/0010
<b>ASSOCIATED PAPERS</b>	<i>Annexure 8: Bush Fire Management Plan Annexure 9: Title Sheet Annexure 10: Site Plan A Annexure 11: Site Plan B Annexure 12: Ground Floor Plan Annexure 13: Elevations Annexure 14: Sections Annexure 15: Proposed Power Shed Floor Plan</i>

**Proposal:** House and Residential Outbuilding, requiring dispensation for reduced setback to High Water Mark in the Rural Zone, within the Special Area: Shorelines, Water Bodies and Watercourses.

**Location:** Land off Pot Boil Road (CT:153145/3), with access via existing right of way through 168 Pot Boil Road (CT:153145/1) and 170 Pot Boil Road (CT:143145/2), LADY BARRON.

**Applicant:** D Short & S Arnold

**Zoning:** Rural Zone

### **INTRODUCTION:**

Council has received an application for the construction of a house and outbuilding at land off Pot Boil Road (CT:153145/3). The subject title is 6.553ha in area and located in the Rural Zone.

The site is located less than 10m above sea level and backs onto White Beach and Adelaide Bay. While the title does not front a Council maintained road, it takes access from Pot Boil Road via an existing right of way over 168 and 170 Pot Boil Road. The land is currently vacant.

The topography of the property is characterised by a mild incline, increasing from the high water mark to approximately 5.3m above sea level at the eastern boundary. Site vegetation is predominantly coastal scrub, however some vegetation clearance has been undertaken along the southern boundary and at

the western end of the lot. Relatively dense native shrubs and trees are situated along the west boundary and on the adjoining Crown Land. The lots to the north, east and south are also largely vegetated.



Photo 2: Subject site showing the approximate location of the title boundary.  
Source: [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au)

## Zoning

The subject property is located within the Rural Zone, pursuant to the Flinders Planning Scheme 1994.

Figure 1 below shows the zoning of the property.

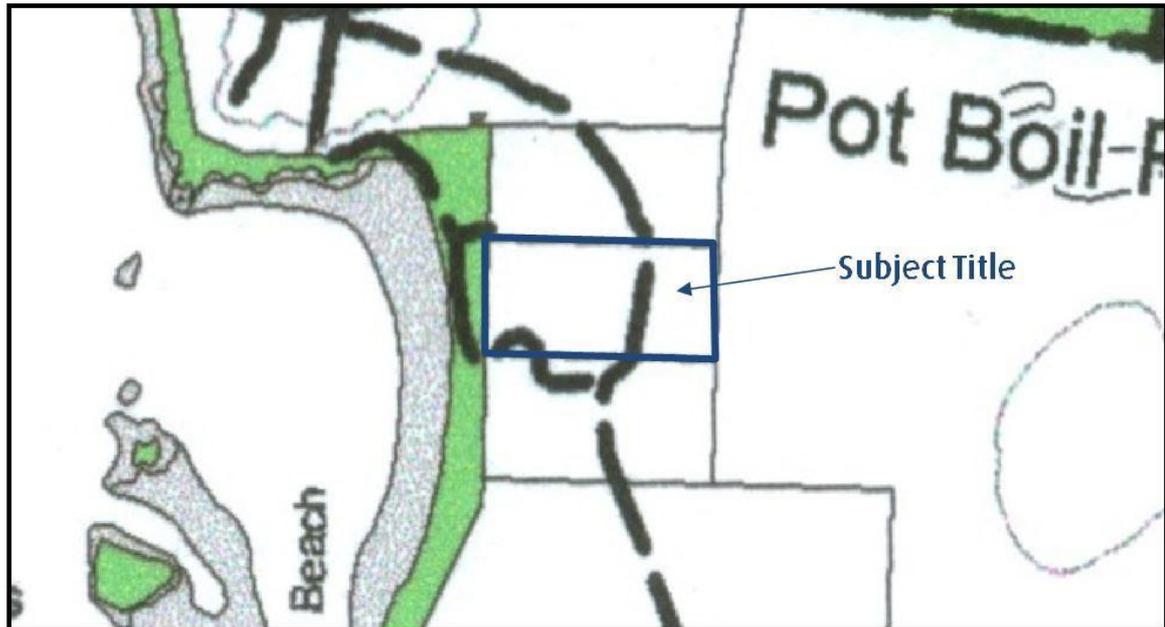


Figure 1: Zoning Map

### Statutory Timeframes

Date Received: 28<sup>th</sup> May 2013  
Request for further information: 17<sup>th</sup> June 2013  
Information received: 11<sup>th</sup> November 2013  
Advertised: 27<sup>th</sup> November 2013  
Closing date for representations: 11<sup>th</sup> December 2013  
Extension of time granted: 28<sup>th</sup> November 2013  
Extension of time expires: 20<sup>th</sup> December 2013  
Decision due: 19<sup>th</sup> December 2013

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

#### General

The application proposes the construction of a house on vacant land off Pot Boil Road (CT:153145/3). The house consists of three bedrooms (one with ensuite), an open plan kitchen/dining/living room, bathroom and decks.

The house will be built on a single level and will be constructed of smooth rammed earth, with Colorbond and timber infill panels in grey tones. The finished floor level of the dwelling will be elevated approximately 1.3m above

natural ground level in order to gain views of the ocean above the coastal vegetation.

Power will be produced onsite, via solar panels mounted on a separate 9m by 10m outbuilding, constructed of treated pine and roofed in 'River Gum Green' Colorbond. The outbuilding will also house a backup generator.

The development will require some vegetation clearance in accordance with the submitted Bushfire Hazard Management Plan, however significant vegetation removal has already occurred on the site.

Figure 2 below shows the proposed site plan.

The house and outbuilding plans are attached.

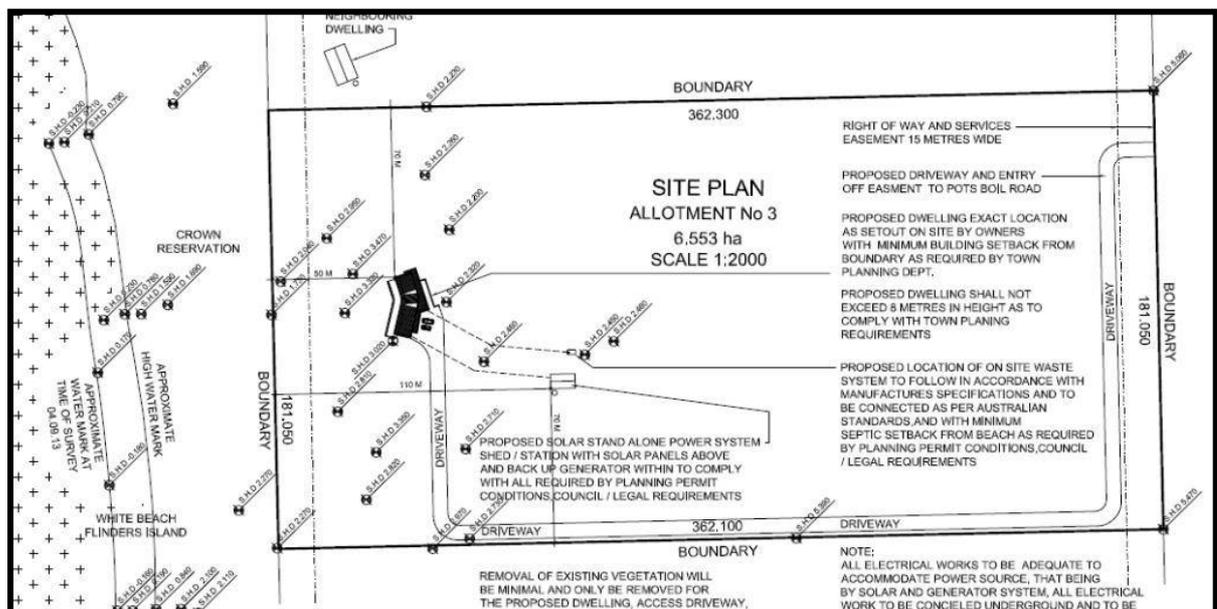


Figure 2: Proposed site plan showing the location of the proposed house and outbuilding.

The subject property is zoned Rural. The adjoining land to the north, east and south are also zoned Rural, while the Crown Land to the west is zoned Environmental Management and Recreation.



**Photo 2: subject title looking west, showing existing clearance within the interior of the site, extending approximately to the west boundary.**



**Photo 3: West boundary of the site, showing the existing vegetation extending westward onto Crown Land.**



**Photo 4: North boundary of the site, showing the existing vegetation.**



Photo 5: Existing right of way providing access to the site, looking south toward the subject lot.



Photo 6: White Beach, showing the proximity of coastal vegetation to the high water mark and the visible horizon.

**Assessment:**

The proposal is subject to a discretionary application, being for residential use and development in the Rural Zone. The land is also located within the Special Area: Shorelines, Water Bodies and Watercourses, and the proposed dwelling requires dispensation for a reduced setback to the High Water Mark.

## **5.8- Rural Zone**

### **Zone Intent, Desired Zone Character and Zone Guidelines:**

The Intent of the Rural Zone is outlined under Clause 5.8.1 of the Scheme, which states:

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

The Desired Zone Character and Zone Guidelines are outlined under Clause 5.8.2 of the Scheme, which state:

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

*lagoons and marshes. Sand-dunes and coastal vegetation and ecologically important areas shall be protected from degradation.*

- (d) *Forestry activities in the zone shall be in accordance with Forest Practices Codes.*

**COMMENT:**

The proposed development is generally in keeping with the Zone Intent, and Desired Zone Character and Guidelines. The Zone Intent allows for certain compatible non-agricultural uses and development under particular circumstances. A residential use is considered to be acceptable for the subject land. Due to the close proximity to the ocean, extensive natural vegetation cover and the small size of the lot (6.5ha), the subject land is considered to have minimal potential for agricultural production.

The use of the land for residential purposes is considered to be in keeping with the Desired Zone Character. The subject land is one of five sub-minimal lots, accessed off Pot Boil Road, which lend themselves toward a residential use rather than agriculture. Three of these lots have areas of approximately 6.5ha, while the lots to the north and south have areas of approximately 13 and 23ha respectively. The two titles immediately to the north of the subject land already contain dwellings and are used for residential purposes (see Photo 7 below). The lot to the north-west also contains a dwelling.



Photo 7: Aerial photo showing cluster of sub-minimal lots and location of existing dwellings  
(Source: The LIST)

The land to the east of the subject title is 200ha in area, however the land remains predominately vegetated and primary industry activities are minimal. The proposed dwelling is located approximately 500m from the eastern boundary. This is considered to be sufficient distance separation to mitigate the impacts of any adjoining primary industry activities on the dwelling and vice versa.

While significant vegetation clearance will be undertaken to accommodate the development, this clearance will be limited to that required to achieve an acceptable reduction in bushfire risk.

#### **5.8.4 Development Standards**

The maximum height of the proposed dwelling is 5.45m above natural ground level. The height of the proposed outbuilding is 5.3m. The maximum height prescribed for development in the Rural Zone is 8m.

As there are no tall buildings or vegetation in the vicinity, solar access to the dwelling is unrestricted. The design of the proposed dwelling includes a significant number of windows, to make use of the natural light.

Table 1 below shows the proposed setbacks of the house and outbuilding from the title boundaries and site features.

**Table 1: Proposed setbacks**

	House	Outbuilding
North Boundary Setback	70m	102m
East Boundary Setback	297m approx.	242m
South Boundary Setback	92.5m approx.	70m
West Boundary Setback	50m	110m
High Water Mark Setback	96m approx.	163m

The proposed developments meet the minimum setback from the boundaries (20m) required of all buildings located in the Rural Zone.

Although the proposed setback of the house from the High Water Mark is less than the zone standard (100m), a reduced setback is considered to be acceptable. The proposed setback, 96m, is just 4m less than the standard and is considered to be a minor deviation from the scheme standards.

The land to the west of the title is zoned Environmental Management and Recreation and is comprised of White Beach and coastal vegetation. Between the beach and the dwelling, a dense stand of coastal scrub, 46m in width, effectively screens the development from view and provides an adequate buffer between the dwelling and publicly accessible land.

The setback of the proposed dwelling from the High Water Mark is similar to that of the dwellings at 160, 168 and 170 Pot Boil Road to the immediate north, which are setback 88m, 90m and 80m from the High Water Mark Respectively.

The proposed house will be finished in grey tones and natural timbers, while the outbuilding will be constructed of treated pine, with a 'River Gum Green' roof. All colours are non-reflective and are considered to harmonise with the natural tones of the surrounding landscape.

The impact of the proposed development on the use and development of agricultural land in the vicinity has been discussed in relation to the Zone Intent, and Desired Zone Character and Guidelines above.

## **Part 6 Use and Development Principles**

### **6.1 Use**

*(a) Use or development shall not unreasonably impact on any existing or intended use or development of neighbouring land*

## COMMENT:

As a result of the historic pattern of subdivision and the existing use of lots to the immediate north, the subject title lends itself more to residential forms of development rather than agriculture. While the land to the east is not currently used for agriculture and largely retains natural vegetation cover, the proposed development is not considered to compromise the agricultural potential of the title. The dwelling will be setback 297m from the east boundary, a distance separation considered sufficient to mitigate any potential land use conflicts.

The title to the north is used for residential purposes, while the title to the south has similar characteristics to the subject lot and lends itself more to residential development than agriculture.

To the west the land is Crown Land and zoned Environmental Management and Recreation. A dense strip of coastal scrub, in excess of 2m in height and approximately 46m in width provides a natural buffer between White Beach and the subject title.

### 6.2 Character

- (a) *Use and development shall adequately respect the character of, and future intentions for the area in which it is to be located.*
- (c) *Use or development (including public facilities and services) should adequately respect the surrounding streetscape and neighbouring use or development, particularly in relation to scale, setbacks, form (including roof shape), landscaping, materials, colours and fencing.*
- (e) *Where trees are an important element in the character of an area they should be retained.*

## COMMENT:

The historic pattern of subdivision has resulted in a number of lots in the area, including the subject lot, which lend themselves to a residential form of development due to their small size and proximity to the ocean. The proposed dwelling is considered to be in keeping with the residential character established by the existing dwellings on the three lots to the north of the subject site. The land to the east and south remains vacant and largely unimproved, with no established character.

The subject site is not visible from Pot Boil Road, being located 500m from the road and screened by a significant area of natural vegetation. The proposed development and vegetation clearance will also have minimal visibility from the

Crown Land to the west (White Beach). The subject site is very flat, rising just 3.4m over 96m (1:28) between the High Water Mark and the dwelling. Due to the flat slope and coastal vegetation (in excess of 2m in height), the horizon is very close to the beach and views further inland are highly restricted (see Photo 8 below). The remaining coastal vegetation on the Crown Land Reserve is considered to be sufficient to adequately screen the dwelling and associated clearance from view. As White Beach is relatively narrow, it is difficult to get back far enough to gain a direct view inland to the dwelling and cleared areas and it is likely that only the upper portions of the dwelling will possibly be visible and that at a distance of 96m due to the coastal vegetation.

As the Bushfire Hazard Management Plan only requires clearance to 35m from the dwelling and the applicants have indicated no additional vegetation clearance will occur, an additional 15m wide buffer of vegetation will remain along the west title boundary, adjoining the existing vegetation in the Crown Land.



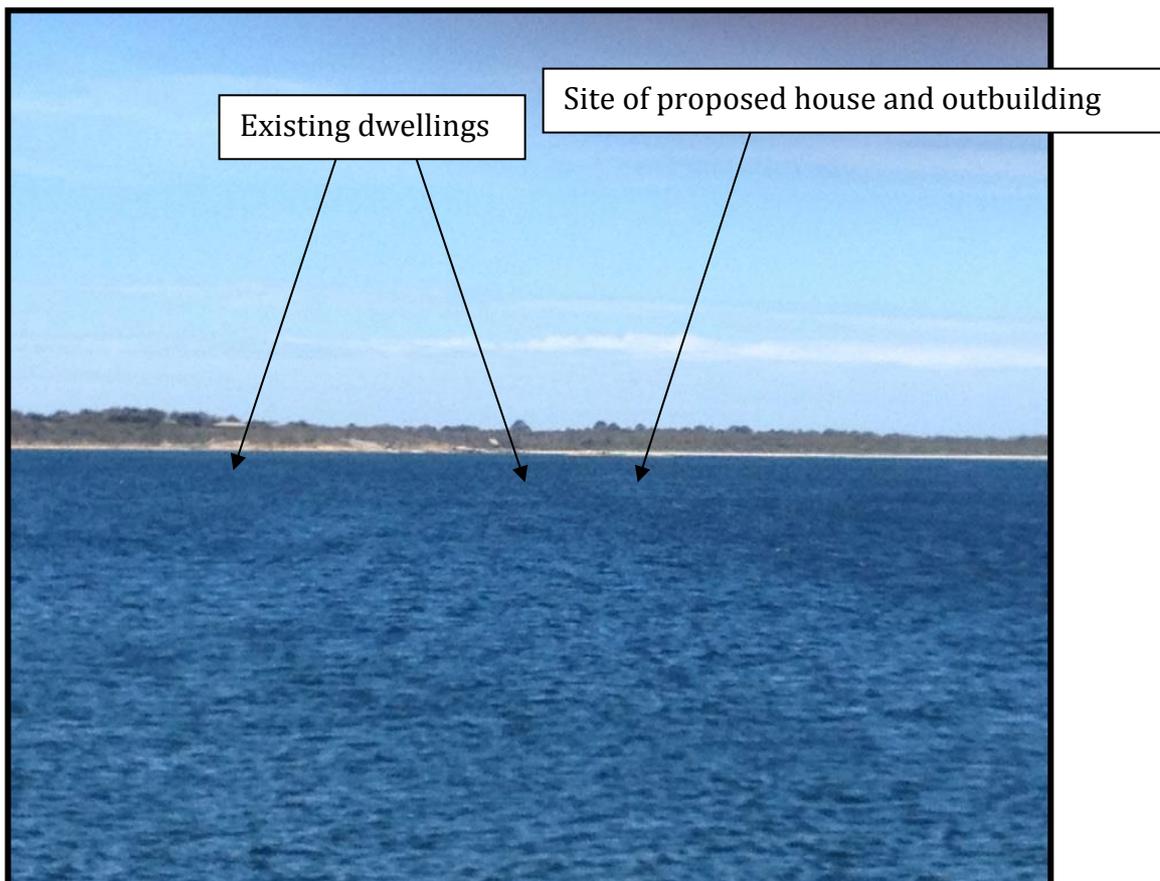
**Photo 8: Dense coastal scrub to a height well in excess of 2m extending eastward a minimum of 46m from the high water mark on the adjoining Crown Land to the west title boundary.**

Relatively recently, substantial clearance has already been undertaken on the lot including a wide strip, in excess of 20m wide, running from the east to west boundaries of the lot (see Photo 9 below). Clearance of a similar scale has also occurred to a similar scale along the west boundary of the subject lot. This clearance is not directly visible from White Beach due to the wide strip of vegetation on the adjacent Crown Land. Similar clearance has been undertaken on the two vacant lots to the south, largely screened from views on the beach. The clearance required to comply with the Bushfire Hazard Management Plan will incorporate existing cleared areas and the additional impact is considered to be marginal.



**Photo 9: Cleared land within the interior of the site. Existing vegetation clearance is substantial and is not visible from public views.**

The dwelling and vegetation clearance will be visible from vantage points across Adelaide Bay. However, the significant distance separation and flat nature of the site suggests that the dwelling and associated clearance will have a reasonable impact on the visual landscape. The visual impact of the dwelling will be similar to that of the dwelling at 168 Pot Boil Road (see Photo 10 below). While 170 Pot Boil Road, Opossum Cottage is highly visible from the coast, the vegetation in front of the cottage has historically been removed. Approval has not been granted to undertake vegetation clearance in the Crown Land Reserve and a substantial buffer will be retained in front of the dwelling and cleared land.



**Photo 10: Approximate site of proposed house and outbuilding, viewed from Lady Barron Port, showing the existing dwelling at 168 (far left) and 170 Pot Boil Road.**

The proposed colour schedule, including grey, green and natural tones, will also assist the development to recede into the surrounding landscape.

While trees are considered to be an important element in the landscape, due to bushfire risk, the development of a habitable building is not possible on the site without the establishment of Bushfire Hazard Management Areas and vegetation removal. All vegetation removal will be contained within the subject title boundaries and will have limited visibility from public spaces as discussed above. The site will be largely screened from White Beach to the west by a 46m wide strip of coastal vegetation. This vegetation is located in a Crown Land Coastal Reserve.

### **6.3 Amenity**

- (b) Use or development shall accord all existing and/or future occupiers with adequate and reasonable levels of amenity, especially in relation to privacy, sunlight, aspect, views and noise disturbance.*
- (c) Dwellings shall provide an adequate amount and appropriate type of private open space, to meet the expected lifestyle requirements of occupants. Such private open space shall provide adequate privacy, be exposed to reasonable levels of sunshine and directly accessible from the dwelling to which it belongs.*

### **COMMENT:**

Due to the significant setbacks of the proposed dwelling from the property boundaries, it is considered that the dwelling has been afforded a reasonable level of privacy and separation from adjoining use and development. Solar access to the site is uninhibited.

The vegetation clearance required by the Bushfire Hazard Management Plan will create a substantial area of private open space which is directly accessible from the dwelling. Remaining vegetation on the site and the substantial distance separation from the adjoining titles provides a satisfactory degree of privacy.

### **6.4 Environment**

- (a) Use or development shall not be allowed to detrimentally affect the environment. All areas and sensitive ecological and/or visual areas in particular, shall be developed in a manner and to an extent which is consistent with the protection of the values of the area.*

- (c) *Use or Development shall not be located in areas of unacceptable risk (eg. from fire, flood or landslip). In situations where risk may exist, use and development shall be appropriately sited and designed to provide an acceptable level of protection and safety for future users. In particular.*
- i. *Land subject to flood risk are those subject to a greater than one in a 100 year flood interval (1% probability), and land the natural surface of which is below 3 metres Australian Height Datum(AHD); and*
- iii. *Use and development in bushfire prone areas will comply with the provisions of Schedule 7 Development in Bushfire Prone Areas or some other provisions acceptable to Council and the Tasmania Fire Service.*

**COMMENT:**

The proposed dwelling and outbuilding are not considered to have an unreasonable impact on the environment. The land to the immediate north is already used for residential purposes and all waste water and storm water disposal will be considered during the application for a plumbing permit and will be legally discharged. The proposed house and outbuilding will require some vegetation clearance, however substantial vegetation clearance has already been undertaken on site. While a Natural Values Atlas Report has identified that the land has habitat that may contain a number of threatened fauna species, there are no records of a threatened fauna species being observed in the area and the site is highly disturbed due to the neighboring residential use and existing clearance. Additional clearance will not be of a scale which is considered significant in relation to the existing vegetation clearance and the substantial area of natural vegetation which is proposed to be left intact. The vegetation does not consist of a threatened veg community and no threatened flora species have been identified on the site.

In accordance with declared State thresholds for sea level rise and storm surge, the subject land is predicted to be significantly impacted by sea level rise in the future. In the year 2100 it is predicted that storm surges will increase to 1.9m above the current mean high water mark. As such the proposed dwelling has been placed at an elevation between 2.3 and 3.3m above the existing high water mark. This siting is considered to be satisfactory in regard to the existing data relating to future coastal inundation.

The site has been identified as being located in a bush fire prone area, as it is within 100m of a contiguous area of vegetation. A Bushfire Hazard Management Plan has been submitted with the application detailing the works

required for the development to reduce the existing risk to an acceptable level. Works required include the provision of a 20,000L water storage tank for firefighting purposes, the creation of cleared Bushfire Hazard Management Areas surrounding the dwelling to a distance of 35m and the construction of an all-weather access with overtaking bays (see comments under Schedule 7 below).

## **6.5 Heritage**

### **COMMENT:**

The subject title is not heritage listed.

## **6.6 Access and Parking**

- (h) All new use and development shall provide a suitably constructed driveway of a width to provide for the safe ingress and egress of the anticipated volume of traffic associated with the Use or Development.*
- (i) New Use or Development shall provide adequate car parking to provide for the demand it generates and shall be capable of being safely accessed.*

### **COMMENT:**

The Bushfire Hazard Management Plan submitted with the application requires the driveway to be constructed to an all-weather access with overtaking bays. It is considered appropriate that a condition requiring the right of way between the driveway and Pot Boil Road to be constructed to an all-weather standard be placed on the permit.

The proposal includes an area for parking in close proximity to the dwelling large enough to provide for two vehicles. This is considered acceptable for a three bedroom dwelling.

## **6.7 Services**

- (a) Use or Development shall be provided with adequate and appropriate services which are suited to the lifestyle requirements of people, the nature of the location, and the ability of the community to provide.*
- (c) In areas not serviced with water use or development shall provide water supply and effluent disposal systems. Each dwelling shall provide a potable water storage facility (minimum capacity 40KL) to provide for*

*the anticipated number of occupants, and a wastewater disposal system approved by a Council's Environmental Health Officer.*

*(e) Use or Development shall be appropriately sited, designed and constructed to avoid conflict with service mains (including telephone, power, sewer, water and irrigation channels/pipelines). Buildings shall not be erected over any service main or within any easement providing for same whether utilised or not.*

**COMMENT:**

The proposed development does not require any additional services or infrastructure, as power, water and waste water treatment will all be achieved on site. The proposed outbuilding constitutes a free standing power station with sufficient solar panels and a back up generator to provide for the electricity needs of the dwelling. Water must be provided via onsite collection as TasWater does not have infrastructure in the vicinity. The site is of sufficient size that onsite waste water treatment can be accommodated within the title boundaries.

The title is subject to a right of way along the east boundary, providing access to the two lots directly to the south. Except the driveway and access, no use of development will occur within the right of way.

**6.8 Social Interest**

1. *Use or Development should demonstrate how it suits the community interest.*
2. *Use or Development shall have adequate and appropriate types and levels of access to social facilities and services (eg. shops, government agencies, telecommunications, health services and educational facilities).*

**COMMENT:**

The proposed development does not conflict with the interests of the community. Being located approximately 2.5km from Lady Barron, the proposed dwelling has access to existing social facilities and services.

## **6.9 Administration**

- (b) Use or Development proposals should only be approved where the cost to the public of providing and maintaining services is not exceeded by the economic benefit of the use and development to the community.

### **COMMENT:**

The proposed house and outbuilding will not result in additional costs to the community, as no additional services or infrastructure are required.

## **Part 7-Special Areas**

As the proposed dwelling is within 100m of the high water mark, it is subject to the provisions of the Special Area: Shorelines, Water Bodies and Watercourses.

The applicant has submitted height data prepared by a qualified land surveyor, demonstrating that the site of the dwelling is above the range of water levels predicted to occur within the next 100 years (see comments above regarding flood risk).

All waste water and storm water will be legally discharged in accordance with the Australian Plumbing Code and to the satisfaction of Councils Environmental Health Officer.

A dense screen of coastal vegetation with a minimum dimension of 46m separates the high water mark from the title boundary. This is considered sufficient to mitigate potential impacts the proposal may have on the natural, ecological, cultural recreational and aesthetic qualities of the site.

The proposed dwelling has a maximum height of 5.45m, will be set back 96m from the high water mark and will be finished in colours which are in keeping with the tones of the natural environment. Due to the flat nature of the land and coastal vegetation, the development will have limited visibility from White Beach to the west.

A significant band of coastal vegetation will remain on the Crown Land between the dwelling and the high water mark. The applicant has indicated that vegetation clearance will be limited to that required to comply with the certified Bushfire Hazard Management Plan.

## **Schedule 7- Development in Bushfire Prone Areas**

The subject title is considered to be located in a Bushfire Prone Area. Accordingly a Bushfire Hazard Management Plan has been prepared for the

proposed dwelling. The Plan requires the establishment of cleared Bushfire Hazard Management Areas to a distance of 35m from all points of the dwelling, the provision of a 20,000L standing water supply tank for firefighting purposes and an all-weather driveway with over taking bays. All use and development must comply with the requirements of the Bushfire Hazard Management Plan.

In addition to the requirements of the Bushfire Hazard Management Plan, in accordance with Clause S7.2.2c, Clause S7.2.5a and Clause S7.2.5b, the right of way between the title and Pot Boil Road is to be constructed to an all-weather standard, with a minimum trafficable width of 4m and a vertical clearance of 4m. As the length of the right of way is in excess of 400m, passing bays with a minimum width of 6m and length of 20m must be provided every 200m.

### **Clause 3.10 Consideration of Applications for Planning Permits**

The relevant provisions of Clause 3.10 are discussed below:

- 1. The objectives, the intent of the zone, use and development principles, any development plan affecting the land and any relevant development standards or other relevant requirements of the Scheme.*

#### **COMMENT:**

The intent and principles of the Rural Zone have been discussed above. The proposed house and outbuilding are considered to be in keeping with these requirements.

- 3. Any representations received following public notification where required under the Act.*

#### **COMMENT:**

The application was advertised for the statutory 14 day period and no representations were received.

- 4. Whether any part of the land is subject to:*

*(c) Ponding or flooding;*

*(d) Bush fire hazard;*

#### **COMMENT:**

Flooding and bushfire hazard have been discussed above.

*(f) Any Special Area Provisions in Part 7*

**COMMENT:**

The proposal has been discussed in relation to the Special Area: Shorlines, Water Bodies and Watercourses above.

*5. Whether the proposed use or development is satisfactory in terms of its siting, size or appearance and levels of emissions in relation to:*

*(e) Existing site features;*

**COMMENT:**

The proposed dwelling and outbuilding are located a significant distance from the title boundaries and are substantially screened from public views by existing vegetation.

*(b) Adjoining land*

**COMMENT:**

The proposed dwelling and outbuilding will not have an adverse impact on the adjoining land. The substantial distance separation and vegetation buffers are considered to be sufficient to mitigate any potential impacts of the proposed developments on use and development on the adjoining land, and vice versa.

*(c) The streetscape and/or landscape*

**COMMENT:**

The proposed developments will not unreasonably alter the appearance of the landscape of streetscape. The site is not visible from Pot Boil Road and is substantially screened from White Beach. Although visible from views around Adelaide Bay, the significant distance separation will largely mitigate the visual impact.

*(d) The natural environment*

**COMMENT:**

The environmental characteristics of the land have been discussed above. The application is not considered to unreasonably impact the environmental values of the area.

*(f) Buffer zones, attenuation areas*

**COMMENT:**

The land is not within a Buffer/Attenuation Area.

*(g) Easements*

**COMMENT:**

A right of way crosses the title parallel to the east boundary. Only access works will be located in the right of way.

*(h) A water supply for firefighting purposes*

**COMMENT:**

A Bushfire Hazard Management Plan mandates the installation of a 20,000L standing water supply tank.

*(i) Any received pollution*

**COMMENT:**

The application does not suggest that the dwelling or outbuilding will result in any form of pollution not normally associated with a residential use.

*(j) The escape of pollutants into storm drains and watercourses: and*

**COMMENT:**

All storm water and waste water are to be legally disposed of. These aspects of development will be assessed in order to obtain Building and Plumbing Permits.

*(k) Isolation, separation from other lands.*

**COMMENT:**

The proposed dwelling and outbuilding are located a minimum of 50m from all title boundaries. This is considered sufficient to provide a degree of separation from use and development on adjacent land.

6. *Whether the proposed use or development will be supplied with an adequate level of infrastructure and services, and if there is any necessity to improve deficient access, roads or road junctions, water,*

*sewerage, electricity or transport services and the like, without detriment to existing users.*

**COMMENT:**

Access will be via the existing crossover onto Pot Boil Road. It is considered appropriate that the right of way between Pot Boil Road and the driveway be upgraded to all-weather construction in accordance with the standards of Schedule 7. The driveway is required to be constructed to all-weather standard in accordance with the certified Bushfire Hazard Management Plan.

No other infrastructure or services are required.

- 7. Whether the proposed use or development would adversely affect the existing and possible future use or development of adjacent land, and vice versa.*

**COMMENT:**

The impact of the proposal on the existing uses and possible future uses of adjoining land has been discussed. A residential use is in keeping with the adjacent land to the north. The land to the east and south is vacant and largely unimproved.

- 9. The sight distance available to and from proposed point(s) of access, together with an estimate of the speed of passing traffic.*

**COMMENT:**

Access to the land is as existing off Pot Boil Road.

**Referrals**

The application was referred to:

- Plumbing

No conditions for Plumbing.

- Building

No issues from a building perspective.

- Environmental Health

No comments from Environmental Health.

- Works

No comments from Works.

### **State Policies**

#### **Tasmanian State Coastal Policy 1996**

The subject title is located within 1km of the high water mark and is, therefore, subject to the Tasmanian State Coastal Policy 1996.

It is not considered that the proposed developments and residential use will have any detrimental impact to, or on, any coastal processes or practices. While vegetation removal will be required to facilitate the construction of a dwelling, a substantial vegetation buffer on a Crown Land Coastal Reserve will remain between the dwelling and the high water mark.

#### **Tasmanian State Policy on Water Quality Management 1997**

The proposed development is located within 100m of the high water mark, however the application does not suggest the proposal will result in any waste or emissions not normally associated with a residential use. All storm water and waste water will be legally discharged to ensure they do not enter the ocean without satisfactory treatment.

#### **Tasmanian State Policy on the Protection of Agricultural Land 2009**

Although located in the Rural Zone, the proposed development is not considered to be in conflict with the PAL Policy. The subject land is not considered to be prime agricultural land and the historic pattern of subdivision favours a residential use. No significant agriculture is undertaken on the titles to the south or east, which remain vegetated and unimproved.

#### **STATUTORY REQUIREMENT:**

The application was advertised for 14 days in accordance with the Act and no representations were received.

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

The relevant strategic outcome and strategies of the Flinders Council Strategic Plan 2011 is outlined under *Land Use, Development and Building*.

The strategic outcome is identified as:

*“A productive system of land and building development that promotes investment and activity while protecting people and the environmental characteristics of the Flinders municipal area.”*

The proposal is considered to meet this strategic outcome, allowing for the development of a dwelling on land which does not lend itself to an agricultural use.

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

Not applicable.

#### **OFFICERS RECOMMENDATION:**

That the application for a House and Residential Outbuilding, requiring dispensation for reduced setback to High Water Mark in the Rural Zone, within the Special Area: Shorelines, Water Bodies and Watercourses, by S Arnold & D Short, for land located off Pot Boil Road, Lady Barron (CT: 153145/3) be APPROVED generally in accordance with the endorsed plans and subject to the following conditions:

1. The development as shown on the endorsed plans must not be altered or modified except with the written consent of Council.
2. Prior to the commencement of use:
  - a) the works required by the endorsed Bushfire Hazard Management Plan are to be completed to the satisfaction of the Tasmanian Fire Service or a practitioner accredited by the Tasmanian Fire Service.
  - b) documentation of compliance with condition 2 (a) is to be submitted to Council to the satisfaction of Council's Town Planner.
  - c) the right of way, between the title and Pot Boil Road is to be constructed to an all-weather standard, with a vertical clearance of 4m. The trafficable width of the access must be 6m, or 4m with overtaking bays every 200m. The trafficable width of the driveway must be a minimum of 6m for the 20m length of the overtaking bay.
3. The site must be maintained at all times in accordance with the endorsed Bushfire Hazard Management Plan.

4. The outbuilding approved by this permit must not be used for human habitation or any commercial purpose, other than that associated with a dwelling.

Note:

1. Please note that prior to any use/development commencing approved Building and Plumbing Permits are required. All enquiries should be directed to Council on (03) 6359 5001.
2. Council will undertake periodic reviews of approved developments to ensure compliance with Planning Permit conditions.
3. This permit is granted pursuant to the *Land Use Planning and Approvals Act 1993* and does not constitute any other approval required under any other Act or Regulation.
4. 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.
5. Where any other approvals under this Act or any other Act are required for the proposed use or development to which this permit relates, the permit does not take effect until those approvals have been granted.
6. This permit takes effect 14 days after the date of Council's notice of determination or at such time as any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined. If an applicant is the only person with a right of appeal pursuant to Section 61 of the *Land Use Planning and Approvals Act 1993* and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing. A copy of Council's Notice to Waive Right of Appeal is attached.

***The Council will now conclude its meeting as a Planning Authority under Section 25 of the Local Government (Meeting Procedures) Regulations 2005.***

## B. NOTICE OF MOTIONS

### Item B1: Notice of Motion from Mayor Carol Cox – Investigation into Fuel Distribution

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Mayor Carol Cox
<b>OFFICER</b>	General Manager, Raoul Harper
<b>FILE REFERENCE</b>	COM/0200
<b>ASSOCIATED PAPERS</b>	<i>Nil</i>

#### NOTICE OF MOTION:

That Council engage with TasPorts to investigate if the cost of distribution of fuel to Flinders Island can be reduced and that Council allocates the funds required from its unallocated reserves.

#### COUNCILLOR'S REPORT:

This motion is brought forward as a recommendation from the Furneaux Shipping Special Committee Meeting held on the 19<sup>th</sup> November 2013. The Unconfirmed Minutes have been presented for noting earlier in this meeting.

The recommendation is:

*"That Council and TasPorts work in partnership to investigate more efficient ways of getting consistently cheaper fuel to the whole community."*

Points to note:

The diesel price on Tuesday 10<sup>th</sup> December 2013 reflects the large differential in fuel prices between Flinders Island and mainland Tasmania. The pump price in Whitemark at \$2.05 per litre was in excess of around 40 cents per litre greater than the pump price in Launceston at \$1.67 per litre (RACT Fuel watch). Tim Phillips from Resonance Consulting has been tasked with developing a Master Plan for the Flinders Island Airport, including investigating cheaper fuel options for the Airport. A fuel facility at the Airport may result in cheaper fuel on the island but may also adversely impact fuel suppliers and Hydro Tasmania. TasPorts is committed to maintaining bulk supply to Hydro Tasmania and that comes with associated overheads. Cheaper fuel from a discount supplier can be landed on the island in IBC containers as this avoids the storage costs associated with bulk supply. Farmers buy diesel in IBC containers to negate the large differential (difference between the Tasmanian \$/litre and Flinders Island supply \$/litre).

At the committee meeting the TasPorts' Representative indicated there was a willingness to work with Council to investigate fuel distribution to Flinders Island. TasPorts is the entity that distributes bulk fuel to Flinders Island.

From a Council point of view, extra funding would need to be allocated to enable Resonance Consulting to do further work.

I put the recommendation for your consideration.

#### **PREVIOUS COUNCIL CONSIDERATION:**

Nil

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

##### **Background**

Council's consultant, Tim Phillips, is currently working on several of the projects in the Airport Business Plan aimed at increasing airport related services to the Island and revenue to Council. As Council is aware, one of the projects is to assess the feasibility of a 24 hour fuel facility at the Airport. In undertaking this work and engaging with various stakeholders, concerns over the costs of fuel on the Island have arisen.

TasPorts currently supply fuel to the Island where it is transported from Devonport by road to Bridport; shipped in tanks to Flinders Island on the regular shipping service; then stored in the Lady Barron fuel facility from where it is distributed to various customers, including farmers, retailers and Hydro Tasmania for power generation.

Fuel price affordability is not a new issue for the community and in the past a number of residents and business operators, primary producers in particular, have raised concerns over pricing. Council is also aware that a number of farmers are importing fuel to the Island using their own supply chain at 15-20% less than the TasPorts price.

##### **Discussions with TasPorts**

Through discussions with TasPorts' General Manager for Operations, Craig Heron, TasPorts has indicated its willingness to review the current fuel supply chain and assess whether a more efficient fuel supply can be developed. Mr Heron has, however, advised that while he supports the idea of a review, any changes must not compromise security of supply to the Island, address safety and environmental issues and, most importantly, deliver real savings to customers.

At the last Shipping Committee Meeting (19<sup>th</sup> November 2013) the TasPorts' Representative, John Johnston, reaffirmed TasPorts willingness to work with Council to investigate fuel distribution to Flinders. TasPorts have also

committed to provide data and internal resources (financial analyst, engineering support etc.) to any study/investigation, which will assist in reducing the overall cost and increase the quality of the study.

Finally, TasPorts are supportive of the study being led and managed by someone external from TasPorts as it brings a fresh set of eyes and objectivity.

Note: As the project will involve analysis and reporting of TasPorts financial data, management of any commercially sensitive issues will need to be discussed and agreed with TasPorts prior to commencement of the project.

### **Study Overview**

Tim Phillips has prepared a high level scope and methodology for the project, which has also been discussed with TasPorts, as per below.

#### *Scope*

Preliminary investigation into options for provision of a reliable, safe and efficient fuel supply to Flinders Island.

#### *Method (high level description)*

- Develop decision criteria/considerations for assessing current situation and options: financial and non- financial (safety, environment, security of supply etc.);
- Build process map and cost model for current situation;
- Identify other options for supply (2-4);
- Assess current situation and options against criteria; and
- Report and recommend.

### **STATUTORY REQUIREMENTS:**

*Local Government Act 1993*

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

6.0 Furneaux Future

6.4 Encourage catalytic development that is consistent with the strategic objectives and contributes to Council's Vision.

6.4.1 Develop and implement specific projects that will strategically advance economic opportunities for Council and Community.

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

Tim Phillips estimates it would take 7-10 days of effort to undertake the study, therefore between \$6160 and \$8800 (ex GST). Prior to commencing the work Tim will be asked to prepare a more detailed project plan and cost estimate. A more detailed program for the work will also be prepared as part of the project planning process. Theoretically, and depending on the availability of TasPorts personnel, the work could be completed by the end of the February 2014.

As this project has not been included in this year's Annual Plan or budget, extra funding would require to be allocated to enable the consultant to do further work.

It is recommended that Council allocate \$10,000 to this project to give some contingency should additional services be required over and above the project scope.

Allocation of funds to the project, if supported by Council, would occur as part of the half yearly Budget Review process and it will be possible to simply reallocate funds from another project centre / existing allocation to allow for the project to be funded.

#### **RISK/LIABILITY:**

Tim Phillips is an approved contractor with Council, has undertaken an induction and is familiar with Council's policies and procedures.

The project will be undertaken using a project management methodology, part of which will include a risk assessment and risk management plan.

With regard to project outputs, and any risks to Council or TasPorts, the project is a *preliminary* investigation that will provide high level options and recommendations. Furthermore, the project is being undertaken in partnership with the asset owner, TasPorts, using their people and their data.

#### **VOTING REQUIREMENTS:**

Absolute Majority

#### **OFFICER'S RECOMMENDATION:**

That Council engage with TasPorts to investigate if the cost of distribution of fuel to Flinders Island can be reduced and that Council allocates \$10,000 to such a project at the half year budget review.

**Item B2: Notice of Motion from Mayor Carol Cox - Essendon Airport Passenger Lifter**

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Mayor Carol Cox
<b>OFFICER</b>	General Manager, Raoul Harper
<b>FILE REFERENCE</b>	COM/0103
<b>ASSOCIATED PAPERS</b>	<i>Nil</i>

**NOTICE OF MOTION:**

That on successful conclusion of negotiations with Sharp Airlines for the housing and operation of a lifter, Council commits to the purchase of a passenger lifter for the Essendon Airport and commits to funding the balance required for the purchase and delivery to Essendon of up to \$7,000.

**COUNCILLOR'S REPORT:**

At the October 2013 Ordinary Meeting of Council the following motion was passed:

*"That Council acknowledge the work of community groups and individuals who have to date raised funds towards the purchase of a passenger lifter to be based with Sharp Airlines at Essendon Airport and commits to exploring an in principle ownership and management agreement for the passenger lifter with Sharp Airlines in the coming weeks. Once an in principle agreement has been reached between the parties, a report is to be provided to Council on the agreement and what further funds would be required to finalise the purchase and delivery to the site."*

An update from the Lions Club advises that continuing fund raising and donations by the community has raised the Lions' contribution towards the purchase of the lifter to a total of \$9,221 (as at 9<sup>th</sup> December) consisting of the \$5,000 pledged and \$4,221 since raised. The Lions Club has also identified two Lions Foundation Grants that they will apply for that could raise their \$5,000 commitment to \$12,500 if they are successful with their application. Thus, in summary, the Lions Club currently has \$9,221 and possibly \$16,721.

The Hospital Auxiliary has also pledged \$5,000 towards a passenger lifter.

The community is very eager for a lifter to be installed at Essendon Airport to enable direct travel to and from Victoria for those community members and visitors that are not so agile. There are also issues getting between the Sharp Terminal and the Launceston Main Terminal for people with mobility problems.

These issues make travelling through Launceston very hard, even though there is a lifter in place at Launceston Airport.

The General Manager has begun negotiations with Sharp Airlines regarding the housing and operation of a lifter at Essendon Airport.

I put this Notice of Motion forward, in recognition of the significant fund raising carried out by the community and their wish for a lifter to be installed as soon as possible to allow travel to and from Victoria for the more elderly and disabled residents with deteriorating mobility.

**PREVIOUS COUNCIL CONSIDERATION:**

17<sup>th</sup> October 2013                      677.10.2013

**OFFICER'S REPORTS:**

As outlined in the report provided by the Mayor, negotiations with Sharp Airlines regarding the housing and operation of a lifter at Essendon Airport are well advanced and a draft lease will be presented for their consideration early in the New Year. Once/if a lease is secured, the lifter will need to be ordered and delivered to Essendon. It should be noted that this may well take some weeks.

The Notice of Motion is supported.

**STATUTORY REQUIREMENTS:**

Nil

**POLICY/STRATEGIC IMPLICATIONS:**

4.0 Community Safety, Engagement and Enterprise - Through positive Council-Community partnerships, enhance people's security, inclusion and well-being.

**BUDGET AND FINANCIAL IMPLICATIONS:**

A budget variation of \$7,000 will need to occur in the Half Yearly Budget Review process which is being put forward to Council in February 2014.

**RISK/LIABILITY:**

Low

**VOTING REQUIREMENTS:**

Absolute Majority

**OFFICER'S RECOMMENDATION:**

That on successful conclusion of negotiations with Sharp Airlines for housing and operation of the lifter under a lease agreement, Council commits up to

\$7,000 for the purchase and delivery of the passenger lifter to Essendon Airport.



## C. CORPORATE SERVICES

Item C1: Draft Orders under Sections 70F, 84(2A) and 85B of the *Local Government Act 1993*

ACTION	Information
PROPONENT	Council Officer
OFFICER	Kim Hossack, Corporate Services Manager
FILE REFERENCE	LEG/0600
ASSOCIATED PAPERS	<i>Annexure 16: Draft Ministerial Orders</i>

### INTRODUCTION:

In 2010, through the Australian Government's Local Government Reform Fund, the Tasmanian Government and the Local Government Association of Tasmania (LGAT) secured funding through a National Partnership Agreement to develop and implement long-term financial and asset management planning into all Tasmanian Councils.

As a result, a number of initiatives to improve the financial and asset management capacity and efficiency of Local Government in Tasmania were decided and amendments to the current *Local Government Act 1993* (the Act) would be introduced by the State Government. These were the following:

- The requirement for all councils to undertake long-term financial and strategic asset management planning;
- Improving the consistency and transparency of asset depreciation and revaluation practices of all Councils;
- The requirement for all Councils to report the sustainability indicators within their annual financial statements; and
- An appropriate review/audit process to promote compliance and quality of long-term financial and asset management plans.

### PREVIOUS COUNCIL CONSIDERATION:

Nil

### OFFICER'S REPORT:

On 30<sup>th</sup> October 2013 the *Local Government (Miscellaneous Amendments) Bill 2013* was passed by the Tasmanian State Government and as a result Ministerial Orders have been drafted to maintain the consistency of the implementation with the Act; uniform and acceptable standards of long-term planning; and to ensure all plans comply with Australian Accounting Standards.

These Draft Orders have been forwarded to all General Manger's by LGAT for comment so they can prepare a consolidated submission to the Local

Government Division by 20<sup>th</sup> December 2013. The General Manager and I will be preparing these comments on behalf of Council.

It should be noted that these Orders are not for any one Council to adopt or accept. Rather, they will become the formal direction for Councillors and Staff to implement, endorse and plan to maintain financial sustainability within the Local Government Sector which has been directed by the State Government.

The long-term financial implications on small and rural Councils within Tasmania will no doubt have a heavy toll on their ratepayers in the future.

**STATUTORY REQUIREMENTS:**

*Local Government Act 1993*

*Local Government (Miscellaneous Amendments) Bill 2013*

**POLICY/STRATEGIC IMPLICATIONS:**

All areas - both the Strategic Plan and all future Annual Plans.

**BUDGET AND FINANCIAL IMPLICATIONS:**

The introduction for these Ministerial Orders will have both short and long term implications across all functions and areas which are yet to be assessed.

**RISK/LIABILITY:**

High - to not implement these Ministerial Orders would impact on Council's future.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

That the report be received and accepted.

## D. GOVERNANCE

### Item D1: Ordinary Council Meetings & Councillor Workshops - Times and Dates 2014

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Raoul Harper, General Manager
<b>FILE REFERENCE</b>	COU/0203
<b>ASSOCIATED PAPERS</b>	Nil

#### INTRODUCTION:

In previous years, Council has, at its November or December meeting, set the dates and times for the next year's meetings. For some time now the meetings have been held on the third Thursday of each month commencing at 1.00 pm, although adjustments have been made at times to accommodate local functions and/or commitments of the Mayor and General Manager. To facilitate planning, in 2013 Councillor Workshop dates were also set for the first Thursday of each month, ordinarily commencing at 1.00pm or if there is a long agenda, commencing at 10.00am. Some adjustments to this schedule have also been made to accommodate commitments.

#### PREVIOUS COUNCIL CONSIDERATION:

Annually

#### OFFICER'S REPORT:

A review of the forthcoming dates and potential conflicts with other events/meetings/commitments has been undertaken by senior management.

At this stage, functions associated with Local Government Association of Tasmania (LGAT) have been factored in and dates changed to accommodate the Mayor and General Managers attendance. Northern Tasmania Development (NTD) meeting dates for the year ahead have also been considered.

It should be noted that the Tasmanian Parliament has now passed the Local Government Amendment (Elections) Bill 2013 with introduction of all-in, all-out elections every four years, with four-year terms for Mayors and Deputy Mayors. The *Local Government (Elections) Order 2013* has also been approved by the Governor to postpone the local government elections until October 2014. A further consideration is the following requirement under the LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2005 - REGULATION 4 PART 2 - Meetings Division 1 - Convening and agendas 4. Convening meetings of Council:

*(2) The general manager of an existing council is to convene the first*

*ordinary meeting of a council following an ordinary election.*

To that end, dates are only proposed through until October 2014. As the date of the election is still unannounced, Officers are unable to know at this stage whether the October meeting will be able to be held on the proposed date. The October date is included regardless for consideration.

#### **STATUTORY REQUIREMENT:**

*Local Government Act 1993*

LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2005

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

5.0 Corporate, Governance and Intergovernmental Relations

5.1 Support the capacity and productivity of our organisation and a culture of professionalism, compliance, innovation and service.

5.1.4 Provide best practice management and administrative support to Council decision making, implementation and evaluation.

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

Minimal

#### **VOTING REQUIREMENTS**

Simple Majority

#### **OFFICER'S RECOMMENDATION:**

That Council resolves to:

1. Receive and note the report from the General Manager concerning the Ordinary Council Meetings & Councillor Workshops - Times and Dates 2014.
2. Endorse the following Council Meeting schedule for 2014, with all meetings commencing at 1.00pm:
  - Thursday 16<sup>th</sup> January 2014
  - Thursday 13<sup>th</sup> February 2014 (Quarterly Report) (Elected Members Workshop 22<sup>nd</sup> - 23<sup>rd</sup> Feb)
  - Thursday 13<sup>th</sup> March 2014 (LGAT General Meeting 19<sup>th</sup> March) (NTD Meeting 21<sup>st</sup> March)
  - Thursday 10<sup>th</sup> April 2014 (Quarterly Report) (Easter 18<sup>th</sup> - 22<sup>nd</sup> April)
  - Thursday 15<sup>th</sup> May 2014
  - Thursday 19<sup>th</sup> June 2014
  - Thursday 17<sup>th</sup> July 2014 (Quarterly Report) (LGAT Conference 23<sup>rd</sup> - 25<sup>th</sup> July)
  - Thursday 21<sup>st</sup> August 2014

- Thursday 18<sup>th</sup> September 2014
- Thursday 16<sup>th</sup> October 2014 (Quarterly Report) (Flinders Is Show Day 17<sup>th</sup> October)

\* Council will need to determine which Council Meeting is to be held in Lady Barron.

3. Endorse the following Councillor Workshop schedule for 2014, with meetings ordinarily commencing at 1.00pm, or commencing at 10.00am if the meeting has a long agenda:

- Thursday 30<sup>th</sup> January 2014
- Thursday 27<sup>th</sup> February 2014
- Thursday 27<sup>th</sup> March 2014 (Budget Preparations)
- Thursday 1<sup>st</sup> May 2014
- Thursday 5<sup>th</sup> June 2014 (Budget Preparations) (3<sup>rd</sup> June Pre Election Workshop)
- Thursday 3<sup>rd</sup> July 2014
- Thursday 7<sup>th</sup> August 2014
- Thursday 4<sup>th</sup> September 2014
- Thursday 2<sup>nd</sup> October 2014
- Thursday 6<sup>th</sup> November 2014 (Induction of new Council)
- Friday 28<sup>th</sup> November 2014

**Item D2: Citizen of the Year Award Policy**

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	General Manager, Raoul Harper
<b>FILE REFERENCE</b>	PUB/0800
<b>ASSOCIATED PAPERS</b>	<i>Annexure 17: Citizen of the Year Award Policy</i>

**INTRODUCTION:**

Council's Policy Manual is an important document of Council as it provides direction to Staff, Management and Councillors.

**PREVIOUS COUNCIL CONSIDERATION:**

Nil

**OFFICER'S REPORT:**

In 2006, Council instigated a Citizens Award Program to acknowledge the outstanding voluntary contribution made by Furneaux Community Members. At its inception, it was difficult to attract nominations for the award. In more recent years, multiple nominations have been received and it has been Council's practice on four occasions to present multiple awards to reflect the caliber of the nominations.

The number of multiple nominations has led Council to review the Citizens Awards Program, changing it to a Citizen of the Year Award Program. The intent of the new program is to select one worthy recipient on an annual basis from the pool of nominations. A policy has been developed for the Citizen of the Year Award Program so as to guide staff when delivering future programs and to inform future Elected Members.

**STATUTORY REQUIREMENT:**

Nil

**POLICY/STRATEGIC IMPLICATIONS:**

- 4.0 Community Safety, Engagement and Enterprise
  - 4.3 Maintain and develop productive, constructive relationships with the community and organisations involved in delivery of strategic services and activities in the islands

**RISK/LIABILITY:**

Nil

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

That Council adopt the Citizen of the Year Award Policy and allow it to lay on the table for 28 days for public comment.

**Item D3: Councillor Resolution Report**

<b>ACTION</b>	<b>Information</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Raoul Harper, General Manager
<b>FILE REFERENCE</b>	COU/0600
<b>ASSOCIATED PAPERS</b>	<i>Annexure 18: Councillor Resolution Report December 2013</i>

**INTRODUCTION:**

This report identifies the actions taken and actual costs associated with implementing resolutions passed by elected members up to December 2013.

**PREVIOUS COUNCIL CONSIDERATION:**

The report is presented on a monthly basis.

**OFFICER'S REPORT:**

Please read Annexure 18 – Councillor Resolution Report December 2013.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

That the Councillor Resolution Report December 2013 be noted.

**Meeting Closed**