



**FLINDERS**  
COUNCIL

Agenda  
Ordinary Council Meeting  
13<sup>th</sup> February 2014

## 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 7<sup>th</sup> day of February 2014.



Raoul Harper  
**GENERAL MANAGER**

## FLINDERS COUNCIL ORDINARY MEETING

### AGENDA

**DATE:** Thursday 13<sup>th</sup> February 2014  
**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 Mary-Anne Roberts  
Cr Gerald Willis  
Cr Ronald Wise

#### APOLOGIES

Nil

#### STAFF IN ATTENDANCE

Raoul Harper - General Manager  
Sophie Pitchford - Corporate Services Coordinator  
Jacci Viney - Development Services Coordinator  
Vicki Warden - Executive Officer

#### CONFIRMATION OF MINUTES

That the Minutes from the Ordinary Council Meeting held on the 16<sup>th</sup> January 2014 be confirmed.

#### 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**

A request for leave of absence will be considered in Closed Council.

#### **PETITIONS**

Nil

## WORKSHOPS & INFORMATION FORUMS

File No: COU/0205

### Council Workshop held on 29<sup>th</sup> January 2014

Council held a Workshop on the following subjects:

- Item 1: Update on the Corporate Services Department
- Item 2: Budget Request Process for 2014/15
- Item 3: Building and Planning Department Update
- Item 4: Community Bushfire Planning Discussion
- Item 5: NRM Update
- Item 6: Risk Management Framework
- Item 7: Budget Review – Impacts of EA Briefing
- Item 8: Australian Small Islands Forum 2015

At the Workshop Council also discussed: Whitemark Foreshore developments, Summer Camp and solar powered solid waste compactor bins.

#### Councillors Present:

Mayor Carol Cox, Deputy Mayor David Williams (11am – 4pm), Cr Marc Cobham, Cr Mary-Anne Roberts, Cr Peter Rhodes and Cr Ronald Wise.

#### Apologies:

Cr Gerald Willis

#### Staff and Consultants Present:

Raoul Harper (General Manager), Jacqui Viney (Development Services Coordinator) (Items 3 & 4 only) and Vicki Warden (Executive Officer) (Item 8).

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

## PUBLIC MEETINGS

Nil

## COUNCILLORS' QUESTIONS ON NOTICE

Nil

## COUNCILLORS' 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**

Nil

## **REPORTS TO BE RECEIVED**

### **Lady Barron Hall and Recreational Special Committee – AGM**

File No: AME/0503

**Annexure 1:** Lady Barron Hall and Recreational Special Committee AGM  
Unconfirmed Minutes 3<sup>rd</sup> January 2014

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

The Unconfirmed Minutes of the Lady Barron Hall and Recreational Special Committee AGM held on 3<sup>rd</sup> January 2014 have been provided for consideration.

### **OFFICER'S RECOMMENDATION**

That the Unconfirmed Minutes of the Lady Barron Hall and Recreational Special Committee AGM held on 3<sup>rd</sup> January 2014 be noted.

## **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:

09/01/14	Tourism Barbeque with Malcolm Sharp
10/01/14	Summer Splash, Gallery Exhibition Opening
11/01/14	Music in the Vines
15/01/14	Meeting with M Pickford and Staff
16/01/14	Ordinary Council Meeting
21/01/14	Health Committee Meeting
24/01/14	Met with H Norberg-Hodge and D & L Tresemer
25/01/14	Australia Day Weekend event - Museum BBQ and Music
26/01/14	Local Tas Fire Brigades Bowling Challenge and medal presentations
27/01/14	Australia Day Weekend event - Music on the Tavern Lawn
29/01/14	Workshop
30/01/14	Site visit for Councillors re DA2013/0031
04/02/14	Facilitated meetings re Lady Barron Port access issues
04/02/14	Site visit to Multi-Purpose Centre development
06/02/14	Public Meeting - Strategic Review of Tasmanian Regional Arts

### Australia Day Weekend Celebrations

Thank you to all involved for making this weekend of celebration of where we live happen. It was unfortunate that The Examiner picked a line from the advertising brochure for the weekend that gave the impression there were no celebrations occurring. A media release had been put out.

I thank the Councillors for all contributing in a practical way to the celebrations at the Museum on the Saturday. When the community works together it can achieve wonderful things.

### Health Committee Meeting

The Director of Nursing position at the MPC has been filled and the new appointee will be arriving with his wife in mid-February.

## **Fire Brigade's Medals Presentations**

The Inaugural Bowls Challenge replaced the Fire Brigade Cricket challenge matches that were previously the occasion to present the service medals. Service medals are now presented for years served on volunteer fire brigades. Thank you to all the volunteer fire service members who give their time in training to be prepared.

## **Airport Funding**

On the 31<sup>st</sup> January the Federal Member for Bass, Andrew Nikolic, announced an \$884,053 investment to upgrade the Flinders Island and Cape Barren Island (Reg Munroe Airfield) airstrips as part of the Regional Aviation Access Program. The funding is distributed as:

- \$98,035 for the Reg Munroe Airfield on Cape Barren Island for the erection of a wallaby-proof perimeter fence around the airstrip; and
- \$786,018 for upgrade works at Flinders Airport and is dependent on grant requirements being met.

The approval is for the financial years 2013-14 and 2014-15 with works to be completed by the 30<sup>th</sup> June 2015.

Congratulations to staff for the grant application. Thank you to the Federal Member for Bass who respects the importance of the Airport to the Flinders Community and supports the Council's efforts to continually upgrade the facility.

## **CORRESPONDENCE IN:**

Elisa Robinson, Office of the Premier	Acknowledgement of receipt of Flinders Council's response to the Draft Ministerial Orders
Michael Ferguson MP	Response to Flinders Council's letter regarding the Draft Ministerial Orders
Hon Bryan Green MP	Transfer of Cape Barren Island land to Flinders Council
Wayne Richards, SES	Appointment of Deputy Emergency Management Coordinator
Jodie Fraser - NBN Co	Invitation to attend a National Broadband Network (NBN) Forum
Domenica DeCrea - IQPC Australia	5th Annual Regional Airport Development Conference 2014
Derek Le Marchant - Northern Tasmania Development	Council's priorities for the 2014 Tasmanian Parliamentary elections
Paul Hodgen - Launceston Airport	Drop off area at Sharp Terminal, Launceston

Angus Nicholls – Sanford Australia	Adverse impact of Sharp Airlines’ changed flight schedule
Commander Mark Mewis, Tasmania Police	Invite to Graduation Ceremony of Recruit Trainee Course No 1/2013 28/2/14 Rokeby
Heidi Laugesen	Removal of fluoride from Australian drinking water
Friends of Deal Island	Request support letter for grant for Lighthouse restoration (phone & email)
LGAT	50% Subsidy for Councillors and staff to attend LGAT organised training events and conferences
Derek Le Marchant - Northern Tasmania Development	C8 Summit Initiative Update
Judy Blundstone	Australia Day Weekend activities promotion in The Examiner
Dale Williams - President, Flinders Island Branch TasRegional Arts	Strategic Review of Tasmanian Regional Arts
David Tresemer	Meeting with Helena Norberg-Hodge
Wendy Jubb Stoney	Representation against planning application
Mayor Doug Chipman – Clarence City Council	Response regarding Draft Ministerial Orders
Glenn Welsh – Satellite Television & Radio Australia	Promotion of product – Emergency Alert System
Phillip Hoysted – Director of Local Government	Cape Barren Island land transfer
Jennie Roe – Shape Up Australia	Shape Up Australia’s 12 Weeks to a Healthier Life Challenge

**CORRESPONDENCE OUT:**

16/01/14 and 22/01/14	Mayors of all Tasmanian Councils	Notification of Flinders Council’s letter regarding the Draft Ministerial Orders and request for support
22/01/14	Media release	Australia Day Weekend celebrations
17/01/14	Jo Klug	Thank you for Christmas decorations
17/01/14	Christine Wheatley	Thank you for Christmas decorations
22/01/14	Wayne Richards, SES	Appointment of Deputy Emergency Management Coordinator
22/01/14	Paul Hodgen – Launceston Airport	Drop off area at Sharp Terminal, Launceston
24/01/14	Angus Nicholls – Sanford Australia	Response regarding impact of Sharp Airlines’ changed flight schedule
03/02/14	Friends of Deal Island	Support letter

03/02/14	Ken Clarkson	Text Message: To advise flight times with Sharp Airlines.
04/02/14	June Klug	Response to January Public Question - Disabled parking at Surgery
06/02/14	Audrey Holloway	Response to January Public Question - Speed Bumps at Palana

**PUBLICATIONS:**

King Island - Courier	Wednesday 18 <sup>th</sup> January 2014
Scotch Oakburn	FOCUS Spring-Summer 2013

**VOTING REQUIREMENTS:**

Simple Majority

**RECOMMENDATION:**

That the Mayor's report be received and accepted.

## OPERATIONAL BUSINESS OF COUNCIL

### A. DEVELOPMENT SERVICES & PLANNING

**Item A1:** Planning Applications Report  
**File No:** PLN/0105

**Item A2:** Development Application – TasPorts  
**File No:** DA2013/0027 & Draft Amendment 1/2014  
*Annexure 2:* DA2013.0027 Advice from DIER re proclamation  
*Annexure 3:* DA2013.0027 APPENDIX A. DA REPORT  
*Annexure 4:* DA2013.0027 Detail Site Design & Elevation  
*Annexure 5:* DA2013.0027 DIER consent  
*Annexure 6:* DA2013.0027 Engineering Drawings - Security gates  
*Annexure 7:* DA2013.0027 Letter of Authority - Flinders Council  
*Annexure 8:* DA2013.0027 Letter to accompany DA  
*Annexure 9:* DA2013.0027 Proclamation  
*Annexure 10:* DA2013.0027 Style Images of Gates and Proposed Sign  
*Annexure 11:* DA2013.0027 Consent endorsed  
*Annexure 12:* DA2013.0027 TasPorts Draft Amendment Flinders Island Planning Scheme 1994  
*Annexure 13:* DA2013.0027 Taswater Signed SPAN

**Item A3:** Development Application – Mansfield Consulting Services  
**File No:** DA2013/0031  
*Annexure 14:* DA2013.0031 Plans  
*Annexure 15:* DA2013.0031 Site photos  
*Annexure 16:* DA2013.0031 Anonymous Representation

### B. NOTICE OF MOTIONS

**Item B1:** Notice of Motion from Mayor Carol Cox – 2014 Council Meeting Times and Dates  
**File No:** COU/0203

**Item B2:** Notice of Motion from Mayor Carol Cox – Australian Small Islands Forum (ASIF) 2015  
**File No:** PUB/0600  
*Annexure 17:* 1st South East Queensland Island Forum  
*Annexure 18:* CONFIDENTIAL For elected Members Only  
*Annexure 19:* Revised ASIF Budget

- Item B3: Notice of Motion from Deputy Mayor David Williams  
- Lady Barron Hall and Recreational Special  
Committee  
File No: AME/0503
- Item B4: Notice of Motion from Cr Gerald Willis – Lobby State and  
Federal Candidates for the Bass Electorate  
File No: COU/0600
- Item B5: Notice of Motion from Councillor Mary-Anne Roberts –  
Support of Furneaux Islands Service Providers (FISP)  
Network  
File No: CSV/0912

## **C. CORPORATE SERVICES**

- Item C1: Quarterly Financial Report October - December 2013  
File No: FIN/0100, ADM/0600  
*Annexure 20: Quarterly Financial Report October – December  
2013*
- Item C2: Half Yearly 2013-14 Budget Review  
File No: FIN/0702  
*Annexure 21: Half Yearly 2013-14 Budget Review*

## **D. GOVERNANCE**

- Item D1: Citizen of the Year Award Policy  
File No: PUB/0800  
*Annexure 22: Citizen of the Year Award Policy*
- Item D2: Review of Aviation Policy  
File No: COM/0104  
*Annexure 23: DRAFT Aviation Policy*
- Item D3: Instrument of Delegation  
File No: PUB/0800  
*Annexure 24: DRAFT Instrument of Delegation – amended February  
2014*
- Item D4: Council's 2<sup>nd</sup> Quarterly Report  
File No: COU/0600  
*Annexure 25: 2<sup>nd</sup> Quarterly Report from Council (October – December  
2014)*

Item D5: Councillor Resolution Report  
File No: COU/0600  
Annexure 26: *Councillor Resolution Report February 2014*

**E. CLOSED COUNCIL**

Item E1: Closed Council Item - Applications by Councillors for  
Leave of Absence  
File No: COU/0204  
Annexure 27: *For Elected Members only*

**Meeting Closed**

**A. DEVELOPMENT SERVICES & PLANNING**

**Item A1: Planning Applications Report**

<b>ACTION</b>	<b>Information</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Jacci Viney, Development Services Coordinator
<b>FILE REFERENCE</b>	PLN/0105
<b>ASSOCIATED PAPERS</b>	<i>Nil</i>

**INTRODUCTION:**

The purpose of this report is to provide Councillors with an update of the applications which have been dealt with by the Planning Department for the period July – December 2013.

The new ‘Discretionary Land Use Applications Procedure’ has been in place for the period and reporting has not been provided since this time.

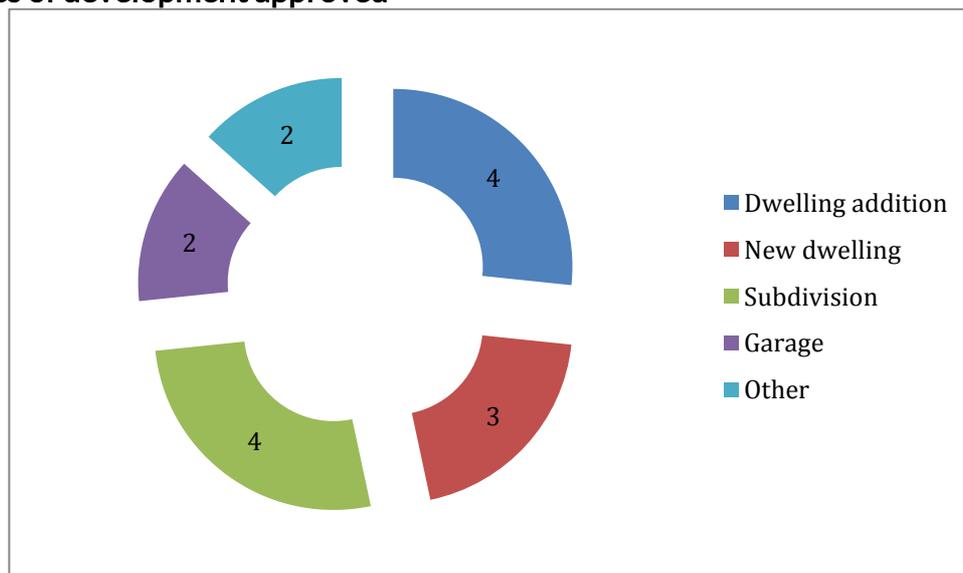
**PREVIOUS COUNCIL CONSIDERATION:**

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

**OFFICER’S REPORT:**

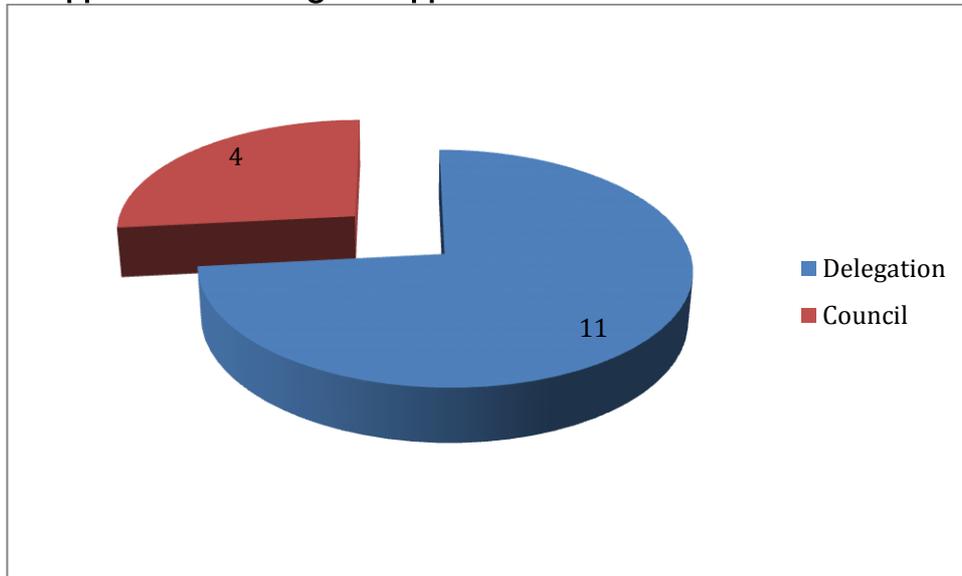
The number of applications approved during the July – December period of 2013 was 15. The varying types of development applied for during the period are shown in the following graph:

**Types of development approved**



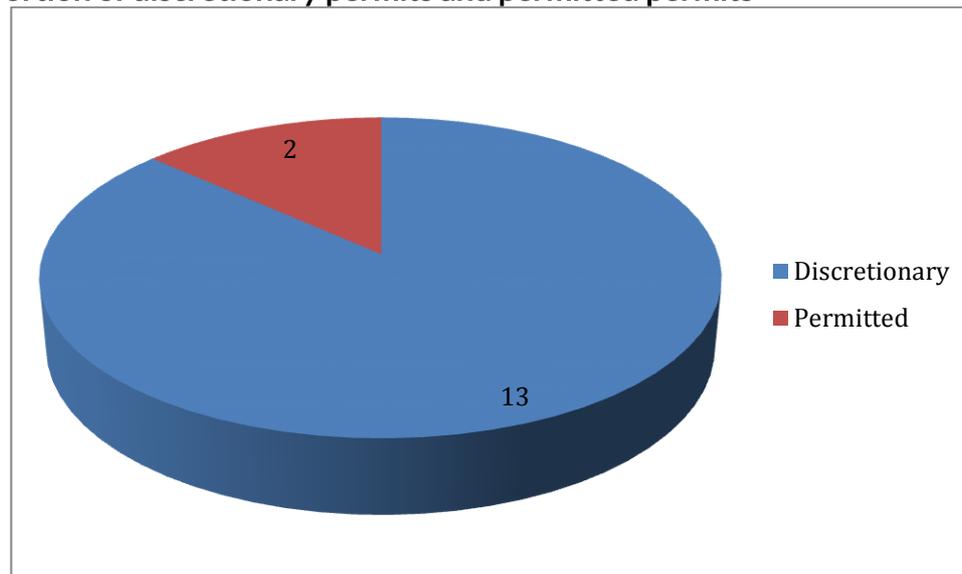
The following pie graph shows the number of applications that were referred to a Council meeting and those that were approved by Council's General Manager by delegation:

### Council approved and delegated applications



As a matter of interest the following chart shows the ratio of applications which are treated as permitted. Unfortunately the current scheme, although somewhat light on detail, policy and direction often calls in basic applications as a discretionary use.

### Proportion of discretionary permits and permitted permits



**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

That the report be received.

*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 A2: Development Application – TasPorts**

<b>ACTION</b>	Decision – Initiation & Certification
<b>PROPONENT</b>	Strategic Projects Office, Circular Head Council obo Tasmanian Ports Corporation Pty Ltd
<b>OFFICER</b>	Justin Simons, Consultant Town Planner
<b>APPROVED BY SENIOR PLANNER</b>	Jo Oliver, Senior Consultant Town Planner
<b>FILE REFERENCE</b>	DA2013/0027 & Draft Amendment 1/2014
<b>ASSOCIATED PAPERS</b>	<p><i>Annexure 2: DA2013.0027 Advice from DIER re proclamation</i></p> <p><i>Annexure 3: DA2013.0027 Appendix DA Report</i></p> <p><i>Annexure 4: DA2013.0027 Detail Site Design &amp; Elevation</i></p> <p><i>Annexure 5: DA2013.0027 DIER consent</i></p> <p><i>Annexure 6: DA2013.0027 Engineering Drawings - Security gates</i></p> <p><i>Annexure 7: DA2013.0027 Letter of Authority - Flinders Council</i></p> <p><i>Annexure 8: DA2013.0027 Letter to accompany DA</i></p> <p><i>Annexure 9: DA2013.0027 Proclamation</i></p> <p><i>Annexure 10: DA2013.0027 Style Images of Gates and Proposed Sign</i></p> <p><i>Annexure 11: DA2013.0027 Consent endorsed</i></p> <p><i>Annexure 12: DA2013.0027 TasPorts Draft Amendment Flinders Island Planning Scheme 1994</i></p> <p><i>Annexure 13: DA2013.0027 TasWater Signed SPAN</i></p>

Proposal: Amendment to the *Flinders Planning Scheme 1994 (Amended 2000)* – Amendment 1/2014 – Map Amendment to rezone a portion of the Main Street road reserve from uncoloured Road Zone to Port Zone; and

Ordinance Amendment to Schedule 4 “Roads” to allow use and development in the Road Zone, within the Port Zone to be considered subject to the provisions of the Port Zone; and

Permit application for automatic access security gates and signage within the Main Street road reserve and 35 Main Street, Lady Barron.

Location: Main Street road reserve and 35 Main Street (CT:129007/1), Lady Barron

Applicant: Strategic Projects Office, Circular Head Council obo Tasmanian Ports Corporation Pty Ltd.

Zoning: Port Zone and Road Zone

Special Areas: Shorelines, Water Bodies and Watercourses.

### **INTRODUCTION:**

This report considers a proposal to amend the *Flinders Planning Scheme 1994 (Amended 2000)* under Section 43A of the *Land Use Planning and Approvals Act 1993*. The proposal is comprised of three components:

- a Map Amendment to partially rezoning land at the southern end of Main Street, Lady Barron, from uncoloured/Road to Port Zone; and
- an Ordinance Amendment to Schedule 4 “Roads” to allow works and development to occur within a Road Zone within the Port Zone; and
- development for automatic access security gates and associated signage within the land proposed to be rezoned from Road to Port.

Section 33(1) of the Land Use Planning and Approvals Act 1993 states that “a person may request a planning authority to amend a planning scheme administered by it”.

Section 43A states that “a person who requests a planning authority to amend a planning scheme may also request the planning authority to consider... an application for a permit which would not be allowed if the planning scheme were not amended as requested”.

The Lady Barron Port precinct comprises a number of titles owned by the Tasmanian Ports Corporation Pty Ltd (TasPorts), which have been historically developed to accommodate port infrastructure and activities. The land is highly developed with little remaining vegetation. The subject land comprises a portion of the Main Street road reserve, which has been developed as a sealed road, and the adjoining title to the west, 35 Main Street, Lady Barron (CT:129007/1).

While the gate structure will be largely contained within the road reserve, when open, one side of the gate will extend onto 35 Main Street, Lady Barron. The title for 35 Main Street, Lady Barron comprises a gazetted Proclaimed Wharf Area for port and shipping. Section 20 (10) of the *Land Use Planning & Approvals Act 1993* requires that any development that occurs within this area, that is associated with port and shipping, must be Permitted (planning permit required) status. However, land located outside of the proclaimed area is subject to the normal planning scheme assessment provisions, including those requiring a discretionary permit.

The port has recently undergone a substantial redevelopment which included the demolition of disused buildings, the construction of a new transit building and the delineation of public and industrial/commercial areas.

The amendment is proposed to facilitate the construction of security gates to the commercial area of the Lady Barron Port for public safety and to protect goods and infrastructure within the port. Currently all works and development not associated with utilities are prohibited on land identified as being in a Road Zone, regardless of the land being shown as uncoloured or any other zone on the Scheme Maps . The combination of the rezoning and ordinance amendment will allow works, such as the proposed gates, to occur within the road reserve in the Port Zone only.

## **OFFICERS REPORT:**

### **Location:**

The land subject to the amendment is identified as Main Street, Lady Barron and does not relate to a Certificate of Title. Currently Main Street extends into the commercial area of the wharf and is surrounded to the east, south and west by land zoned as Port and owned by the Tasmanian Ports Corporation (Tas Ports). The portion of the road impacted by the proposal is a dead-end road and provides access solely to the titles and facilities owned by Tas Ports. The portion of road is currently under the jurisdiction of the Department of Infrastructure, Energy and Resources (DIER), however a process to have the subject portion of the road transferred to the Flinders Council has commenced. Both authorities have provided consent for the application to be lodged.

The proposed security gates will be located in the road reserve and the adjoining title, 35 Main Street, Lady Barron.



Photo 1: Location of the subject land.

Source: Google Maps 2013

**Planning Control:**

The subject land is controlled by the *Flinders Planning Scheme 1994 (Amended 2000)* referred to this report as the 'Scheme'.

**Amendment Description:**

The proposed amendment is described as the rezoning of a portion of Main Street, Lady Barron from uncoloured/Road Zone to Port Zone (refer Figure 1 below); and

An ordinance amendment to be inserted in Schedule 4 - Roads after Clause S4.1.2 (c) of the Scheme which would read as follows:

- d) where the 'Road' is shown as being zoned Port, in which case all use and development will be subject to the standards of the Port Zone.*

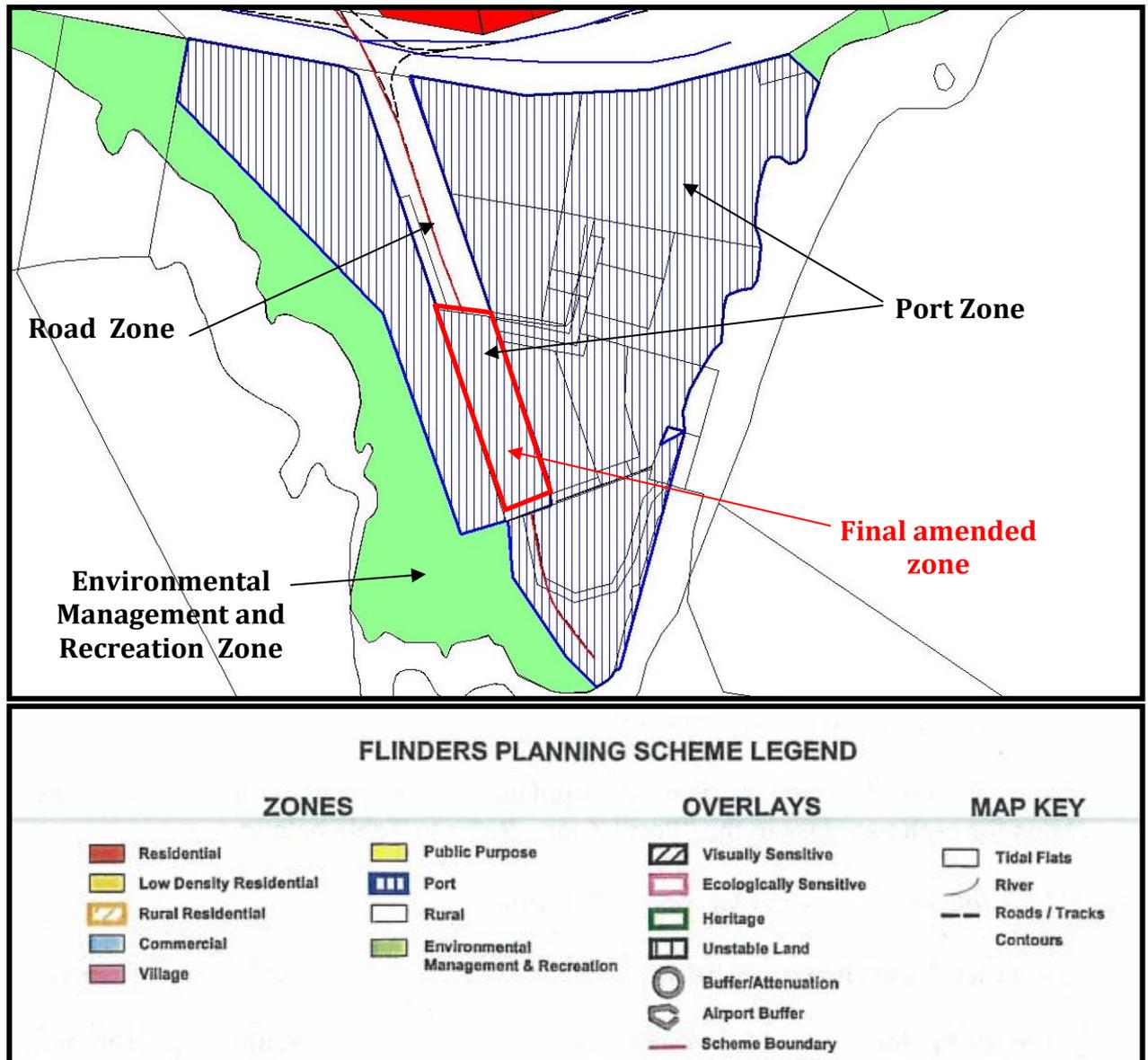


Figure 1: Proposed Zoning.

**Statutory Timeframes:**

Application received: 19<sup>th</sup> December 2013

Decision Due - Initiation and Certification: 13<sup>th</sup> February 2014

Advertising: Wednesday 19<sup>th</sup> February and Saturday 22<sup>nd</sup> February 2014

Closing date for representations: Friday 14<sup>th</sup> of March (based on 3 weeks notification)

**Zoning:**

The land to be rezoned is currently identified as being in a Road Zone and is shown as uncoloured/Road on the Scheme maps. The surrounding land is zoned Port. 35 Main Street is partly zoned Port and partly zoned Environmental Management and Recreation. The proposed gates will be located within entirely within the Port Zone on this title. Figure 2 below shows the zoning of the land and adjoining titles.

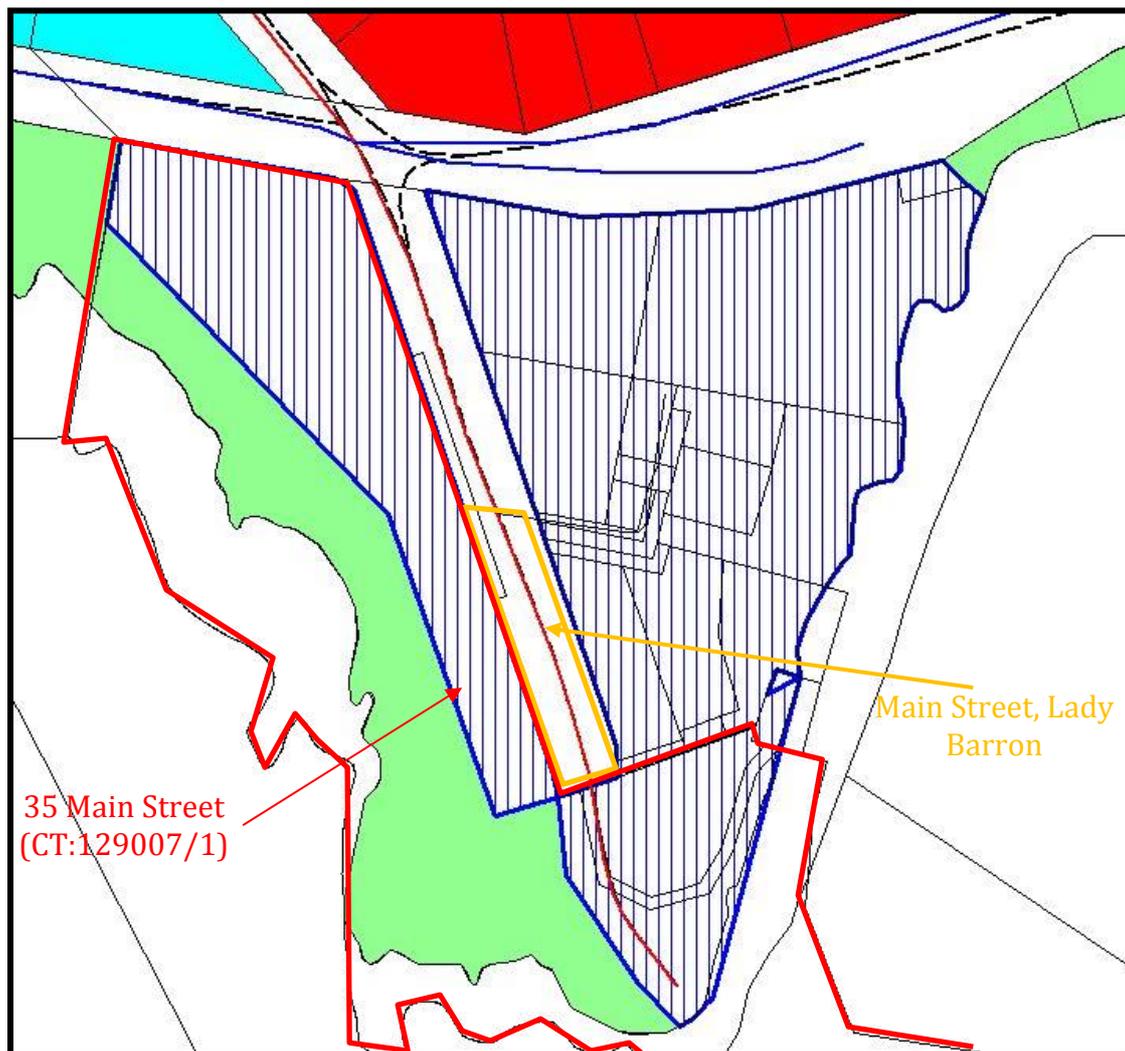


Figure 2: Current Zoning Map.

**Road Zone:**

Clause 1.6 of the Planning Scheme defines 'Road' as:

*“any land, Crown or otherwise, used for the passage and re-passage of vehicles and pedestrians as defined under the Local Government (Highways) Act 1982, but does not include any road that is not a public road.”*

*The land has not undergone the statutory processes for closure of a public road and therefore public road status is retained.*

As such the extent of Main Street as depicted in Figure 3 is defined as ‘Road’.

In accordance with Clause 3.21 of the Scheme, land that is a Road as defined by Clause 1.6 of the Scheme is deemed to be within a Road Zone and is subject to the provisions of Schedule 4.

Schedule 4 states:

*S4.1 General*

*S4.1.1 Any land that is a road as defined in Clause 1.6.4 shall be deemed to be land within a road reserve, irrespective of whether such land is shown uncoloured or rural on the plan, or within any other zone or area.*

**Port Zone:**

The intent of the Port Zone is outlined under Clause 5.7.1 of the Scheme, which states:

*The areas under this zone are intended for development of uses directly related to the operation of Whitemark and Lady Barron as ports. Appropriate use or development include storage, warehousing, marine-related office and sales outlets, marine maintenance and repair facilities and holding yards.*

The desired zone character and zone guidelines of the Port Zone are outlined under Clause 5.7.2 of the Scheme, which states:

- a) While acknowledging the design requirements of different port related uses, development should nevertheless take all reasonable measures to limit conflict with the character of the surrounding area (including that under other zoning) and other uses.*
- b) Use or development should be of modest scale and use traditional design elements and orientation to the street, where appropriate. Pitched roofs and broken form are preferred and long, high and continuous walls are not appropriate.*
- c) Advertising signs may be colourful but should be restrained in their overall impact. Typically, signs should be located on the building face or*

*fence or in a low position if free standing. Large signs and those which are out of scale with the area or the building or structure on which they are located or relate to, as well as those above roof height, are inappropriate.*

- d) Security fencing shall be kept to a minimum. Where required its visual impact should be minimised through such measures as use of dark coloured/finished wire mesh and screening vegetation, and where possible located behind the line of the building facade.*

### **The Proposal:**

The applicant has requested that Council modify the Planning Scheme to re-zone a portion of Main Street, Lady Barron (see Figure 2 and Figure 3) from uncoloured/Road to Port Zone. The land to be rezoned comprises approximately 58m of the road reserve, with a total area of approximately 1,175m<sup>2</sup>.

The combined rezoning and ordinance amendment would allow for use and development within areas defined as Road within the Port Zone, to be considered, subject to the requirements and standards of the Port Zone.

### **Intent of Proposal**

As detailed in the supporting documentation, TasPorts owns the land surrounding the subject portion of Main Street. The port facilities include stockyards, a transit storage shed, TasPorts' offices and public recreational space.

The intent of the proposal is to allow the construction of an automatic security gate within the Main Street road reserve to separate the commercial wharf area, from recreational and public access areas. Historically the port has been shared by public and commercial users; however modern shipping and port activities make such an arrangement unsafe. The proposal will contribute to the health and safety of the public by restricting access to the commercial port area and associated shipping activities, while providing increased security for port infrastructure and commercial shipping.



**Photo 2: Main Street looking south, showing approximate location of gates (note: grey brick building now demolished and new colorbond transit shed erected).**

A recent redevelopment of the port area (DA2012\0035) has significantly upgraded these facilities and delineated public access and commercial areas of the wharf. The demolition of unused buildings on the eastern side of the port has allowed for the creation of a new public area. This has removed the necessity for public access to the western side of the port where existing commercial/industrial port infrastructure is located.



**Photo 3: looking south along Main Street, showing the existing gated port area at the tip of Stores Point.**

Currently Main Street, Lady Barron, extends the full length of the port terminating amongst the commercial port infrastructure near the tip of Store Point. As it only provides access to land owned by TasPorts and used for commercial operations, it is considered unnecessary for public access to extend to the full extent of the existing road. DIER has commenced proceedings to close the southern end of Main Street to a point approximately 140m south of Franklin Parade, under agreement that TasPorts will purchase the parcel of land.

While a security fence has been erected around the commercial area, currently the Scheme prohibits development within the Road Zone, making it impossible to erect gates across the proclaimed road. The land has historically been used informally for port activities and the alignment of the security fence with the existing boundaries would seriously hinder existing and future port operations.

The rezoning will allow the road reserve to revert directly to Port Zone provisions, while the ordinance amendment will allow the portion of the road reserve to be immediately developed and used for integral port infrastructure. The amendment and development are consistent with the characteristics of the port environment and the existing informal use of the road reserve.

The Lady Barron Port is the only working port on Flinders Island and is the primary service point for cargo and freight. As such, it is integral to economic development on the island and the provision of goods and services. The erection of the security gates is integral to the safe and secure operation of the port.

The Port of Whitemark does not contain any public roads. The effects of the amendment are limited to the Lady Barron Port Precinct. The proposed rezoning will bring the portion of the road into greater conformity with the adjoining port zoning and will formalize the current use of the land for port activities. Future use and development of the land for port infrastructure is considered to be in keeping with the character of the commercial port.

### **The Site:**

The land subject to the proposed amendment forms part of Main Street, Lady Barron and provides access to the Port of Lady Barron. The land is a relatively flat, sealed parcel of State Road and road reserve, currently under the authority of DIER. The road reserve is shown uncoloured/Road on the Scheme Maps.

The adjacent land to the west, 35 Main Street, Lady Barron, has a split zoning. The western portion of the land, zoned Environmental Management and Recreation, comprises a Crown Land coastal reserve. The portion of the title zoned Port comprises a gazetted Proclaimed Wharf Area for port and shipping.

The land to the east of 35 Main Street and subject road reserve, is zoned Port and has been largely developed as such.

The land to the north of 35 Main Street is zoned Residential, however the proposed amendment and development are located in excess of 140 metres from this land.

A Natural Values Atlas Report was obtained and there are no verified, threatened flora or fauna within 500 metres of the development area.

As mentioned, the Lady Barron Port has recently undergone a major redevelopment and upgrade of port facilities, including the delineation of the public recreational area and commercial port facilities. Currently there is a swing security gate approximately 58 metres to the south of the proposed gate. The area beyond this gate is inadequate for port operations and does not incorporate port facilities, including the transit building and stockyards. The recent upgrades have extended the security fencing to incorporate a greater marshalling area and key facilities, however, it has not been possible to install a gate due to the restrictions of the scheme.

As part of the redevelopment, Main Street has been resurfaced south of Franklin Parade, and realigned within the commercial port area. The port area, including the subject land, is highly developed, with a large elevated concrete and earthen wharf and associated port structures.

The proposal does not require any additional services or infrastructure.

## **The Amendment**

### **Strategy**

- Council's Strategic Plan 2011

The Flinders Council Strategic Plan 2011 states the strategic outcome for Infrastructure is *"Efficient and reliable infrastructure that supports and protects production, services and lifestyle"*.

Strategies under the strategic outcome include:

- *Identify infrastructure objectives and standards for assets and develop a viable, asset lifecycle management and operational model;*
- *Optimise infrastructure to support existing settlements and enhance sustainable development opportunities and remove impediments to growth.*

The Strategic Plan specifically identifies the Lady Barron Port as being integral to economic development on the island, however, in its current state it is unfit for purpose. The Plan calls for an immediate upgrade to the port facilities, taking into account future demand and growth. Lady Barron Port was chosen over Whitemark as the existing underlying infrastructure was of a higher standard and it was perceived that upgrades here would provide better value for money.

The recent upgrades to the port are a direct consequence of the Strategic Plan. The proposed amendment and development will allow the completion of the port redevelopment and will result in the achievement of a key strategic goal for Council and the Community.

The Strategic Plan 2011 identifies the strategic outcome for Land Use, Development and Building 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.*

One strategy under this strategic outcome is *"Promote development of specific purpose precincts (such as light industry and a value adding processing*

*precincts) as a means of creating opportunities, resolving land use tensions and risks, consolidating service access and optimising infrastructure investment and efficiency.”*

The proposed amendment directly furthers this strategy. The port area is a specific purpose precinct comprised of a number of titles developed with port infrastructure. A planning permit was issued in 2012 (DA2012\0035) for the redevelopment of this precinct to improve utility and efficiency for both commercial and recreational users. While the proposed gates were initially included in the 2012 application, it was found that the Scheme did not support the gates and effectively prohibited the entire redevelopment of the precinct. As such, the gates were removed so that the rest of the development could be progressed in a timely manner. The gates however remain integral to the redevelopment of the precinct. A redesign of the development to relocate the gates was not considered possible due to the location of existing infrastructure on the site and the need for a larger fenced area for commercial shipping activities.

The proposed gates are integral to the safe and secure operation of the Lady Barron Port. As stated, the port is the only commercial port on the island and is integral to economic development and the delivery of goods and services to the population. The zoning of the subject land and prohibitive clauses in Schedule 4 of the Scheme constrains the development of a security access gate to the commercial port area.

- Council's Structure Plan 2011

Council's Structure Plan has been '*designed to guide the development of the new Flinders Planning Scheme*' and '*aims to guide future land use and development*' (Flinders Structure Plan 2011).

Clause 4.1.3 of the Structure Plan specifically addresses Lady Barron Port. It states:

*The Lady Barron Port is critical infrastructure upon which Flinders Island is dependent for both the import and export of goods. Currently, within the port area (as defined by the extent of the Port Zone under the Planning Scheme) a number of non-port facilities are provided.*

*Such non-port operations have the potential to conflict with, and fetter port operations. For example, while seemingly complementary, the public access and traffic associated with a public boat ramp or tennis courts within an operating port can conflict with port operations (i.e. safety, vehicle circulation and security). Many non-port activities can, in the long term, pose a risk to the viability, function and efficiency of the port. Given the broad reliance upon the Lady Barron Port by the Flinders*

*community, use and development within port areas should, wherever possible, be limited to that essential for port operations...*

*The recommended planning response to these issues, within the scope of the current*

*Project, includes:*

- *Protect the functionality and efficiency of the Port by:*
  - *Recognising the primacy of the port operations through an appropriate zoning (i.e. Port) rather than the more generic zoning currently applied*
  - *Limiting future land use and development within the Port Zone to that necessary for Port operations*
  - *Work toward medium term relocation of non-port development and activities from within the Zone, including tennis courts, public toilets and other services*
  - *Seek to relocate fuel storage into port area.*

*At a more detailed scale than that provided under the current Project, there is a need to complete a more detailed master plan for the Port in order to determine the best operational layout and location for port facilities and infrastructure.*

The proposed amendment directly furthers the land use policies identified in the Structure Plan. The recent port redevelopment is considered to incorporate the best operational layout and location for port facilities and infrastructure. The proposed location for the gates is an integral component of the layout and the amendment is required to allow their construction.

## **Scheme Maps**

The proposed amendment seeks to rezone a portion of Main Street, Lady Barron, from uncoloured/Road to Port, as shown in Figure 3 below.

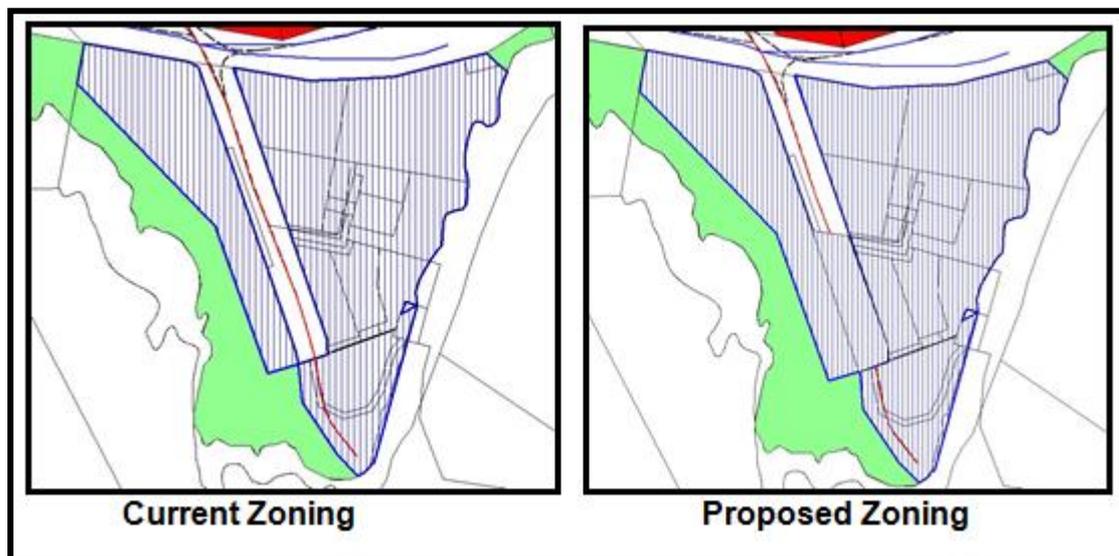


Figure 3: Comparison of current and proposed zoning.

## Ordinance

The proposed amendment to the ordinance is to be inserted into Schedule 4 of the Scheme following Clause 4.1.2 (c) as follows:

- d) where the 'Road' is shown as being zoned Port, in which case all use and development will be subject to the standards of the Port Zone.*

This clause effectively allows for use and development to occur within the public road reserve where the road is shown as being zoned Port on the scheme maps. Use and development will be subject to the requirements and standards of the Port Zone.

## Flinders Planning Scheme 1994 (Amended 2000)

- 2.2 Intent of the Scheme:

Clause 2.2 of the Scheme outlines the intent of the scheme. Specifically, the following have been identified as being relevant to the proposal:

1. Encourage the orderly and efficient use and management of resources within the Planning Area.

**Comment:** The port redevelopment is considered to be an orderly and efficient use of the subject land. The extension of the public road into this area is unnecessary, threatens the safe and efficient operation of the commercial port and is a hindrance to use and development. The amendment will allow for the construction of the security gates and management of the land.

*2. Promote and safeguard the health, safety and welfare of the community;*

**Comment:** The proposal will directly contribute to the health and safety of the community by restricting public access to the commercial area of the port. The proposal also contributes to community welfare by securing the port and associated infrastructure, and facilitating the secure conveyance of freight and cargo to the island.

*3. Maintain and diversify the economic base of the Planning Area;*

**Comment:** The economic base will be furthered as a result of the rezoning which will allow for the efficient operation of the port. The Flinders Island economy is highly dependent on shipping to export local produce and import goods not manufactured locally.

*4. Foster the social and economic well-being of the community;*

**Comment:** As discussed the safe and efficient operation of the port directly contributes to the viability of the local economy; it is integral to supplying the island with many goods and provides a market for local produce. By facilitating economic development the port improves the social well-being of the community, by providing residents with employment and an income. The land is currently informally used for commercial port activities and the new recreational port area makes public access to the subject portion of road unnecessary. As such, the proposed rezoning is not considered to adversely impact the community.

*5. Encourage the efficient and effective use of facilities and services;*

**Comment:** The Lady Barron Port has recently undergone a significant redevelopment, of which the separation of the commercial facilities from public access areas is a primary component. Due to the constraints imposed by the Planning Scheme the security gates were removed from the initial development proposal (DA2012/0035), however, they remain integral to the safe and efficient operation of the port. The amendment and subsequent gate development will allow the port infrastructure to be used to its full potential.

*7. Ensure that future changes and use or development respect the inherent qualities of the natural environment and avoid undesirable environmental and social impacts;*

**Comment:** The subject land is central to the highly developed Lady Barron Port area. The amendment and subsequent development is not considered to adversely impact the natural environment.

8. *Provide for the recreational and open space needs of residents and visitors.*

**Comment:** The recreational and open space requirements of the port have been addressed during the recent redevelopment. The eastern half of the port has been designated and designed for public access and utility. Due to the commercial activities on the western half of the port, public access is undesirable and unsafe. The construction of the security gates will not increase the demand for, or reduce the supply of public open space.

The proposed rezoning is considered to comply with the Intent of the Scheme.

- *Schedule 4- Road Zone*

Schedule 4 states:

*S4.1 General*

*S4.1.1 Any land that is a road as defined in Clause 1.6.4 shall be deemed to be land within a road reserve, irrespective of whether such land is shown uncoloured or rural on the plan, or within any other zone or area.*

*S4.1.2 Any Use or Development within a road reserve shall be prohibited, except for:*

*(a) the purposes of that road for underground Public Utilities, which shall be a Permitted (as of right) Use or Development in accordance with Clause 3.3;*

*(b) above ground Public Utilities, which shall be a Permitted (with Planning Permit) Use or Development in accordance with Clause 3.4; or*

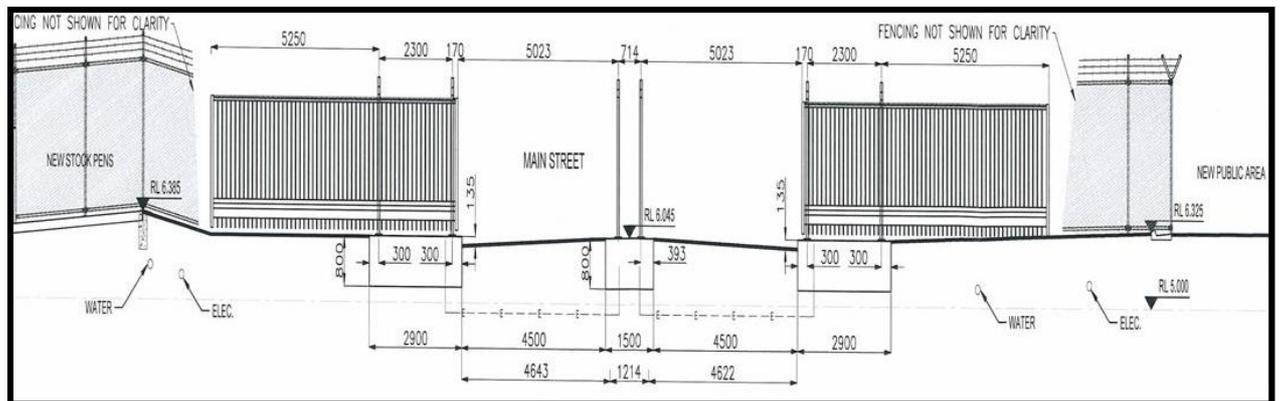
*(c) a vehicular access point to a carriageway, which shall conform to all relevant requirements of this Scheme.*

The current denotation of the land as 'Road' effectively prohibits all use and development, except for utilities and access points.

## **Development**

Section 43A of LUPAA allows the planning authority to consider an application for a permit concurrently with the preparation of the requested amendment. As such, a permit is sought to construct security gates across Main Street to the north of the commercial area of the wharf.

The proposed automatic security gates consist of a pair of sliding metal gates and supporting structures, built across the existing sealed carriageway and meeting in the centre. Each gate will measure approximately 7.5 metres in width. The gates will be driven by a 240 volt motor and will include a flashing yellow warning light to indicate when it is in motion.



**Figure 4: Proposed gate plans.**

The gates will generally be contained within the portion of the road reserve previously identified, however, when open the west arm of the gate will extend onto the title at 35 Main Street.

- **Port Zone**

Zone Intent, Desired Zone Character and Zone Guidelines:

The Intent of the Port Zone is outlined under Clause 5.7.1 of the Scheme, which states:

*The areas under this zone are intended for development of uses directly related to the operation of Whitemark and Lady Barron as ports. Appropriate use or development includes storage, warehousing, marine-related office and sales outlets, marine maintenance and repair facilities and holding yards.*

The Desired Zone Character and Zone Guidelines are outlined under Clause 5.7.2 of the Scheme, which state is to:

- (a) *While acknowledging the design requirements of different port-related uses, development should nevertheless take all reasonable measures to limit conflict with the character of the surrounding area (including that under other zoning) and other uses.*

- (b) Use or development should be of modest scale and use traditional design elements and orientation to the street, where appropriate. Pitched roofs and broken form are preferred and long, high and continuous walls are not appropriate.*
- (c) Advertising signs may be colourful but should be restrained in their overall impact. Typically, signs should be located on the building face or fence or in a low position if free standing. Large signs and those which are out of scale with the area or the building or structure on which they are located or relate to, as well as those above roof height, are inappropriate.*
- (d) Security fencing shall be kept to a minimum. Where required its visual impact should be minimised through such measures as use of dark coloured/finished wire mesh and screening vegetation, and where possible located behind the line of the building facade.*

**Comment:** The proposed gates and signage are directly associated with the operation of the Lady Barron Port. The gates are required to restrict public access to the commercial area of the port and ensure the safety and security of people and shipping.

The proposed gates are of a modest scale, having a similar height to the existing security fence and being largely transparent (see Photo 4 below). Visually they are in keeping with the port environment to which they are central.



**Photo 4: Security gates similar in scale and appearance to those proposed for the Lady Barron Port, demonstrating the visual impact.**

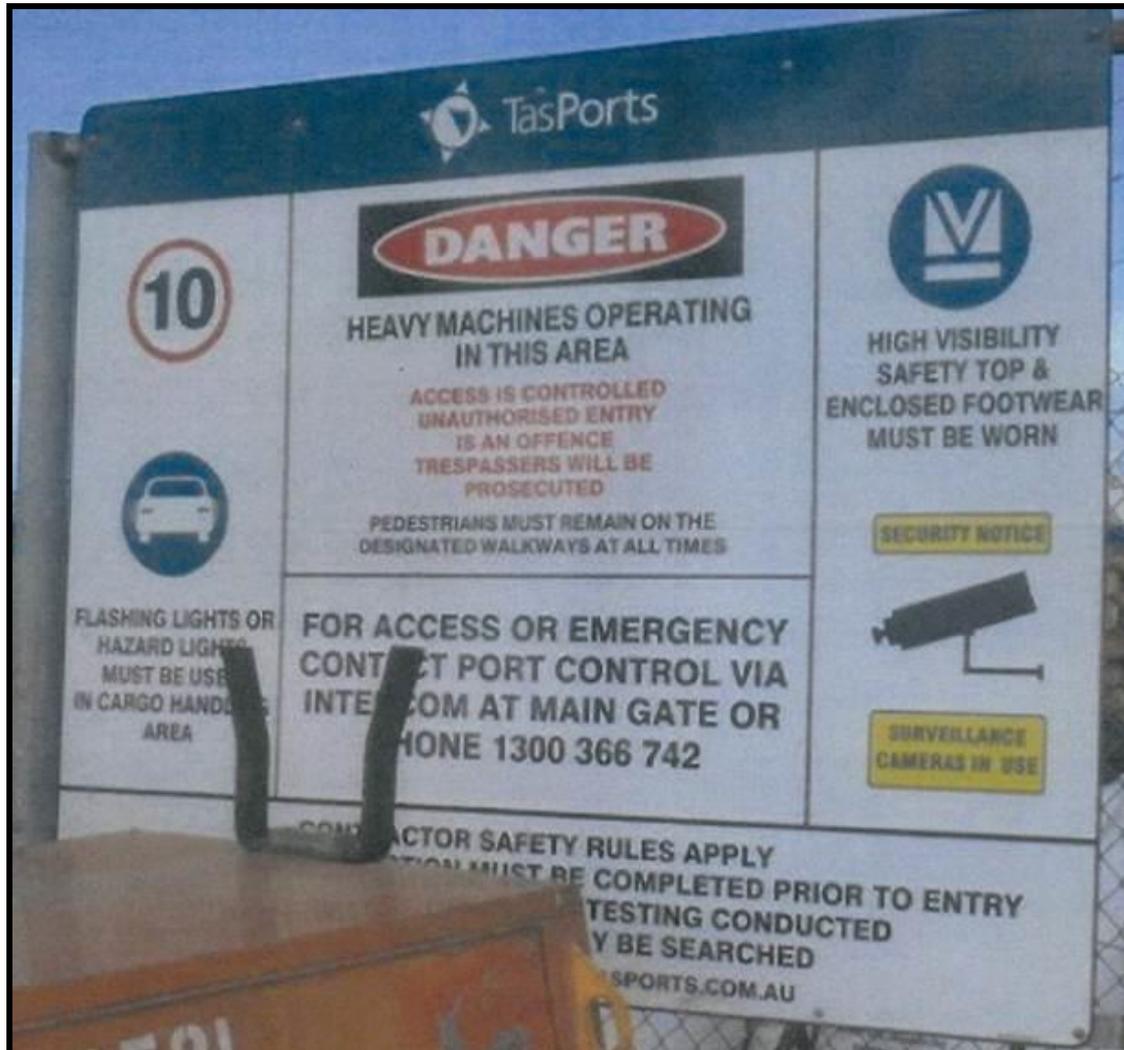


Photo 5: Approximate contents of proposed signage.

The proposed signage will be placed on the fence, adjacent to the gate monitor. It will include safety and security details for visitors to the commercial area and will be placed at eye level so that it is visible for vehicle operators.

Security fencing around the port has been kept to a minimum and is limited to that which is integral to the safe and efficient operation of the port. The gates will close the gap between the fences to either side of the road reserve creating a usable operational area. While visible from public spaces, the gate is generally consistent with the existing security fence and the character of the port, and the visual impacts are considered to be acceptable.

The gates will enhance the efficiency of the use of the port area, and also allow for the increased operational capacity of the site.

The proposed development is considered to be in keeping with the Intent, Desired Character and Guidelines for the zone.

### Development Standards

Clause 5.7.4 states:

*(a) The maximum height of buildings is 8.0 metres.*

*(b) There are no minimum setback requirements except those necessary to meet the zone intent, protect the character of the surrounding area and protect the amenity of neighbouring properties.*

**Comment:** The proposed gates have a maximum height of 2.5m, including vertical supports.

The gate will extend to meet the existing security fencing surrounding the commercial port. The security fencing crosses a number of titles owned and operated by TasPorts; the setback from boundaries varies. The new gates will cross the existing boundary line to the west of the Main Street road reserve. The realignment of the road during the previous phase of redevelopment has created sufficient room to the east of the carriage way to accommodate the gate when open to its full extent.

The location and setback from the boundaries is considered acceptable. The gates are located in a port precinct and are in keeping with the historic use of the site. The gates are not considered to detract from the industrial character of existing buildings on the site. Due to the elevation of the port above the natural beach line and existing structures on the sight and some neighboring coastal vegetation, the gates will have very limited visibility from public areas in the adjoining Environmental Management and Recreation Zone.

Residential land to the north of 35 Main Street is sufficiently separated from the development (140 metres) to mitigate the visual impacts.

As such the gates are considered to comply with the development standards.

### 5.7.5 Table of use

The proposed gates are incidental to the use of the land as a Transport Depot. In accordance with Scheduled 1 of the Scheme, Transport Depot:

*means the use or development of land for the garaging, parking, maintenance or minor repairs of any motor vehicle or vehicles used for carrying persons and/or goods for hire, reward or other considerations, or as a depot for the transfer of persons and/or goods from such motor vehicle(s).*

In accordance with Clause 5.7.5 Table of Use, Transport Depot is a permitted (with permit) use in the Port Zone.

The title for 35 Main Street, Lady Barron comprises a gazetted Proclaimed Wharf Area for port and shipping. Section 20 (10) of the *Land Use Planning & Approvals Act 1993* requires that any development that occurs within this area, that is associated with port and shipping, shall be a permitted use and development in the Port Zone (see Table of Use and Development, Note (a) above).

- **Schedule 4- Roads**

#### S4.1 General

The proposed ordinance and map amendment will allow use and development in the effected land to be considered against the provisions of the Port Zone.

Clause S4.1.2 will read:

*S4.1.2 Any Use or Development within a road reserve shall be prohibited, except for:*

*(a) the purposes of that road for underground Public Utilities, which shall be a Permitted (as of right) Use or Development in accordance with Clause 3.3;*

*(b) above ground Public Utilities, which shall be a Permitted (with Planning Permit) Use or Development in accordance with Clause 3.4; or*

*(c) a vehicular access point to a carriageway, which shall conform to all relevant requirements of this Scheme.*

*(d) where the 'Road' is shown as being zoned Port, in which case all use and development will be subject to the standards of the Port Zone.*

In accordance with the inserted Clause S4.1.2 (d), use and development within a road reserve shown as being zoned Port will be subject to the standards of the Port Zone. An assessment of these standards has been undertaken above.

#### S4.4 Referrals to the Department of Transport

The proposal was referred to the Department of Infrastructure, Energy and Resources (current road authority) on the 14<sup>th</sup> January 2014, no comments were received. The documents submitted with the application include Crown Land consent to lodge an application for an amendment to the Flinders Planning Scheme 1994. A permit consenting to the construction of the gate within the State Road Reservation has also been provided by the Department of Infrastructure, Energy and Resources (attached).

#### **Schedule 5 -Signs**

##### S5.2 Permitted (as of right) Signs

The proposed sign includes information regarding safety and security in the industrial area of the port and is considered to relate to the statutory functions of Tasports as an authority.

In accordance with Clause S5.2 (1) *signs relating to the safe and effective use of the road system by a public authority or Council* are exempt from requiring a planning permit.

- **Part 7- Special Area Provisions**

#### **7.5 Shorelines, Water Bodies and Watercourses**

As the development is located within 100 metres of the high-water mark, the Shorelines, Water Bodies and Watercourses Special area is applicable. For the development that is located outside of the proclaimed wharf area, a discretionary use and development status is triggered. Whilst the development within the proclaimed wharf area must be issued a permit, it is still subject to assessment against these provisions and potential conditions against the objectives of the Special Area.

The scheme requires that use and development within this Special Area “*shall be sustainably managed for the protection of water quality, the conservation of aquatic and shoreline habitat and the enhancement of recreational opportunities.*”

Matters for consideration in regard to the delivery of the above objective are set out in clause 7.5.4 as follows:

- (a) *The siting, orientation, setback, bulk, form, height, scale, materials and external finishes of buildings and structures*

**Comment:** The physical form of the gates is consistent with other development in the precinct, particularly the existing security fence.

- (b) The impact upon water quality, foreshore or streamside vegetation and wildlife habitat of building, clearing, excavation, effluent disposal, access construction, fences, firebreaks or the deposition of fill;*

**Comment:** The development is relatively minor and will not result in any increase in emissions likely to impact water quality. No vegetation clearance, excavation or effluent disposal will result from the development. The gate will complete an existing security fence, which effectively separates the highly developed port area from the adjoining coastal reserve.

- (c) Whether land should be acquired by Council as a condition of subdivision or otherwise, to protect the items listed in Schedule 3;*

**Comment:** It is not considered warranted that any land be acquired by council to protect the coastline.

- (d) Whether additional fencing or any other special works or practices are required to protect the items listed in Schedule 3;*

**Comment:** The proposed gates are a component of existing fencing. This fencing effectively restricts encroachment of the industrial activities onto the adjoining coastal reserve.

- (e) The design, content and location of signage and interpretative displays.*

**Comment:** The development includes signage which is considered to be exempt from requiring a permit. This signage is not directed toward the coast, but faces inland. Its content is directly related to safety and security in the commercial area of the port.

- **Part 6 Use and Development Principles**

The proposed security gates do not conflict with the Use and Development Principles of Part 6 of the Scheme. Those relevant to the proposal are addressed below.

### 6.1 Use

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

**Comment:** As previously discussed, the adjoining land to the south, east and west of the road reserve is zoned Port. The road reserve is informally used for industrial port activities. The existing and intended use of the adjoining land is not considered to be unreasonably impacted on by the future development of the site and the proposed Port zoning is compatible with the adjoining zonings and existing uses. The proposed Port zoning can control incompatible use and development of the site.

### 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.*
- f) *Signs shall be consistent in type, scale and location, with the intention of the zone, the streetscape and the building or structure on which they are positioned or to which they otherwise relate.*

**Comment:** The subject land is located within a port precinct. The proposed use and development is in keeping with the industrial character of the area. The proposal is not considered to adversely impact the street scape and is a component of a previous redevelopment which has significantly improved the visual amenity of the area.

The proposed signage is exempt from planning. However, it is considered to be consistent with the industrial use of the land.

### 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.*

**Comment:** The proposed gates will not impact the amenity of the title. The security gates will not threaten the privacy of any adjoining land and what

limited shadowing is created by the development will fall onto land owned by TasPorts.

#### 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 (e.g. 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) *Lands subject to flood risk are those subject to a greater than one in a 100 year flood interval (1% probability), and land, the natural surface level of which is below 3 metres Australian Height Datum (AHD); and*
  - ii) *Land which comprises soils of known or suspected instability, has a slope greater than 1 in 4, or is filled or reclaimed land, are deemed to constitute an unstable land hazard; and*
  - 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.*
  
- 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.*
  
- g) *Use of land in the vicinity of those watercourses identified in Schedule 3 shall provide Riparian Reserves in an appropriate location and form.*

**Comment:** The proposed gates will not adversely impact the environment. They will not produce any harmful emissions and they will not unreasonably alter the visual impact of the port facilities when viewed from public spaces.

The gates are located approximately 60m from the high-water mark.

A Natural Values Atlas Report has identified that there are no verified threatened Flora or Fauna within 500m of the port precinct.

While the subject land is located above 3 metres AHD, it is not subject to flooding.

The land is not subject to an unreasonable risk of bushfire.

#### *6.5 Heritage*

- a) Use or Development shall be undertaken in areas and in a manner which conserves items, sites, areas and customs of historic and cultural value.*

**Comment:** The subject site is not registered on the Tasmania Heritage Register or listed in the Scheme as containing significant historic or aboriginal heritage values.

#### *6.6 Access and Parking*

- b) All Use or Development shall provide satisfactory pedestrian and vehicular access which is suited to the volume and needs of future users.*
- 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:** Vehicular access to the site will be as existing. The proposal will simply place a security gate across the carriageway. The gate will not reduce the width of the carriageway.

The proposed security gate will not increase the demand for parking on the site.

#### *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.*

**Comment:** The site is serviced by TasWater. The application was referred to TasWater on the 16<sup>th</sup> January 2014.

#### *6.8 Social Interest*

- 1. Use or Development should demonstrate how it suits the community interest.*

**Comment:** The proposed rezoning is considered to be in the community's interest as it allows for the completion of the port redevelopment and provides for a safe and secure port environment. The effectiveness of the port area is integral to the maintenance of the Flinders Island economy and society.

#### 6.9 Administration

- a) *In considering subdivision and/or rezoning proposal, 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.*
  
- c) *In considering any proposal, Council shall obtain the advice and opinion of other relevant group(s), individual(s) or organisation(s) with direct interest in the proposal.*

**Comment:** The proposed rezoning will not create an additional lot. It is anticipated that the eventual closure of this portion of the road will require a boundary adjustment and the portion of road will be adhered to one of the adjoining titles.

The application has been referred to TasWater and DIER. The proposal will be advertised for a minimum of 3 weeks, during which time the public and adjoining landowners will be able to submit any objection that they may have. Representations will be assessed and forwarded to the Tasmanian Planning Commission for consideration.

#### **Clause 3.10 – Consideration of Applications for Planning Permit**

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 objectives and intent of the zone have been discussed previously. The proposed rezoning is considered to be consistent with the adjoining zoning and existing land use. The effect of the textual amendment will be limited to that area of the road which is subject to the proposal and will not adversely impact use and development of any other land; the combination of Road Zone and Port Zone will only occur on the subject land.

The proposed security gates are integral to the operation of the port and are consistent with the intent of the zone.

*2 Any relevant proposals, reports or requirements of any public authorities.*

The application was referred to DIER and TasWater. Neither authority object to the proposal. DIER's consent to lodge the application includes a number of conditions (discussed below).

*4 Whether any part of the land is subject to:  
(c) ponding or flooding;  
(d) bush fire hazard;  
(f) any Special Area Provisions in Part 7;*

**Comment:** The subject site is relatively flat and is not considered to be subject to landslip, soil instability, erosion or steep slope. The land is not subject to an unacceptable risk of bushfire and does not include any habitable rooms. The land is located above 3 metres AHD, however, being a port it may be subject to the impacts of storm surge. This is a normal expectation for port areas and operations and cannot be avoided and as such, is not considered to be a risk that is fatal to the application.

*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:** The proposed development will not impact demand or supply of services and infrastructure.

*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:** As discussed above, the rezoning of the land to Port is consistent with the surrounding land. It is not considered that existing or possible future use or development of adjacent land will be impacted by the Port zone. The proposed gates are integral to existing use and development on the adjoining land.

*8 The provision of adequate landscaping, amenity facilities and illumination; and the treatment of the site generally;*

**Comment:** Landscaping, amenity facilities and lighting were considered as part of the application for the port redevelopment. As such the existing treatment of the site is considered to be adequate.

*9 The sight distances available to and from proposed points of access, together with an estimate of the speed of passing traffic;*

**Comment:** As the existing security fencing generally encircles the commercial port area, the point at which the gates will be erected is already effectively used as an entry and exit point to Main Street. Sight distances are considered adequate. To the south of the gates the distinction between the road and adjoining land is largely lost; the road surface is almost level with the marshaling areas of the port, separated by a shallow, trafficable gutter.

*11 The safety and well-being of the general public;*

**Comment:** The proposed gate will restrict public access to the industrial area of the port, directly contributing to the safety of the public.

#### **External Referrals**

- The proposed amendment was referred to TasWater in accordance with Section 56O of the *Water & Sewerage Industry Act 2008*. TasWater issued a Submission to Planning Authority Notice, TWDA14-013-N (attached).

The proposed amendment was referred to DIER. No response was received. Consent from DIER was submitted with the application, including conditions (attached).

#### **Internal Referrals**

The application was referred to the following:

- Works Manager:  
No comment.
- Environmental Health Officer:  
No comment.
- Building Surveyor:  
No Comment.

#### **Land Use Planning & Approvals Act 1993**

In accordance with Section 32 of LUPAA, in determining a request for an amendment to the Planning Scheme, the planning authority must seek to further the objectives set out in Schedule 1.

## Section 32 – Requirements for the Preparation of Amendments

1) *An amendment of a planning scheme –*

*(a) must seek to further the objectives set out in Schedule 1; and*

**Comment:** Refer to comments below.

*(b) must be prepared in accordance with State Policies made under section 11 of the State Policies and Projects Act 1993; and*

**Comment:** The proposal is discussed against the State Policies, below, and is considered to accord with the State Policies.

*(c) may make any provision which relates to the use, development, protection or conservation of any land; and*

**Comment:** The re-zoning of the subject portion of Main Street, and the ordinance amendment will allow use and development in the road reserve to be in accordance with the standards of the Port Zone.

*(d) must have regard to the safety requirements set out in the standards prescribed under the Gas Pipelines Act 2000; and*

**Comment:** Not applicable

*(e) must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; and*

**Comment:** As previously discussed the proposed rezoning is consistent with that of the surrounding area.

*(f) must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.*

**Comment:** The amendment will only impact use and development on the subject portion of Main Street. The impacts of the proposed security gates will benefit the region economically by allowing the port to be used to its full potential.

*2) The provisions of section 20(2), (3), (4), (5), (6), (7), (8) and (9) apply to the amendment of a planning scheme in the same manner as they apply to planning schemes.*

**Comment:** The proposed rezoning seeks to rezone a small portion of the southern end of Main Street, Lady Barron, from uncoloured to Port. The land is located within the commercial area of the Lady Barron Port and already generally used for port activities. The proposed ordinance amendment will allow use and development of this land to be in accordance with the standards of the Port Zone. The land is currently a proclaimed State Road, however public access to the subject portion is unnecessary and unsafe due to the adjoining port operations. The above mentioned provisions are not contravened by the proposed amendment.

### **Schedule 1 – Part 1 – Objectives of the Resource Management and Planning System of Tasmania**

1. The Objectives of the Resource Management and Planning System of Tasmania are:

*(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and*

**Comment:** The accompanying report adequately addresses this point. The land does not have any natural values, comprising of a sealed road within a highly developed port precinct.

The proposal is considered acceptable in terms of this objective.

*(b) to provide for the fair, orderly and sustainable use and development of air, land and water; and*

**Comment:** The land comprises of an existing sealed road, which extends further than is necessary into the commercial port area. The road restricts use and development within the port. The map and ordinance amendment will allow the orderly and sustainable use and development of the land for its intended use; providing access and supporting the port and shipping function of the site and adjoining land.

The proposal is considered acceptable in terms of this objective.

*(c) to encourage public involvement in resource management and planning; and*

**Comment:** The public will be able to participate in the process during the public exhibition stage. Representations can be lodged at any time during this stage, with any representation received assessed within a subsequent Section 39 report (if applicable).

The proposal is considered acceptable in terms of this objective.

*(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and*

**Comment:** The amendment will allow the TasPorts to meet their access and security requirements within a port environment.

The proposal is considered acceptable in terms of this objective.

*(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.*

**Comment:** The re-zoning of the land under Section 43A allows local and state government, along with the community, to be involved in the application process.

#### **Schedule 1 - Part 2 - Objectives of the Land Use Planning & Approvals Act 1993 established by this Act:**

*(a) to require sound strategic planning and coordinated action by State and local government;*

**Comment:** The accompanying report adequately addresses this point. While the amendment is not specifically derived from a strategic plan highlighting that '*the proposal demonstrates strategic compliance with strategically identified directions and objectives at both State and Local government levels*' or coordinated action by State and Local Government, the desired outcome, the erection of the security gates, reflects coordinated decisions made by TasPorts in regard to land use and asset management. The *Flinders Strategic Plan 2011* also directly addresses the role of the Lady Barron port in achieving broad strategic goals.

The proposal is considered acceptable in terms of this objective.

*(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land; and*

**Comment:** The amendment is not inconsistent with any other planning instrument or policy and will only impact the subject land.

The proposal is considered acceptable in terms of this objective.

*(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and*

**Comment:** Environmental effects have been considered. The land is already comprised of a sealed road, located within a highly developed port precinct. Amenity, safety and economic and social impacts have been considered above.

The proposal is considered acceptable in terms of this objective.

*(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and*

**Comment:** The proposed amendment is to further the goals and effectiveness of a State Authority, TasPorts and as such is considered to conform to State resource management policies. The proposal is easily integrated into State policy in relation to critical infrastructure supporting transport, ports and shipping. An assessment against the *Flinders Strategic Plan 2011* has been discussed above.

The proposal is considered acceptable in terms of this objective.

*(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and*

**Comment:** Section 43A allows for the simultaneous consideration of the amendment and development proposal.

The proposal is considered consistent with this objective.

*(f) to ensure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania; and*

**Comment:** The amendment and subsequent security gate development will directly ensure a safe and efficient working environment within the port precinct.

The proposal is considered consistent with this objective.

*(g) To conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and*

**Comment:** The land has no identified scientific, aesthetic, architectural or historical values.

The proposal is considered acceptable in terms of this objective.

*(h) To protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and*

**Comment:** One of the key outcomes of the proposal is to facilitate the protection of critical infrastructure owned and operated by TasPorts, a State owned company. The services provided by the port are integral to the community.

The proposal is considered consistent with this objective.

*(i) to provide a planning framework which fully considers land capability.*

**Comment:** The proposed gates will increase the capability of the subject and adjoining land to function as a port.

The proposal is considered consistent with this objective.

Based on the above, it is considered that the rezoning is in keeping with the Objectives of LUPAA.

#### State Policies:

- *State Policy for the Protection of Agricultural Land 2009*

Not Applicable – The land is not zoned Rural.

- *Tasmanian State Coastal Policy 1996*

As the subject land is located approximately 60 metres from the high-water mark, the property is within the Coastal Zone and subject to assessment against the Tasmanian State Coastal Policy.

The subject land does not have any natural values, being located within the highly developed port precinct.

The use of land within the existing port precinct is considered to be sustainable. The development will not expand the footprint of the port or require the development of undisturbed coastal land.

The proposal is consistent with the State Policy.

- *State Policy on Water Quality Management 1997*

There are no natural streams or watercourses on the land.

While the land is in close proximity to the sea, it is not anticipated that the proposed gates will result in any emissions which pose a threat to water quality and any increase in stormwater runoff will be negligible.

The proposal is consistent with the State Policy.

### **Conclusion:**

In summary, it is considered that the proposal to re-zone 58 metres of Main Street, Lady Barron, to Port, and an ordinance amendment to allow use and development in a road reserve within the Port Zone is not at variance with Council's long term strategy as identified in the Council's Strategic Plan and Structure Plan. The amendment will facilitate the timely construction of automatic security gates restricting access to the industrial area of the port. The proposed security gates are considered to be an acceptable development for the Port Zone. A process to close the subject portion of road has been initiated by DIER and an agreement is in place for TasPorts to purchase the land.

As such, it is recommended that the proposed re-zoning of land to Port and the ordinance amendment Schedule 4 of the Scheme be initiated and certified by Council as per the recommendation below.

In accordance with Section 65 of the *Local Government Act 1993*, this advice is given by officers of the Council with appropriate qualifications and experience.

### **STATUTORY REQUIREMENT:**

Council must process and determine the application in accordance with the *Land Use and Planning Approvals Act 1993* (LUPAA) and its Planning Scheme.

The application has been made in accordance with Section 33 and 43A of LUPAA below:

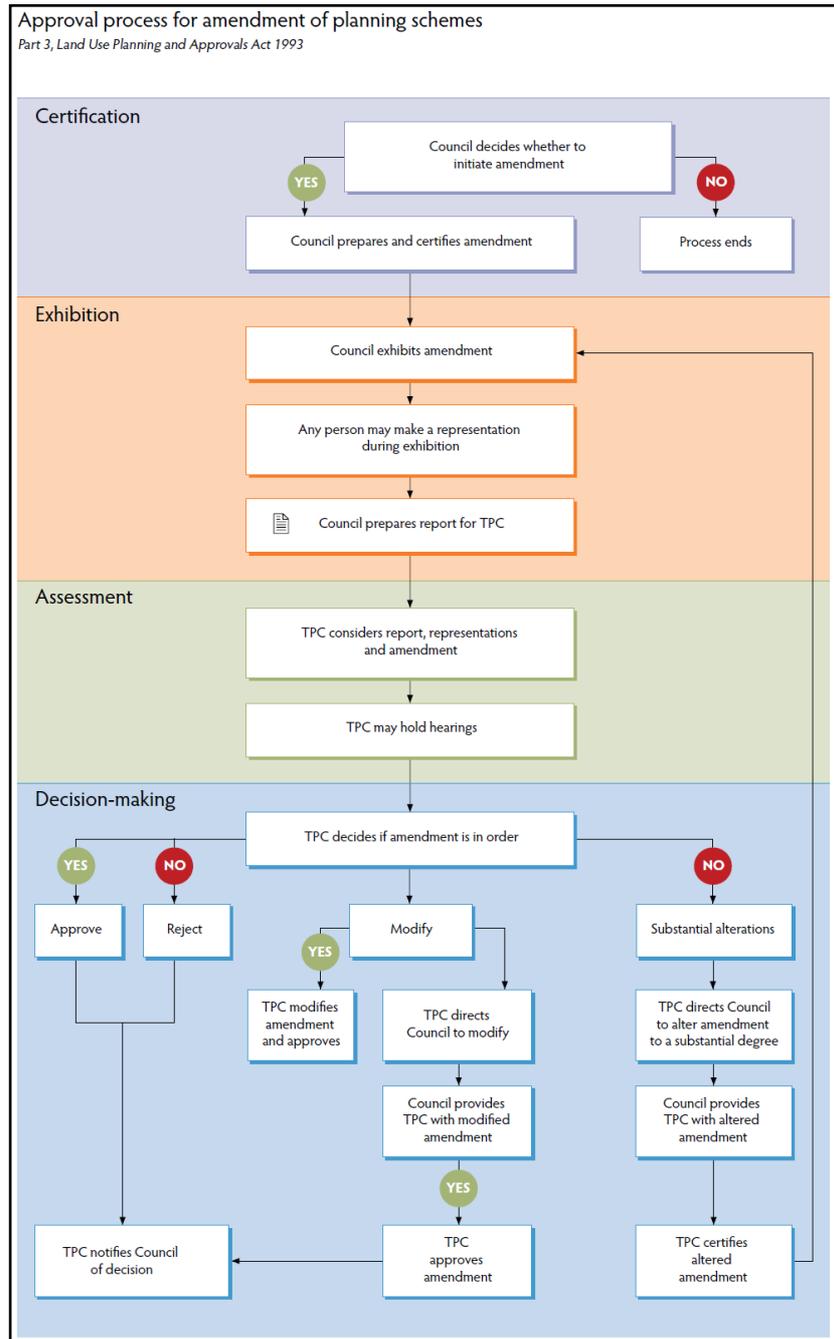
*33. Request for amendment of planning scheme*

- (1) A person may request a planning authority to amend a planning scheme administered by it.*
- (2) A request is to be in a form approved by the planning authority.*
  - (2A) If a request under subsection (1) is in respect of one parcel or several parcels of land covered by the planning scheme and is requested by a person who is not the owner of the land to which the proposed amendment applies, the request must be-*
    - (a) signed by the owner or owners of the land; or*
    - (b) accompanied by the written permission of the owner or owners to the making of the request.*

*43A. Application for a permit when amendment requested*

- (3) A person who requests a planning authority to amend a planning scheme may also request the planning authority to consider, in accordance with this Division, an application for a permit which would not be allowed if the planning scheme were not amended as requested.*
- (4) Where a planning authority has decided to initiate an amendment under section 33(3), it may consider the application for a permit under section 43A(1) concurrently with the preparation of the requested amendment to the planning scheme.*
- (5) An application may be made for a permit under this section even if it could not be granted under the existing planning scheme.*

The process for determining an application for a planning scheme amendment is shown below:



**Figure 4: Process for determining an application for a planning scheme amendment. Source: Tasmanian Planning Commission**

**COMMUNITY CONSULTATION:**

Community consultation must be undertaken if this amendment is initiated and certified by Council in accordance with the Act. At that time, the public will have an opportunity to comment on the proposed amendment. Any comments received will be reported to Council at the conclusion of the exhibition period, where any potential modifications will be considered.

**POLICY/STRATEGIC IMPLICATIONS:**

The proposal is considered to be consistent with Council's Strategic Plan and Structure Plan, which have been discussed above.

Council must have regard to the State Policies which are discussed above.

**BUDGET AND FINANCIAL IMPLICATIONS:**

Not applicable.

**RISK/LIABILITY:**

Management of risks is inherent within the conditioning of this development.

**VOTING REQUIREMENTS:**

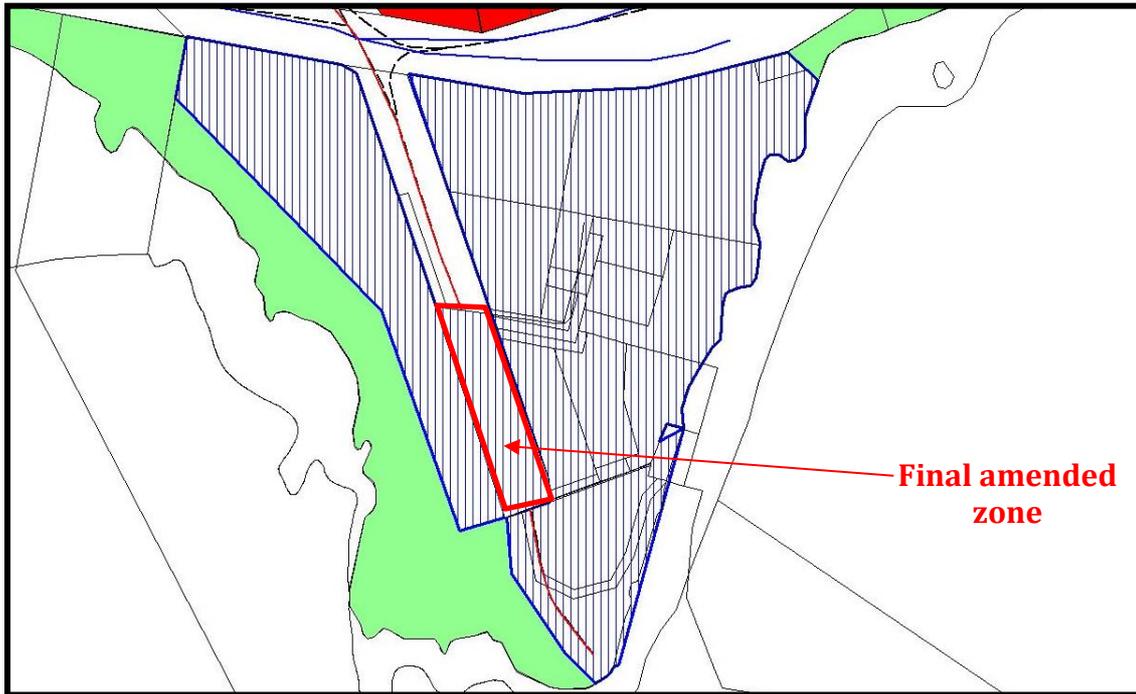
Simple Majority

Council can either initiate or not initiate the request to amend the planning scheme. If initiated, Council may also certify the draft amendment in its current form or amend it for certification under Section 33 of LUPAA.

**OFFICERS RECOMMENDATION:**

It is recommended that under section 35 of LUPAA, the following amendment to the *Flinders Planning Scheme 2000* be initiated and certified as being in accordance with Section 32:

- 1/ Amend Sheet 5 of the Flinders Planning Scheme 1994-Amended 2000 Maps to rezone the indicated portion of the Main Street road Reserve from uncoloured/Road to Port.



and

2/ Immediately following Claus S4.1.2 (c) in Schedule 4 of the Scheme, insert:

- d. where the 'Road' is shown as being zoned Port, in which case all use and development will be subject to the standards of the Port Zone.*

and

3/ That the development application for Transport Depot (automatic security gates) by Strategic Projects Office, Circular Head Council obo Tasmanian Ports Corporation Pty Ltd, for land located at Main Street (untitled road reserve) and 35 Main Street, LADY BARRON (CT:12007/1), be APPROVED generally in accordance with the following conditions:

- 1. The development as shown on the endorsed plans must not be altered or modified except with the written consent of the Council.**
- 2. All signs must be kept in good order and are to be constructed, fixed or maintained to the satisfaction of Council.**

3. **The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA14-013-N) (attached).**

Note:

1. Please note that prior to any use/development commencing approved Building and Plumbing Permits may be 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.

**Item A3: Development Application – Mansfield Consulting Services**

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	P Taylor –Mansfield Consulting Services
<b>OFFICER</b>	Justin Simons (Consultant Town Planner)
<b>APPROVED BY SENIOR PLANNER</b>	Martin Gill (Consultant Senior Town Planner)
<b>FILE REFERENCE</b>	DA2013/0031
<b>ASSOCIATED PAPERS</b>	<i>Annexure 14: DA2013.0031 Plans Annexure 15: DA2013.0031 Site photos Annexure 16: DA2013.0031 Anonymous Representation</i>

Proposal: Change of Use to Tourism (Guesthouse) in the Rural Residential Zone. Associated signage in the Special Area: Shorelines, Water Bodies and Watercourses. Demolition of steel structure.

Location: 180 Badger Corner Road, LADY BARRON (CT:160220/3)

Applicant: P Taylor – Mansfield Consulting Services

Zoning: Rural Residential Zone

**INTRODUCTION:**

Council has received an application for a partial change of use to Tourism (Guesthouse), associated signage and the demolition of a steel structure at land located at 180 Badger Corner Road, Lady Barron (CT:160220/3). The subject title is 5.044ha in area and is located in the Rural Residential Zone.

The proposed guesthouse will be located entirely within the footprint of the existing 4 bedroom dwelling and will accommodate for up to 6 guests.

An area to the east of the dwelling has been designated for visitor parking and an advertising and location sign is proposed at the access on Badger Corner Road. A steel gantry to the rear of the dwelling will be demolished as it is excess to the requirements of the existing residential and proposed tourism uses.

The existing dwelling at 180 Badger Corner Road is located above 20m above sea level, to the west of Petrification Bay.

Site vegetation is predominantly coastal scrub, with a scattering of taller eucalypts, however some vegetation clearance has been undertaken to the immediate north and east of the dwelling.



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 Residential Zone, pursuant to the Flinders Planning Scheme 1994.

Figure 1 below shows the zoning of the property.

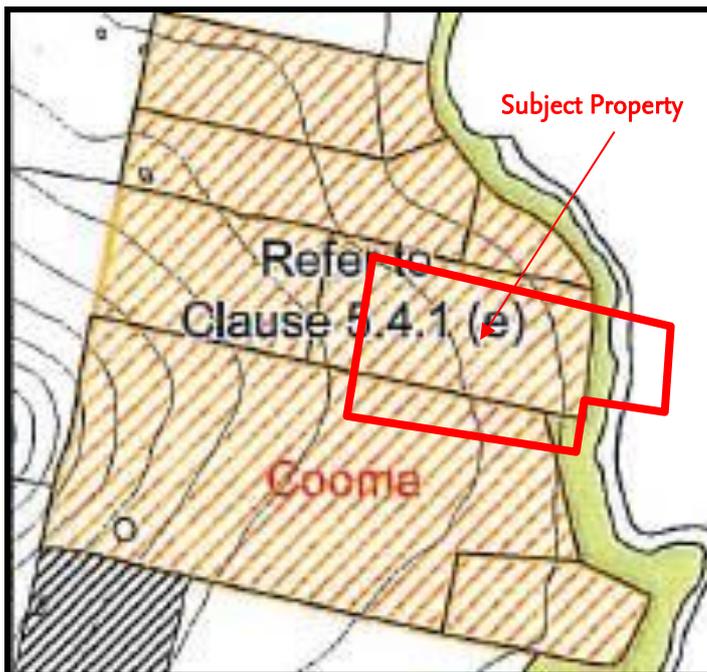


Figure 1: Zoning Map

## **Statutory Timeframes**

Date Received: 10<sup>th</sup> December 2013

Request for further information: N/A

Information received: N/A

Advertised: 18<sup>th</sup> December 2013

Closing date for representations: 14<sup>th</sup> January 2014

Extension of time granted: 13<sup>th</sup> January 2014

Extension of time expires: 14<sup>th</sup> February 2013

Decision due: 14<sup>th</sup> February 2013

## **OFFICER'S REPORT:**

### **General**

The application proposes the partial change of use of an existing dwelling at 180 Badger Corner Road, Lady Barron (CT:160220/3). The dwelling currently consists of 4 bedrooms (one identified as an office on the plans), an open plan kitchen/dining/living room, 2 bathrooms and a garage.

The garage at the south end of the dwelling was originally constructed as a ship building facility and is of sufficient height to accommodate a second floor within the existing building (see Photo 2 below).

The change of use requires significant internal works and a reconfiguration of the existing rooms within the footprint and dimensions of the existing dwelling. Internal works do not require a planning permit.

The new ground floor configuration will create a large open plan kitchen/dining/living room, 3 bedrooms (all with ensuites), a bathroom, library and various small utility rooms.

The newly created first floor will create a self-contained single bedroom apartment. The roof of the ground floor carport will be converted into a first floor balcony.

The proposed guesthouse will accommodate up to six guests.

The proposal includes an advertising sign on Badger Corner Road and an area has been designated for car parking to the east of the dwelling.

The proposed site plan is attached.

The subject property is zoned Rural Residential. The adjoining titles to the north, south and west are similarly zoned. The land to the east of the subject title is occupied by Badger Corner Road, beyond which is a Crown Land coastal reserve zoned Environmental Management and Recreation.



**Photo 2: Existing dwelling viewed from the south-east, showing the existing garage and steel structure to be demolished.**



**Photo 3: Existing dwelling viewed from the north-east.**

**Assessment:**

The proposal is subject to a discretionary application, being for a change of use to Tourism (Guesthouse) in the Rural Residential Zone. The development also proposes a new sign with a reduced setback from the front boundary and within the Special Area: Shorelines, Water Bodies and Watercourses.

**3.7-Demolition**

In accordance with Clause 3.7 demolition is a discretionary form of development. No assessment criteria are provided by the Scheme

The demolition of the steel gantry extending west from the existing garage is considered to be appropriate. The structure is a remnant of the site's previous use as a boat building facility and is excess to the requirements of the existing residential use and proposed use as a guesthouse. Removal of the structure will improve the amenity and visual appearance of the site.

**5.4- Rural Residential Zone**

**Zone Intent**

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

- (a) *Use or Development is intended to be predominantly residential in a rural or bushland setting. Some commercial activities serving the tourism industry may also be appropriate if the buildings are of a domestic scale and appearance.*
- (b) *Lots and subsequent Use or Development shall be designed to achieve an informal rural character. Regular sized lots fronting roads in a ribbon development pattern are inappropriate. Variations in lot size and the use of irregular spacing between buildings should be encouraged.*
- (c) *Buildings and effluent disposal systems shall be set back from foreshores, watercourses and wetlands as far as practicable, consistent with the purpose of the building, to minimise the impact of activities upon coastal scenery and water quality.*
- (d) *Planting around and between dwellings is appropriate and should be used to reduce the visual impact of development in the landscape and provide privacy for residents. Where existing trees or stands of trees are ecologically and/or visually significant they should be retained.*
- (e) *The creation of new lots in the zone will be dependent upon the adoption by Council of a Development Plan for the locality. The Development Plan shall demonstrate that Subdivision, Development and Use can be undertaken in accordance with the State Coastal Policy and the State Policy on Water Quality and will not impact on environmentally sensitive areas.*

#### Desired Zone Character and Zone Guidelines

The Rural Residential Zone does not have a Desired Zone Character or Zone Guidelines.

**COMMENT:** The proposed development is generally in keeping with the Zone Intent. Use and development in the Rural Residential Zone is to be predominately residential with a with some commercial activities supporting the tourism industry. The partial change of use to Guesthouse will allow the existing dwelling to be used for both residential and tourism purposes.

The proposal will maintain the informal character of Badger Corner, being within the existing dwelling, located a significant distance from Badger Corner Road. The proposal does not result in the creation of any new lots.

The impacts of the proposed guesthouse are considered to be similar to those of a residential dwelling. As such, the proposed change of use will not significantly

intensify the use and the impacts will be generally consistent with those of the existing dwelling. Located in excess of 350 metres from the high water mark, the existing dwelling is setback a sufficient distance to ensure impacts on the coastal environment will be minimized.

The subject lot retains significant vegetation cover between the dwelling and the frontage on Badger Corner Road. The vegetation comprises of a combination of low coastal scrub and taller eucalypts, and effectively screens the dwelling from public views to the north and east. No vegetation removal is proposed, however it is recognized that some clearance may be required in close proximity to the dwelling to achieve an acceptable Bushfire Attack Level under the Building Code. Vegetation clearance, outside the Special Areas, for the protection of property and public safety is exempt from requiring a planning permit. As such, except that area within 100m of the high water mark, vegetation clearance on the subject lot to reduce bushfire hazard does not require a permit.

The proposed change of use is considered to be consistent with the Zone Intent.

#### **5.4.3 Development Standards**

The proposed guesthouse will be contained within the existing dwelling, and the height and setbacks will remain the same.

The boundary setbacks outlined in the Rural Residential Zone specifically relate to buildings. The application does not propose to erect or extend any buildings.

The external walls and roof of the guesthouse will match those of the existing dwelling.

The orientation of the dwelling will not be altered and solar access will remain as existing.

#### **Part 7**

The subject title is located within the Special Areas: Shorelines, Water Bodies and Watercourses as the eastern portion of the title is within 100m of the high-water mark. The proposed signage is located within this area.

The proposed sign is not considered to pose a threat to water quality, shoreline habitat, or the amenity of the Special Area. The sign is located approximately 40m from the high-water mark and will not produce any emissions or concentrate stormwater runoff.

While a Natural Values Atlas Report has identified threatened flora species within 500m of the subject title, the sign does not require any vegetation removal and does not pose a threat to coastal habitat or biodiversity.

No other development is proposed within the Special Area.

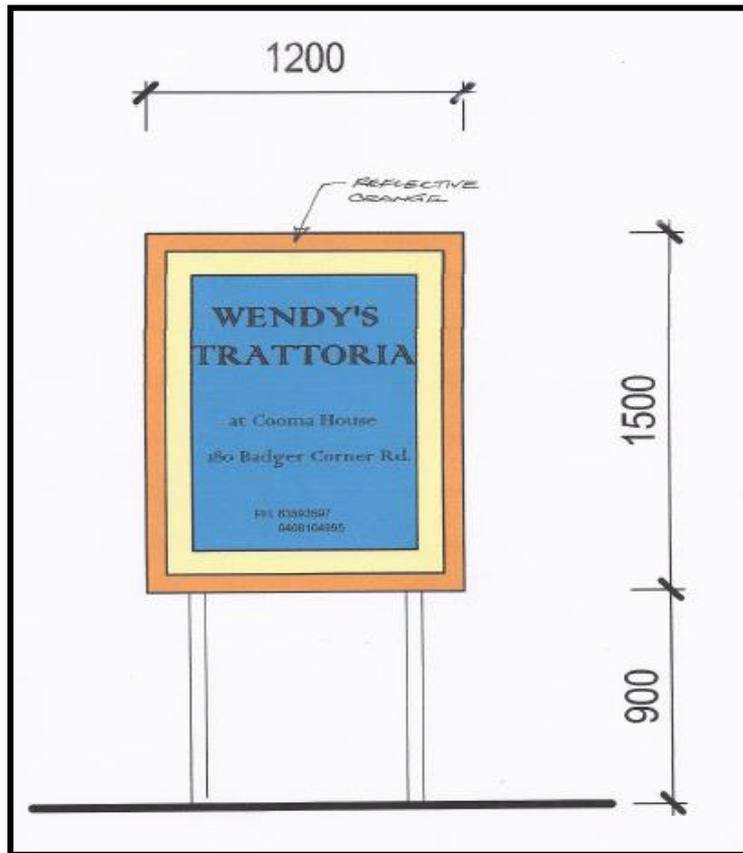
## Schedule 5 -Signs

### S5.4 Discretionary Signs

The proposal includes plans for the erection of a sign to the south of the existing access on Badger Corner Road. The sign measures 1.2 metres by 1.5 metres, with a total height of 2.4 metres. The sign features the name of the proposed guesthouse, *Wendy's Trattoria Guesthouse*, and contact phone numbers.



**Photo 3: Existing access, looking west from Badger Corner Road, showing proposed location of signage.**



**Figure 2: Proposed Signage.**

The proposed sign is not located within close proximity to the subject or adjoining dwellings and will not result in over shadowing of habitable rooms or private open space.

The visual impact of the sign is generally considered to be acceptable. Although highly visible from Badger Corner Road, boundary vegetation on the subject and adjacent land effectively screens the sign from public views beyond the immediate vicinity of the access. The proposed reflective orange border on the sign is not considered to be in keeping with the character of the streetscape and the natural tones of the surrounding environment. It is considered appropriate that a condition be placed on the permit that the reflective border be removed and that the signage be non-reflective and muted in tone.

## **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:

The change of use to guesthouse is generally consistent with the existing residential use of the land. The existing dwelling contains 4 bedrooms (one identified as an office). The proposed guesthouse will comprise of 4 bedrooms. As such there will not be a significant increase in the number of people which the dwelling can accommodate. While the guesthouse will provide for six guests, it is unlikely that the guesthouse will be fully booked for the entire year.

The land to the immediate west, south and east is currently vacant. The land to the north-east and south-east is used for residential purposes, however there are no dwellings or buildings within 200 metres of the subject dwelling.

As such the change of use is not considered to unreasonably impact use and development of the adjacent land.

## 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 Intent of the Rural Residential Zone is primarily for residential use with some tourism, provided that it is of a scale and appearance consistent with a residential dwelling. The proposed guesthouse is located within an existing dwelling and will not significantly alter the visual appearance of the dwelling. The bushland setting of the building will also be retained, with dense vegetation screening views from public spaces. As such, the proposal is considered to be in keeping with the existing character and future intentions for the area.

The proposed sign is not considered to unreasonably alter the streetscape. Visual impacts will be localised, with existing boundary vegetation largely obscuring the sign from a distance.

The guesthouse will be contained within the existing dwelling and the impacts are considered to be generally consistent with those of the existing residential

use. There are no buildings or dwellings on adjoining land within 200 metres of the subject dwelling.

All site vegetation is proposed to be retained, however it is noted that some vegetation in the vicinity of the dwelling may need to be removed for bushfire safety in accordance with the Building Code.

### 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:

The amenity levels of the proposed guesthouse will be generally consistent with those of the existing dwelling. Solar access to the dwelling will be generally increased via the reconfiguration of rooms and addition of a number of windows. The dwelling is located a sufficient distance from sources of noise, such as Badger Corner Road and neighboring dwellings.

A large area of private open space is located to the north and east of the dwelling, screened from neighboring and public views by existing site vegetation.

The internal reconfiguration will create habitable rooms within the current garage and proposes the installation of two large bedroom windows in the southern wall. While the proximity of the dwelling to the southern boundary will result in a degree of overlooking, the land is currently vacant and there are no dwellings or private open space visible from the windows. The adjoining land is of a sufficient size that a future dwelling can be accommodated providing adequate privacy and separation.

### 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.*

*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 change of use is not considered to have an unreasonable impact on the environment, as the impacts of the proposed guesthouse are considered to be in keeping with the existing residential use of the land.

The land is not located in a visually or ecologically sensitive area. While threatened flora species have been identified within 500m of the site, there has been no verification of threatened species on the subject land. Vegetation removal is proposed to be minimal.

Vegetation to the immediate north and east of the dwelling is sparse, with the land within approximately 60m of the dwelling being highly disturbed and largely cleared of vegetation.

While the site has been identified as being located in a bush fire prone area, it is not considered that the risk posed by bushfire is substantially increased. The existing dwelling comprises of 4 bedrooms (including office). As such, there is no substantial increase to the number of people potentially residing in the building. As the guesthouse will be contained within the existing dwelling, the setbacks of the building from bushfire prone vegetation will not be reduced and the risk to the building posed by bushfire will be generally as existing.

It is noted that the conversion of the garage to habitable rooms will require the development to undergo a Bushfire Attack Level (BAL) assessment under the Building Code which will determine the level of risk posed by bushfire and the standards of construction required to reduce that risk to an acceptable level. As the increase in risk associated with the change of use is negligible, the requirements of the Building Code are considered sufficient to ensure bushfire risk is incorporated into the design and construction of the dwelling.

As guests will generally be unfamiliar with the site, it is considered appropriate that an emergency evacuation plan be prepared for the guesthouse, including designated emergency meeting points, which provide protection to fire fighters and evacuees. The emergency evacuation plan shall be prepared by a suitably qualified person and endorsed by the Tasmanian Fire Service.

## 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 existing driveway is suitably constructed to provide for the safe ingress and egress of vehicles to and from the site.

The proposal includes an area for parking to the east of the guesthouse. The parking area provides for 10 cars. This is sufficient to provide for the maximum 6 guests as well as the permanent residents.

## 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 the site is serviced with electricity, and water supply and waste water treatment are already achieved on site. The change of use and internal alterations will require the development to undergo a wastewater assessment to determine the suitability of the existing waste water treatment system. Due to the size of the title, it is not anticipated that onsite waste water treatment will pose a difficulty, should an alternative system be required.

No easements are shown on the title plan.

**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. The guesthouse is contained within and ancillary to an existing dwelling, and is not considered to increase demand for 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 change of use will not result in additional costs to the community, as no additional services or infrastructure are required.

## Schedule 7- Development in Bushfire Prone Areas

While the land is located in a bushfire prone area, the provisions of Schedule 7 relate to subdivision. The proposal does not include subdivision.

### 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 change of use and signage is considered to be in keeping with these requirements.

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

#### COMMENT:

One representation was received during the advertising period. The representation is discussed below.

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

*(c) Ponding or flooding;*

#### COMMENT:

The subject land is located approximately 30 metres above sea level and is not considered to be subject to ponding or flooding.

*(c) Bush fire hazard;*

#### COMMENT:

The proposal has been discussed in relation to bushfire hazard above.

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

**COMMENT:**

The Special Area: Shorlines, Water Bodies and Watercourses has been addressed 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:*

*(a) Existing site features;*

**COMMENT:**

The proposed guesthouse is located within the existing dwelling and the impacts are considered to be consistent with the existing residential use. The change of use will not result in any emissions not normally associated with a dwelling. The size of the building will remain as existing and the external appearance will be in keeping with the existing colours and finishes.

*(b) Adjoining land*

**COMMENT:**

A vegetation buffer effectively separates the dwelling from the adjoining titles to the north and east.

The proposed change of use will not have an adverse impact on the adjoining land. There is a substantial separation distance, greater than 200m, between the subject and neighbouring dwellings and a substantial vegetation buffer to the north and east provides sufficient separation.

Although the building is in close proximity to the titles to the south and west, these titles are currently vacant and retain significant vegetation cover. The titles to the south and west, CT:128139/1 and CT:144173/2 respectively, are of a sufficient size that any future dwellings can be located to achieve a satisfactory degree of privacy and separation.

*(c) The streetscape and/or landscape*

**COMMENT:**

The proposal will not unreasonably alter the appearance of the landscape of streetscape. The dwelling is not visible from Badger Corner Road or public land due to the existing vegetation on the eastern half of the title. While the proposed signage will be highly visible on Badger Corner Road, the visual impacts will be localized to the immediate vicinity of the sign. As the sign will be

setback slightly from the front boundary, existing boundary vegetation will largely screen the sign from approaching vehicles to the north and south.

*(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:**

The plan of title does not identify any easements on the land.

*(h) A water supply for firefighting purposes*

**COMMENT:**

The development will be required to provide a Bushfire Attack Level Report prior to the issuing of a Building Permit. An additional standing water supply may be required dependent on the outcome of this assessment. The subject land is of a sufficient size that additional water tanks for firefighting can be positioned on site.

*(i) Any perceived pollution*

**COMMENT:**

The application does not suggest that the change of use 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 guesthouse will be contained within the footprint and dimensions of the existing dwelling. Isolation and separation will be generally the same as existing. The existing dwellings to the south-east, north-east and north-west are located in excess of 200 metres from the proposed guesthouse and the land to the south and west is currently vacant.

*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:**

The existing access is considered to be sufficient.

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. The impacts of the proposed tourism use are generally consistent with those of the existing dwelling.

*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 Badger Corner Road.

## **Representation**

One representation was received during the advertising period (attached). The representation concerns:

- Amplified risk of bushfire hazard.
- Overgrown vegetation and fire hazard for surrounding residents.
- Requirement for Bushfire Attack Level Report.
- Requirement for Bushfire Hazard Management Plan.

## **COMMENT:**

The proposed change of use will not significantly amplify the risk associated with bushfire. The guesthouse will be contained within the existing dwelling and the site conditions, including setbacks from bushfire prone vegetation will be as existing.

The existing building is used for residential purposes and contains three bedrooms and a fourth bedroom/office. The proposed guesthouse will comprise of four bedrooms. As such the use of the dwelling as a guesthouse is consistent with the existing residential use and does not represent a significant change.

The land to the immediate north and east is substantially cleared and maintained to a distance of 60 metres from the dwelling.



**Photo 4: Cleared and managed land within the vicinity of the dwelling.**

A Bushfire Attack Level Report will be required prior to the issuing of a Building Permit and all alterations to the structure must be designed and constructed to suit the conditions of the site.

Concerns regarding unmaintained vegetation and fire threat to adjoining properties can be adequately addressed through Council's Fire Abatement Process.

A Bushfire Hazard Management Report is not considered warranted due to the low increase in risk associated with the existing building. The risk associated with the use as a guesthouse is considered to be similar to that of the existing residential use. An Emergency Evacuation Plan is considered warranted due to guest's unfamiliarity with the site.

It is noted that the intent of the Rural Residential Zone is to predominately provide for residential use and development in a rural or bushland setting.

## **Referrals**

The application was referred to:

- Plumbing

No conditions for Plumbing.

- Building

No issues relating to the Planning application. A full BAL assessment will be required if Council is to act as the Building Surveyor. Possibly additional fire-fighting water supplies will be required depending on the BAL report.

- 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 change of use and signage will have any detrimental impact to, or on, any coastal processes or practices. The impacts of the guesthouse are not considered to be greater than the existing residential use. A substantial vegetation buffer, Badger Corner Road and a Crown Land coastal reserve separate the dwelling from 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. The Building Code will ensure that all storm water and waste water will be legally discharged, such that it does not pose a threat to the environment.

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

Not applicable. The land is not located in the Rural Zone.

### **STATUTORY REQUIREMENT:**

The application was advertised for 14 days in accordance with the Act and one representation was 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 a tourism use in keeping with the residential character of the Rural Residential Zone.

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

Not applicable.

### **OFFICER’S RECOMMENDATION:**

That the application for Change of Use to Tourism (Guesthouse) in the Rural Residential Zone. Associated signage in the Special Area: Shorelines, Water Bodies and Watercourses. Demolition of steel structure, by P Taylor – Mansfield Consulting Services, for land located at 180 Badger Corner Road, LADY BARRON (CT:160220/3) 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. The reflective orange border is to be removed from the signage. The sign is to be non-reflective and muted in tone.**
- 3. Prior to the commencement of use an Emergency Evacuation Plan prepared by a suitably qualified person is to be submitted to the satisfaction of Council.**
- 4. All signs must be kept in good order and are to be constructed, fixed or maintained to the satisfaction of Council.**

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.

**B. NOTICE OF MOTIONS**

**Item B1: Notice of Motion from Mayor Carol Cox – 2014 Council Meeting Times and Dates**

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Councillor Carol Cox
<b>OFFICER</b>	Raoul Harper, General Manager
<b>FILE REFERENCE</b>	COU/0203
<b>ASSOCIATED PAPERS</b>	<i>Nil</i>

**NOTICE OF MOTION:**

That Council rescinds Motion 714.12.2013 and that Council 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 (to be held in Lady Barron)
- 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)

**COUNCILLOR'S REPORT:**

Motion 714.12.2013 endorsed the dates for monthly Ordinary Meetings of Council as proposed in the Notice of Motion. However Motion 714.12.2013 also endorsed set meeting dates and times for workshops each Thursday, 2 weeks prior to the Ordinary Meetings of Council.

It is still the intent of Council to have the workshops monthly, however there needs to be flexibility in dates and times of workshops to allow for the best information flow and for the workshops to be at times when the most Councillors are available to attend. It is also likely that extra workshops and information sessions will be scheduled throughout the year when and as required to discuss unexpected issues or fit with visiting professionals to the island.

This Notice of Motion, whilst endorsing the Council Meeting dates, does not endorse workshop dates and times and I ask for the support.

**PREVIOUS COUNCIL CONSIDERATION:**

714.12.2013      19<sup>th</sup> December 2013

**OFFICER'S REPORT:**

The Motion is supported. It is to be noted that the voting requirement is an Absolute Majority on this item as Council would be overturning a previous motion passed by this Council.

**STATUTORY REQUIREMENTS:**

*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:**

Nil

**RISK/LIABILITY:**

Minimal

**VOTING REQUIREMENTS:**

Absolute Majority

**OFFICER'S RECOMMENDATION:**

That Council rescinds Motion 714.12.2013 and that Council 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 (to be held in Lady Barron)
- 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)

**Item B2: Notice of Motion from Mayor Carol Cox - Australian Small Islands Forum (ASIF) 2015**

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Mayor Carol Cox
<b>OFFICER</b>	Raoul Harper, General Manager
<b>FILE REFERENCE</b>	PUB/0600
<b>ASSOCIATED PAPERS</b>	<i>Annexure 17: 1st South East Queensland Island Forum Annexure 18: CONFIDENTIAL For elected Members Only Annexure 19: Revised Budget</i>

**NOTICE OF MOTION:**

1. The motion 640.09.2013: "That Council reconsiders hosting the Australian Small Island Forum in the context of the 2014/15 budget deliberations" be rescinded.
2. That Council aims to hold an Australian Small Islands Forum over three days in April 2015 and
  - that a date claimer for the event be promoted at the South East Queensland Small Islands Forum in February 2014;
  - that the 2015 Forum be planned for 3 days over the 22<sup>nd</sup> - 24<sup>th</sup> April 2015;
  - that the Forum theme is 'Remote Solutions';
  - that Council engages ASN Events as the Forum organiser and begins the process of raising interest in, and sponsors for, the conference;
  - that Council receives an update, for consideration, in 6 months as to the progress and likely success of the Forum, including the sponsorship support; and
  - that an allocation of seed funding be included in the 2014-15 events budget of a value equal to ASN Event's quoted costs.

**COUNCILLOR'S REPORT:**

**Motion Part 1:** The motion (Number 640.09.2013) passed in September 2013 requires that holding the Australian Small Islands Forum (ASIF) be considered in budget discussions for the 2014-15 financial year. An opportunity to take advantage of professional assistance to gain the support of sponsors has arisen that requires earlier commitment to hosting the Forum than discussion within the budget process will allow. Rescinding motion 640.09.2013 is required to enable the Motion Part 2 to be considered at this meeting.

**Motion Part 2:** A general back ground to the holding of the forum is outlined below. A proposal from an events promoter has been previously made available

to Councillors in Confidence and is not discussed here due to the document being Commercial in Confidence.

In April 2012, Lord Howe Island developed and hosted the first Australian Small Islands Forum (ASIF). It was successful in bringing together 80-90 representatives from 20 plus small islands to share information, experiences and knowledge and consider how to work in a more collective fashion. At the June 2013 Ordinary Council Meeting, Council agreed to explore the practicality and potential costs of hosting the next ASIF on Flinders Island in 2014. Furthermore at the August 2013 Ordinary Council Meeting, Council resolved to support an application to the ASIF Steering Committee to hold the Forum on Flinders Island in 2014 and asked the General Manager to provide a report to Council on the Annual Plan revisions required in order to make resources available to host the Forum. At the September 2013 Ordinary Council Meeting, the General Manager presented the report on the Annual Plan revisions required to host the Forum in 2014 and Council resolved to reconsider hosting the ASIF in the context of the 2014/15 budget deliberation.

Late in December, I along with all participants at the first ASIF at Lord Howe Island received an invitation to attend the 1st South East Queensland Island Forum 24<sup>th</sup> - 26<sup>th</sup> February 2014 at North Stradbroke and Russell Islands (Annexure 17). Many of the attendees at this event would be potential participants at the second ASIF and it would therefore be an ideal opportunity to promote the next ASIF at this event. If Council decides to host the event on Flinders Island in 2015, it would be advantageous to announce our intention at the South East Queensland Island Forum in February and encourage participants to attend.

On 15<sup>th</sup> January 2014 the General Manager, selected staff and I met with Mike Pickford of ASN Events who was holidaying on the island. ASN Events had originally offered a reduced service to assist an ASIF Working Party made up of Council staff to present the Forum. Considering Council's concerns at the September 2013 Ordinary Council Meeting at the revisions to the Annual Plan required to make staff available to deliver the Forum, ASN Events was invited to prepare a full service proposal to organise and manage the Forum, with the assistance of on-ground Council staff. A revised budget was also prepared by ASN Events, based on the budget prepared as part of the 2014 ASIF Scoping Report, to include their full management fees.

The updated ASIF budget, (Annexure 19, reviewed 22/01/2014) was provided to Councillors and predicts a profit of \$1,500. The budget includes all the predicted costs of holding the forum including staff time and Event Manager's costs. The expenditure is balanced by income from registration fees and sponsorship support. The Events Manager is confident that good sponsorship can be obtained.

Discussions with Mike Pickford in relation to the date proposed for the event have highlighted the need to hold the Forum on a Wednesday, Thursday and Friday, and as early in the year as possible in the hope of better weather. After consideration of public holidays, school terms and island events, the following date for a 2015 ASIF is proposed:

- Wednesday – Friday, 22<sup>nd</sup> – 24<sup>th</sup> April 2015

I would like to further the prospect of using the ASIF to promote the Furneaux Group, using the theme of “Remote Solutions”. There are many interesting developments occurring, both small and large, that could be used in combination with the Island’s remoteness to make this an interesting forum. The prospect that the Forum would also include online streaming greatly extends its reach around the world.

April is the shoulder period for the local tourism industry and attendees at the ASIF would boost visitor numbers to this small but vital local economic driver. I believe that hosting the ASIF in 2015 will provide opportunities for Flinders to further promote the Furneaux Group whilst also learning from our peers on other islands. By hosting the event we would fulfil both our strategic vision and mission, contribute to the economy of the island by increasing the use of transport, accommodation facilities and food venues as well as adding to the social wellbeing of the community.

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

558.06.2013	20th June 2013
614.08.2013	15 <sup>th</sup> August 2013
640.09.2013	19 <sup>th</sup> September 2013

#### **OFFICER’S REPORTS:**

Council has previously considered this matter at length with a series of reports and recommendations provided. The report provided by the Mayor in association with this motion outlines the key opportunities and risks, proposing a considered approach to organising and delivering the event.

Engaging ASN Events to deliver the ASIF in conjunction with local staff and volunteers has great potential and is supported. ASN Events has a strong and successful history of delivering events across a range of sectors and has a unique and personalised understanding of the challenges and opportunities of delivering an event in a remote environment such as the islands. ASN Events has proposed an innovative approach to the delivery of the event which has great potential, when combined with the proposed theme, to attract sponsors, attendees and support the growth and development of our own community and associated infrastructure.

Funds to deliver the event can be allocated within the 2014/2015 budget and if supported will form part of the 2014/2015 Annual Plan.

#### **STATUTORY REQUIREMENTS:**

*Local Government Act 1993*

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

6.0 Furneaux Future

6.2 Achieve high recognition of a “Flinders” brand to support product sales, tourism and lobbying.

6.2.1 Develop a strong Flinders Brand to position the Furneaux Group in the community, market and government.

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

An allocation of funds to support the event would be required in the 2014/2015 budget.

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

Moderate. By engaging a professional event management company, the risk of lost revenue and failure to attract participants is mitigated to an acceptable level.

#### **VOTING REQUIREMENTS:**

Absolute Majority

#### **OFFICER’S RECOMMENDATION:**

1. The motion 640.09.2013: “That Council reconsiders hosting the Australian Small Island Forum in the context of the 2014/15 budget deliberations” be rescinded.
2. That Council aims to hold an Australian Small Islands Forum over the 22<sup>nd</sup> – 24<sup>th</sup> April 2015 and
  - that a date claimer for the event be promoted at the South East Queensland Small Islands Forum in February;
  - that the Forum theme is ‘Remote Solutions’;
  - that Council engages ASN Events as the Forum organiser and begins the process of raising interest in and sponsors for the conference;
  - that Council receives an update, for consideration, in 6 months as to the progress and likely success of the Forum, including the sponsorship support; and
  - that an allocation of funding be included in the 2014-15 events budget of a value equal to ASN’s quoted costs and actions to support the delivery of the Forum be included in the Flinders Council Annual Plan 2014/2015.

**Item B3: Notice of Motion from Deputy Mayor David Williams – Lady Barron Hall and Recreational Special Committee**

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Deputy Mayor David Williams
<b>OFFICER</b>	Raoul Harper, General Manager
<b>FILE REFERENCE</b>	AME/0503
<b>ASSOCIATED PAPERS</b>	<i>Nil</i>

**NOTICE OF MOTION:**

That Council formally ratifies the Lady Barron Hall and Recreational Special Committee as elected at the Annual General Meeting held on 3<sup>rd</sup> January 2014.

- **President (Chair):** David Williams
- **Vice President:** Carol Cox
- **Secretary:** Fran Bryson
- **Treasurer:** Shirley Holloway
- **Committee members re-elected:** Pat Masters, Judy Clarke and Kim Murphy
- **New Committee members:** The Committee unanimously recommends to Flinders Council to approve Chris Murphy and Tanya Maynard as new Committee Members.

**COUNCILLOR'S REPORT:**

At the AGM (held on the 3<sup>rd</sup> January 2014) for the Lady Barron Hall and Recreational Special Committee the people listed above were elected for the next 12 months as Committee Members and Office Bearers. Minutes from the meeting are included in this Council Meeting Agenda (February).

**PREVIOUS COUNCIL CONSIDERATION:**

Considered annually as required.

**OFFICER'S REPORT:**

The Special Committees of Council Policy states that the procedure for nominating a person to be a member of a Special Committee of Council is formed pursuant to Section 24 of the *Local Government Act 1993* and that recommendations made by the Special Committee regarding the nomination of members shall be considered at an Ordinary Meeting of Council.

The motion is supported.

**STATUTORY REQUIREMENTS:**

*Local Government Act 1993*

#### **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.

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

Nil

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

Nil

#### **VOTING REQUIREMENTS:**

Simple Majority

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

That Council formally ratifies the Lady Barron Hall and Recreational Special Committee as elected at the Annual General Meeting held on 3<sup>rd</sup> January 2014.

- **President (Chair):** David Williams
- **Vice President:** Carol Cox
- **Secretary:** Fran Bryson
- **Treasurer:** Shirley Holloway
- **Committee members re-elected:** Pat Masters, Judy Clarke, Kim Murphy
- **New Committee members:** The Committee unanimously recommends to Flinders Council to approve Chris Murphy and Tanya Maynard as New Committee Members.

**Item B4: Notice of Motion from Cr Gerald Willis – Lobby State and Federal Candidates for the Bass Electorate**

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Cr Gerald Willis
<b>OFFICER</b>	Raoul Harper, General Manager
<b>FILE REFERENCE</b>	COU/0600
<b>ASSOCIATED PAPERS</b>	<i>Nil</i>

**NOTICE OF MOTION:**

That this Meeting instruct the Mayor to consult with Councillors seeking their contribution to create a list of infrastructure assets and essential services to be built or upgraded which would benefit members of the Furneaux Group and that this list be sent to candidates who are associated with the electorate of Bass in the upcoming Tasmanian State elections so that the candidates are aware of and may consider the items listed if they are elected to represent this community.

**COUNCILLOR'S REPORT:**

It appears that the Flinders Council does not take the opportunity to inform candidates for State and Federal elections of the infrastructure and essential service issues for which funding from the State or Commonwealth Governments would improve the standard of living for residents of the Furneaux Islands.

The reasons for providing candidates with this information are twofold; in the first instance it lets the candidates know where the respective governments can contribute towards improvements in the Community and secondly it helps to put this Community on the top of mind recall when it comes to the candidates (should they be elected) considering what they should do for their electorate.

Not to let the candidates know the major issues of the Community is a missed opportunity and this Council should ensure that all steps are taken to inform candidates.

**PREVIOUS COUNCIL CONSIDERATION:**

Nil

**OFFICER'S REPORTS:**

The Notice of Motion provided calls for the Mayor to consult Councillors to develop a list of infrastructure assets and essential services to be built or upgraded which would benefit members of the Furneaux Group and that this list be then sent to all candidates at the upcoming State election for their consideration.

The premise outlined within the report provided is that Flinders Council has no such list and does not lobby or inform either Federal or State candidates prior to an election of the specific requests for projects or funding that are of a priority for our community/Council.

Council works towards the delivery of an agreed Strategic Plan. Councillors each year adopt an Annual Plan that directs the actions of the Council as a whole. The Flinders Council Strategic Plan and Annual Plan 2013/2014 include the following actions that specifically relate to the premise of the motion at hand:

5.0 Corporate Governance and Intergovernmental Relations - decisions are professionally and transparently made, communicated and implemented to achieve defined outcomes in the interest of the community

5.2 Develop and maintain an influential network of external stakeholders who understand the needs and direction of Flinders Council and are supportive.

5.2.1 Identify key external stakeholders and decision makers and actively introduce Flinders opportunities, issues and proposals to them in a timely and professional manner

5.3 Actively participate in local government, industry and regional organisations

5.3.1 Actively participate in key strategic organisations, groups and alliances that provide value for the Flinders community and Council.

5.3.1.1 Actively engage with Northern Tasmania Development.

5.3.1.6 Liaise with Government Ministers, advisers and Agencies, Secretaries State & Federal.

6.0 Furneaux Future - A thriving, self-reliant community offering opportunities for current and following generations while maintaining core values and attributes.

6.1 Implement a dynamic strategic plan and development framework to define our future and guide strategic decisions

6.1.5 Government Relations

6.1.5.1 Liaise and lobby Australian and State Government Departments and personnel on specific projects and programs approved by the Council.

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

6.4.1.1 Review priority projects with and revise business cases as required/directed.

Council is updated monthly of the efforts of the Mayor in meeting and liaising with Ministers and political aspirants (when appropriate) and staff provide Councillors with quarterly updates on the entire Annual Plan actions. The actions outlined above that directly relate to the motion at hand have been ongoing components of the required action of staff for some years and a cursory glance at the past 4 years of reports on these matters would show that not only does a priority projects list exist but significant and highly successful lobbying of politicians of all persuasions has occurred on a very regular basis. Just some of these achievements include the funding secured for the port redevelopment, renewable energy developments on all Council buildings, solar hot water rebates for community members to upgrade old electric heating to solar units, the Whitemark Hall redevelopment, the upgrade of the Cape Barren Island Aerodrome runway, drainage works and runway improvements at the Whitemark Airport, the Healthy Islands Project, community nurses for Cape Barren Island and Flinders Island, Podiatry services to the community and securing funding for a major proportional campaign from Tourism Tasmania to support economic development to name but a few.

To secure funding of projects at this election in particular they will need to be “shovel ready” and be supported by a well-considered and agreed evidence base. The days of simply coming up with a list of projects that don’t have the required exploration of cost, need and ability to deliver are long past and hark back to a bygone era where communities could “pork barrel” for projects that may or may not have a genuine need.

Council has a series of projects that have existing evidence based assessments which are already actively used to lobby for State and Federal support such as the Renewable Energy Plan, Airport taxiway and apron extensions and the Airport runway rebuild. The Airport runway rebuild is included already on the Northern Regional priority projects list for State and Federal consideration, is also on the State Government Integrated Transport Plan for the region and is the key request for funding at the next State election. Further reports such as the Community Infrastructure Audit, Waste Water Feasibility Study and Waste Management Strategy are nearing completion and will, if and when adopted, provide the required evidence base to be considered for State or Federal funding support. This evidence based approach to project development has been the cornerstone to the success Council has had previously in securing grant funding and will continue to be into the future, regardless of whether the requests are opportunistically election based or not.

While the existing Priority Projects list does include some projects that have been superseded, this list has been provided to all political parties and interested politicians to inform policy development in the past and more recently when requested. Staff continue to actively lobby for the funding and implementation of the Renewable Energy Plan, are heartened that the work

prior to the last Federal election has seen the apron and taxiway funding secured with the help of the Federal Member for Bass, and will continue to lobby all parties to consider funding the rebuild of the runway at the Airport prior to the next State election. These efforts will be combined with seeking the funding of projects already on the State Government agenda such as the Community Services Hub, maintenance of the Shipping Contingency Funding and upgrades to the Lady Barron Main Road.

If the success of the past few years in securing funding for projects and the strategic, integrated and considered approach to how projects are evaluated and presented to political parties and governments outlined above is politely ignored, the need to update the Priority Projects list is an action worthy of consideration. Staff would be more than willing to facilitate such and this is the basis of the Officer's recommendation provided.

#### **STATUTORY REQUIREMENTS:**

*Local Government Act 1993*

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

Flinders Council Strategic and Annual Plan Linkages:

5.0 Corporate Governance and Intergovernmental Relations - decisions are professionally and transparently made, communicated and implemented to achieve defined outcomes in the interest of the community

5.2 Develop and maintain an influential network of external stakeholders who understand the needs and direction of Flinders Council and are supportive.

5.2.1 Identify key external stakeholders and decision makers and actively introduce Flinders opportunities, issues and proposals to them in a timely and professional manner

5.3 Actively participate in local government, industry and regional organisations

5.3.1 Actively participate in key strategic organisations, groups and alliances that provide value for the Flinders community and Council.

5.3.1.1 Actively engage with Northern Tasmania Development.

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6.0 Furneaux Future - A thriving, self-reliant community offering opportunities for current and following generations while maintaining core values and attributes.

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6.1.5.1 Liaise and lobby Australian and State Government Departments and personnel on specific projects and programs approved by the Council.

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

6.4.1.1 Review priority projects with and revise business cases as required/directed.

**BUDGET AND FINANCIAL IMPLICATIONS:**

Low

**RISK/LIABILITY:**

Low

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

As per action 6.4.1.1 of the adopted Flinders Council Annual Plan 2013/2014, Council undertakes a review of the existing Priority Projects at the next workshop in February.

**Item B5: Notice of Motion from Councillor Mary-Anne Roberts – Support of Furneaux Islands Service Providers (FISP) Network**

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Councillor Mary-Anne Roberts
<b>OFFICER</b>	Raoul Harper, General Manager
<b>FILE REFERENCE</b>	CSV/0912
<b>ASSOCIATED PAPERS</b>	<i>Nil</i>

**NOTICE OF MOTION**

That Council provides support and participates in the Furneaux Islands Service Providers (FISP) Network, and provides an allocation of \$400 for catering purposes out of the Community Development budget 2013/2014.

**COUNCILLOR'S REPORT**

This motion is put forward from the Furneaux Community Health Special Committee. Minutes from the meeting are included in this Council Meeting Agenda. The FISP Network is a new initiative developed by the Community Development Officer and acting Director of Nursing (Multi-Purpose Centre) in recognition of the fact that the many health and well-being providers who service the Islands currently have no single point of contact or ability to liaise. The Network would meet four times a year (utilising video conferencing where necessary) and would aim to provide an opportunity to create effective interagency links, promote services and events and identify any service gaps or unnecessary duplication of services.

**PREVIOUS COUNCIL CONSIDERATION:**

Nil

**OFFICER'S REPORTS:**

Engagement undertaken over the past year has highlighted that across the Furneaux Islands a significant number of service providers exist that deliver a broad range of health services. Providing a regular platform to bring these providers together is seen as a proactive approach that could deliver benefits to the community and to the service provider network.

It is proposed through these forums that opportunities for collaboration and potential patient referrals to occur across providers may assist to provide greater benefits for patient care. In addition, any gaps in the current service delivery to the Islands or any duplication of services can also be identified.

The proposed formation of this group of service providers also supports the aims and objectives of the Rural Primary Health Service (RPHS) program funding that Council administers from the fund holder, Tasmania Medicare

Local (TML), for the contribution to our community nurses on Cape Barren and Flinders Islands, and also the podiatry service. One of these objectives is to: Promote coordinated, multi-disciplinary team based approaches to the provision of integrated primary health care services.

The Events budget has sufficient funds to cover the request for catering at the proposed forums.

It is recommended that Council supports this motion.

#### **STATUTORY REQUIREMENTS:**

*Local Government Act 1993*

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

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

4.1 Provide professional environmental and public health services

4.1.1 Provide a program of structured inspection, compliance management, education and immunisation.

4.1.1.6 Seek to integrate public health and immunisation programs and goals with the community health plan when it is developed and delivered.

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

Minimal, funds exist within the current budget allocation to support the proposal.

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

Low

#### **VOTING REQUIREMENTS:**

Simple Majority

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

That Council provides support and participates in the Furneaux Islands Service Providers (FISP) Network, and provides an allocation of \$400 for catering purposes out of the Community Development budget 2013/2014.

## C. CORPORATE SERVICES

### Item C1: Quarterly Financial Report for October - December 2013

ACTION	Information
PROPONENT	Corporate Services Coordinator
OFFICER	Sophie Pitchford
FILE REFERENCE	FIN/0100, ADM/0600
ASSOCIATED PAPERS	<i>Annexure 20: Quarterly Financial Report October - December 2013</i>

#### INTRODUCTION:

Presented to Council is the second Quarterly Financial Report for the period commencing 1<sup>st</sup> October 2013 and ending 31<sup>st</sup> December 2013.

#### PREVIOUS COUNCIL CONSIDERATION:

Council considers the Quarterly Financial Report on a quarterly basis.

#### OFFICER'S REPORT:

The new report structure provides a summary of income and expenditure for the second quarter across all departmental divisions as individual finance reports. The Statement of Comprehensive Income includes actuals from the previous financial year, for comparison against current actuals as well as the 2013-14 Annual Budget.

The Capital Works Report highlights each project and the expenditure incurred to date as well as projects carried forward as Works in Progress arising from the previous financial year.

#### STATUTORY REQUIREMENT:

*Local Government Act 1993*

#### POLICY/STRATEGIC IMPLICATIONS:

Corporate, Governance and Intergovernmental Relations

#### BUDGET AND FINANCIAL IMPLICATIONS:

Annual Plan - all areas

#### RISK/LIABILITY:

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

#### VOTING REQUIREMENTS:

Simple Majority

**OFFICER'S RECOMMENDATION:**

That the Quarterly Financial Report for the period commencing 1<sup>st</sup> October 2013 and ending 31<sup>st</sup> December 2013 be received and accepted.

Item C2:                    **Half Yearly 2013-14 Budget Review**

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Sophie Pitchford, Corporate Services Coordinator
<b>FILE REFERENCE</b>	FIN/0702
<b>ASSOCIATED PAPERS</b>	<i>Annexure 21: Half Yearly 2013-14 Budget Review</i>

**INTRODUCTION:**

The half yearly budget estimates have been reviewed at 31<sup>st</sup> December 2013 and are now presented to full Council. This enables a revision of Council's overall financial performance to date as well as an opportunity for budget items to be amended if necessary.

**PREVIOUS COUNCIL CONSIDERATION:**

Council adopted the 2013-14 Budget on 18<sup>th</sup> July 2013.

**OFFICER'S REPORT:**

Budget items have been revised to reflect actual income or expenditure which Council is expected to incur for the remainder of the financial year. Other items of expenditure or capital works previously approved by Council during the first half of 2013-14 have also been included.

Council does have limited cash and reserve funds that have not been transferred within this revised budget to offset any increase in expenditure and this should be considered when approving a budget variation. The proposed variation will still record an estimated deficit balance at year end.

**STATUTORY REQUIREMENTS:**

*Local Government Act 1993*

**POLICY/STRATEGIC IMPLICATIONS:**

Corporate, Governance & Intergovernmental Relations

**BUDGET & FINANCIAL IMPLICATIONS:**

Annual Plan – all areas

**RISK/LIABILITY:**

No foreseen risks or legal obligations identified as a result of this Budget Review.

**VOTING REQUIREMENTS:**

Absolute Majority

**OFFICER'S RECOMMENDATION:**

That Council adopts the half yearly 2013-14 Budget Review at 31<sup>st</sup> December 2013 as the Budget for 2013-14.

## D. GOVERNANCE DEPARTMENT

### Item D1: 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 22: 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:**

715.12.2013      19<sup>th</sup> December 2013

#### **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.

The policy lay on the table for 28 days for public comment and no submissions were received.

#### **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 adopts the Citizen of the Year Award Policy.

**Item D2: Review of Aviation Policy**

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Raoul Harper, General Manager
<b>FILE REFERENCE</b>	COM/0104
<b>ASSOCIATED PAPERS</b>	<i>Annexure 23: Aviation Policy</i>

**INTRODUCTION:**

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

**PREVIOUS COUNCIL CONSIDERATION:**

13<sup>th</sup> June 2002      Adopted      253.05.02  
25<sup>th</sup> August 2005      Amended      494.08.05  
13<sup>th</sup> October 2005      Amended      611.10.05  
3<sup>rd</sup> October 2013      Councillor Workshop  
8<sup>th</sup> October 2013      Furneaux Group Aviation Special Committee

**OFFICER'S REPORT:**

Council has a policy that states that policies should be reviewed at least every two (2) years and the Aviation Policy has now be reviewed by staff.

Since the policy was last reviewed back in 2005, Flinders Island Airport has obtained Civil Aviation Safety Authority (CASA) Certification and a new Regular Passenger Transport (RPT) operator has been engaged. This has resulted in many of the existing policy points now being out of Council's control and therefore should be reviewed.

The Aviation Policy has been updated to reflect current operations. The Policy was discussed at a Councillor Workshop on 3<sup>rd</sup> October 2013 and at the Furneaux Group Aviation Special Committee meeting on 8<sup>th</sup> October 2013. The amended version is now presented for Councillors' consideration.

**STATUTORY REQUIREMENT:**

N/A

**POLICY/STRATEGIC IMPLICATIONS:**

5.0 Corporate, Governance and Intergovernmental Relations;  
2.0 Infrastructure; and  
6.0 Furneaux Future

**RISK/LIABILITY:**

Nil

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

That Council adopts the revised Aviation Policy with the proposed changes and allow it to lay on the table for 28 days for public comment.

**Item D3: Instrument of Delegation – amended February 2014**

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Raoul Harper, General Manager
<b>FILE REFERENCE</b>	PUB/0300
<b>ASSOCIATED PAPERS</b>	Annexure 24: Instrument of Delegation (2014.02)

**INTRODUCTION:**

The purpose of this report is to update Council's Instrument of Delegation as per the *Local Government Act 1993*.

**PREVIOUS COUNCIL CONSIDERATION:**

027.01.2009 20th January 2009  
375.11.2010 18th November 2010  
087.03.2011 17th March 2011  
365.12.2012 13th December 2012  
612.08.2013 15<sup>th</sup> August 2013

**OFFICER'S REPORT:**

The purpose of the Instrument of Delegation is to ensure that the General Manager and Officers of Council have the delegation to undertake their roles and responsibilities in accordance with the *Local Government Act 1993*. Recent staff changes have necessitated updating the Instrument of Delegation to reflect the current staff structure.

**STATUTORY REQUIREMENT:**

*Local Government Act 1993, Local Government Act 1993, Archives Act 1983, Local Government (Building and Miscellaneous Provisions) Act 1993, Building Act 2000 (Tas), Burials and Cremation Act 2002, Public Health Act 1997, Food Act 2003, Environmental Management and Pollution Control Act 1994, Dog Control Act 2000, Local Government (Highways) Act 1982, Land Use Planning and Approvals Act 1993, Resource Management and Planning Appeal Tribunal Act 1993, Right to Information Act 2009 and Public Interest Disclosures Act 2002.*

**POLICY/STRATEGIC IMPLICATIONS:**

- 5. Corporate Governance and Intergovernmental Relations
  - 5.1 Support the capacity and productivity of our organisation and a culture of professionalism, compliance, innovation and service.
    - 5.1.1 Design and implement an integrated governance; strategic and operational planning & service delivery system

5.1.1.2 Support Council Managers in the preparation and distribution of governance reports including plans, policies, reports and other governance related publications.

**BUDGET AND FINANCIAL IMPLICATIONS:**

Nil

**RISK/LIABILITY:**

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

**VOTING REQUIREMENTS:**

Absolute Majority

**OFFICER'S RECOMMENDATION:**

That Council adopts the revised Instrument of Delegation – amended February 2014.

Item D4: Council's 2<sup>nd</sup> Quarterly 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 25: Quarterly Report from Council (October - December 2013)</i>

**INTRODUCTION:**

The purpose of this report is to provide Councillors with an update of the various actions taken by the whole of Council for the second quarter of the financial year.

**PREVIOUS COUNCIL CONSIDERATION:**

Previously provided as departmental monthly reports, then as departmental quarterly reports.

**OFFICER'S REPORT:**

Please read Annexure 25 - 2<sup>nd</sup> Quarterly Report from Council (October - December 2013).

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

That the Council's 2<sup>nd</sup> Quarterly Report for October to December 2013 be received and accepted by Council.

**Item D5: 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 26: Councillor Resolution Report February 2014</i>

**INTRODUCTION:**

This report identifies the actions taken and actual costs associated with implementing resolutions passed by elected members up to February 2014.

**PREVIOUS COUNCIL CONSIDERATION:**

The report is presented on a monthly basis.

**OFFICER'S REPORT:**

Please read Annexure 26 – Councillor Resolution Report February 2014.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

That the Councillor Resolution Report February 2014 be noted.

**E. CLOSED COUNCIL**

**Item E1: Closed Council Item – Applications by Councillors for Leave of Absence**

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICERS</b>	Raoul Harper, General Manager
<b>FILE REFERENCE</b>	COU/0204
<b>ASSOCIATED PAPERS</b>	<i>Annexure 27: CONFIDENTIAL For Elected Members only</i>

**PREVIOUS COUNCIL CONSIDERATION:**

Nil

**REASON FOR CLOSED COUNCIL:**

This item is **CONFIDENTIAL** in accordance with Section 15(2)(e) of the *Local Government (Meeting Procedures) Regulations 2005*, which permits the meeting to be closed to the public for business relating to the following:

- (i) applications by Councillors for leave of absence

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER'S RECOMMENDATION:**

That Council move into Closed Council.

**Meeting Closed**