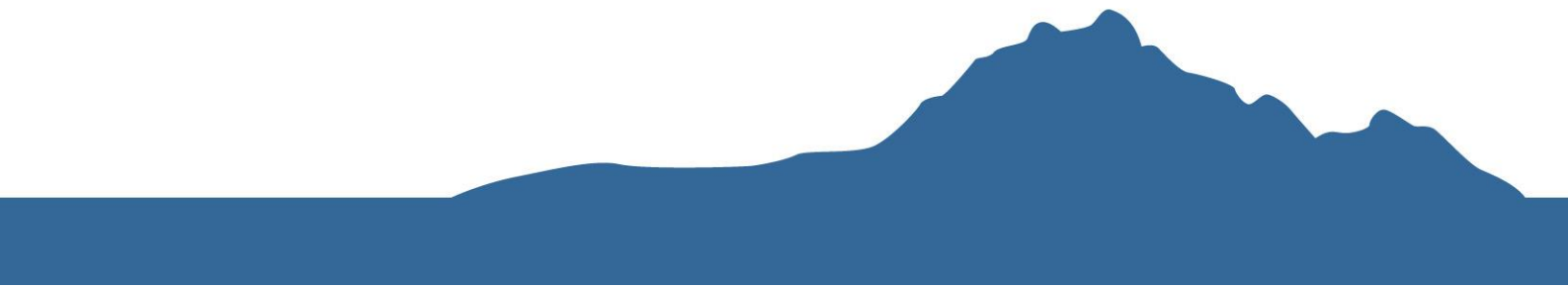




Agenda
Ordinary Council Meeting
13th November 2014



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 7th day of November 2014.



Raoul Harper
GENERAL MANAGER

FLINDERS COUNCIL ORDINARY MEETING

AGENDA

DATE: Thursday 13th November 2014
VENUE: Flinders Arts and Entertainment Centre, Whitemark
COMMENCING: 5.00 pm

PRESENT

Mayor Carol Cox
Deputy Mayor Marc Cobham
Cr Chris Rhodes
Cr Peter Rhodes
Cr Ken Stockton
Cr David Williams
Cr Gerald Willis

APOLOGIES

Nil

STAFF IN ATTENDANCE

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

WELCOME TO NEW COUNCILLORS

File No: COU/0102

CERTIFICATE OF ELECTION

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

The Certificate of Election for Flinders Council has been received and is hereby tabled.

OFFICER'S RECOMMENDATION:

That the Certificate be received.

DECISION:

ELECTED MEMBER DECLARATIONS

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

In accordance with the provisions of Section 321 of the *Local Government Act 1993*, the General Manager will confirm the Completion of Declarations.

OFFICER'S RECOMMENDATION:

That the Completed Declarations for Mayor Carol Cox, Deputy Mayor Marc Cobham, Councillor Chris Rhodes, Councillor Peter Rhodes, Councillor Ken Stockton, Councillor David Williams and Councillor Gerald Willis be received.

DECISION:

ACKNOWLEDGEMENT STATEMENTS

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

Newly elected Councillors are provided the opportunity to address Council to outline their goals and aspirations for their term ahead and to thank their supporters.

OFFICER'S RECOMMENDATION:

That newly elected Councillors be provided an opportunity to address Council if so desired, to outline their goals and aspirations for their term ahead and to thank their supporters.

DECISION:

CONFIRMATION OF MINUTES

That the Minutes from the Ordinary Council Meeting and the Closed Council Meeting held on the 16th October 2014 be confirmed.

DECISION:

PUBLIC QUESTION TIME

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

It is the policy of the Flinders Council to allow a 'Question Time' at Ordinary Council Meetings, during which members of the public may ask questions of the Council relating to Flinders Council matters.

The basis on which questions may be asked is:

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

LATE AGENDA ITEMS

Nil

DECLARATION OF PECUNIARY INTEREST

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

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

LEAVE OF ABSENCE

Nil

PETITIONS

Nil

WORKSHOPS & INFORMATION FORUMS

File No: COU/0205

No Council Workshops were held during the reporting period.

PUBLIC MEETINGS

Nil

COUNCILLOR'S QUESTIONS ON NOTICE

Nil

COUNCILLOR'S QUESTIONS WITHOUT NOTICE

Regulation 29 of the Local Government (Meeting Procedures) Regulations 2005 specifies that in putting a Question Without Notice a Councillor must not offer an argument or opinion, draw any inference or make any imputations except so far as may be necessary to explain the question. The Chairperson must not permit any debate of a Question without Notice or its answer.

PUBLICATIONS/REPORTS TABLED FOR COUNCIL INFORMATION

Nil

REPORTS TO BE RECEIVED

No reports from Special Committees were received during the reporting period.

COUNCILLORS' REPORTS

Nil

MAYOR'S REPORT:

ACTION	Information
PROPONENT	Mayor C Cox
FILE REFERENCE	COU/0600
ASSOCIATED PAPERS	Nil

REPORT:

APPOINTMENTS:

10/10/14	Meeting with Community Representative (Citizenship Award)
16/10/14	Shipping - meeting with local users
16/10/14	Telstra Information session
16/10/14	Council Meeting
17/10/14	Flinders Island Show
18/10/14	Show Weekend Cabaret
21/10/14	Shipping - meeting with involved parties
26/10/14	Community Shed Opening
29/10/14	Regional Arts Dinner
31/10/14	Gallery Opening - The Journey of the Argonauts

Election

First of all I would like to thank all of the community that took the time and effort to vote in the recent election. Flinders always has a very high return rate and this election was no different with around 80% of votes returned.

I would like to thank David Williams for his loyal service and hard work as Deputy Mayor over the past few years. With only one vote separating David and Marc Cobham it was one of the closest results in the State and I congratulate Marc on his new position and look forward to working with him as Deputy Mayor.

I thank all candidates for having the willingness to put themselves in the public eye and offer their services to the communities of the Furneaux Group. Commiserations to those who were not elected and congratulations to those elected.

I also recognise the retiring Councillors, Mary-Anne Roberts and Ronald Wise, and thank them for their contributions to Council and community as elected members.

Citizenship Award 2014

Pura Graham has over many years volunteered her time to a broad range of community events and activities, clubs and associations and is always there

with a smile and a helping hand when needed most. Council was thrilled to be able to recognise Pura's dedication and effort with the 2014 Citizen of the Year Award. Congratulations Pura!

Community Shed

On Sunday the 26th October it was my pleasure to open the Community Shed which has found a home at the school based in the woodwork room. It is a credit to the small band of determined and dedicated proponents of the Community Shed that the issues involved in housing such a voluntary community group in an Education Department facility have been overcome. Council has supported the group with funds for the purchase of tools. A great opportunity now exists for community members to develop their wood working skills in the company of like-minded friends each Saturday morning.

Art Gallery Opening

There was a vibrant opening of the exhibition of contemporary art by nine local artists, The Argonauts, at the community gallery. This exhibition is really worth a visit; the floating jelly fish will amaze and invite you in to view the other masterpieces.

Shipping

The 60 day interim arrangement for stevedoring is working well and discussions are being held towards longer term arrangements.

Water

TasWater is a company owned by the Tasmanian Councils, setup under State Government Legislation to provide water and sewerage services to Tasmanian towns at the same price as users state wide. Upgrading the Whitemark and Lady Barron water supplies to supply potable water falls under these arrangements. Works will begin in the coming year. TasWater officers held community engagement sessions on the island on the 5th November explaining the proposed upgrade to the water supplies including increased storage, with tenders to be called in December this year.

CORRESPONDENCE IN:

DATE	WHO	SUBJECT
13/10/14	Heart Foundation Tasmania	Heart Foundation supports four Honours Scholars
13/10/14	Furneaux Islands' Community Shed Incorporated	Invitation to officiate at the opening of the Furneaux Islands' Community Shed Incorporated (accepted)
13/10/14	Department of Education	National Youth Awards 2015

13/10/14	Department of the Prime Minister and Cabinet	Invitation to attend Australian of the Year Awards 2015 (apology sent)
13/10/14	Premier's Physical Activity Council	Invitation to attend Medibank Active Tasmania Awards 2014 (apology sent)
16/10/14	Miles Hampton, Chairman, TasWater	Notice of Owners Representatives' Quarterly Briefing - 13/11/14 (apology sent)
16/10/14	Integrity Commission	'Speak up' Campaign update
16/10/14	Flinders Island District High School	October school newsletter
17/10/14	Phillip Hoysted, Director of Local Government	'Councillor Allowances Information Sheet' for the year 1 November 2014 - 31 October 2015
17/10/14	Northern Tasmania Development (NTD)	NTD News Update 17 October 2014
20/10/14	Ailsa Sykes, TasWater	Notice of TasWater General Meeting - 13/11/14
22/10/14	Stephanie Watson, Local Government Association of Tasmania	Media Release - New President Elect for Local Government Association of Tasmania
22/10/14	Derek Le Marchant, Executive Officer, Northern Tasmania Development	Invitation to attend the Regional Innovation and State Growth session - 7/11/14
23/10/14	Will Hodgman MP, Premier	Invitation to attend TasInvest 2014 - 17-19/11/14 (accepted)
23/10/14	Katrina Gallo, Event Manager	Invitation to attend Tasmania Community Achievement Awards 21/11/14 (apology sent)
23/10/14	Anglican Church	Invitation to attend Sea Sunday Community Event (apology given)
23/10/14	Miles Hampton, Chairman TasWater	Invitation to attend TasWater General Meeting - 13/11/14 (apology sent)
23/10/14	Flinders Island District High School	Invitation to attend Tea Party with Mrs Smith (apology sent)
23/10/14	John Jarratt, Asbestos Awareness Ambassador	Asbestos Awareness Promotion Kit
26/10/14	Kevin Butler, BlazeAid	BlazeAid Disaster Relief
30/10/14	Tracey Clark, Northern Tasmania Development	NTD's AGM - 5/12/14

30/10/14	Fiona Madigan, Local Government Association of Tasmania	Invite to attend Mayor's Professional Development Day- 20/11/14
31/10/14	Nikki Millard, TasInvest Conference	Confirmation of Registration to TasInvest Conference
04/11/14	Roy McCormick	TasWater's Island investment
04/11/14	Wendy Summers, Office of Andrew Nikolic AM CSC MP	Meeting with Deputy Prime Minister and Minister for Infrastructure, Hon Warren Truss MP - 7/11/14
05/11/14	Eva Cripps, Tasmanian Motorcycle Council	Update from Tasmanian Motorcycle Council
05/11/14	Tourism Northern Tasmania	Invitation to attend Tourism Northern Tasmania Champions of Tourism - 17/12/14
06/11/14	Peter Gutwein MP, Minister for Planning and Local Government	Response to letter regarding requirements to establish an Audit Panel

CORRESPONDENCE OUT:

DATE	WHO	SUBJECT
16/10/14	Alan & Liz Robinson	Response to a proposal
28/10/14	Gail Smith	Best wishes for retirement from teaching
06/11/14	Roy McCormack	Response to letter
06/11/14	Various	Letters to unsuccessful candidates for election

VOTING REQUIREMENTS:

Simple Majority

RECOMMENDATION:

That the Mayor's report be received.

DECISION:

OPERATIONAL BUSINESS OF COUNCIL

A. DEVELOPMENT SERVICES AND PLANNING APPLICATIONS

- Item A1:** Development Application – (Nick Griggs & Co.)
File No: DA2014/015
Annexure 1: Agricultural & Natural Values Report
Annexure 2: Bushfire Hazard Management Plan
Annexure 3: Forest Practices Plan
Annexure 4: Plan of Subdivision
Annexure 5: Planner’s Report

B. GOVERNANCE

- Item B1:** Annual General Meeting and Procedures
File No: COU/0201
Annexure 6: 2014 Flinders Council AGM Meeting Procedures
- Item B2:** Ordinary Council Meetings - Times and Dates 2014 - 2015
File No: COU/0203
- Item B3:** Timing of Councillor Workshops
File No: COU/0203
- Item B4:** Office Closure – Festive Christmas Season 2014/2015
File No: COU/0600
- Item B5:** Local Government of Tasmania (LGAT) General Meeting
File No: COU/0303
Annexure 7: LGAT General Meeting Agenda November 2014
Annexure 8: LGAT General Meeting Attachments November 2014
- Item B6:** Council Committee Structure and Membership
File No: COU/0600
Annexure 9: Council Committee Membership as at November 2014
Annexure 10: Special Committees of Flinders Council Meeting Rules
Annexure 11: Letter from Peter Gutwein MP 31.10.2014
- Item B7:** Councillor Resolution Report
File No: COU/0600
Annexure 12: Councillor Resolution Report November 2014

C. CLOSED COUNCIL

Item C1: Closed Council Item
File No: COM/0402

Meeting Closed

A. DEVELOPMENT SERVICES AND PLANNING APPLICATIONS

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

Item A1: Development Application – (Nick Griggs & Co.)

ACTION	Decision
PROPONENT	Nick Griggs & Co.
OFFICER	James Ireland (Consultant Town Planner)
APPROVED BY	Karin Van Straten (Senior Consultant Town Planner)
FILE REFERENCE	DA2014/015
ASSOCIATED PAPERS	<i>Annexure 1: Agricultural & Natural Values Report Annexure 2: Bushfire Hazard Management Plan Annexure 3: Forest Practices Plan Annexure 4: Plan of Subdivision Annexure 5: Planner’s Report</i>

Proposal: 23 plus balance lot staged subdivision

Location: North East River Road, Palana (CT: 237440/1 & 159958/1)

Applicant: Nick Griggs & Co.

Zoning: Rural Zone

Special Areas: Visually Sensitive Area

Representations: One (in support)

INTRODUCTION:

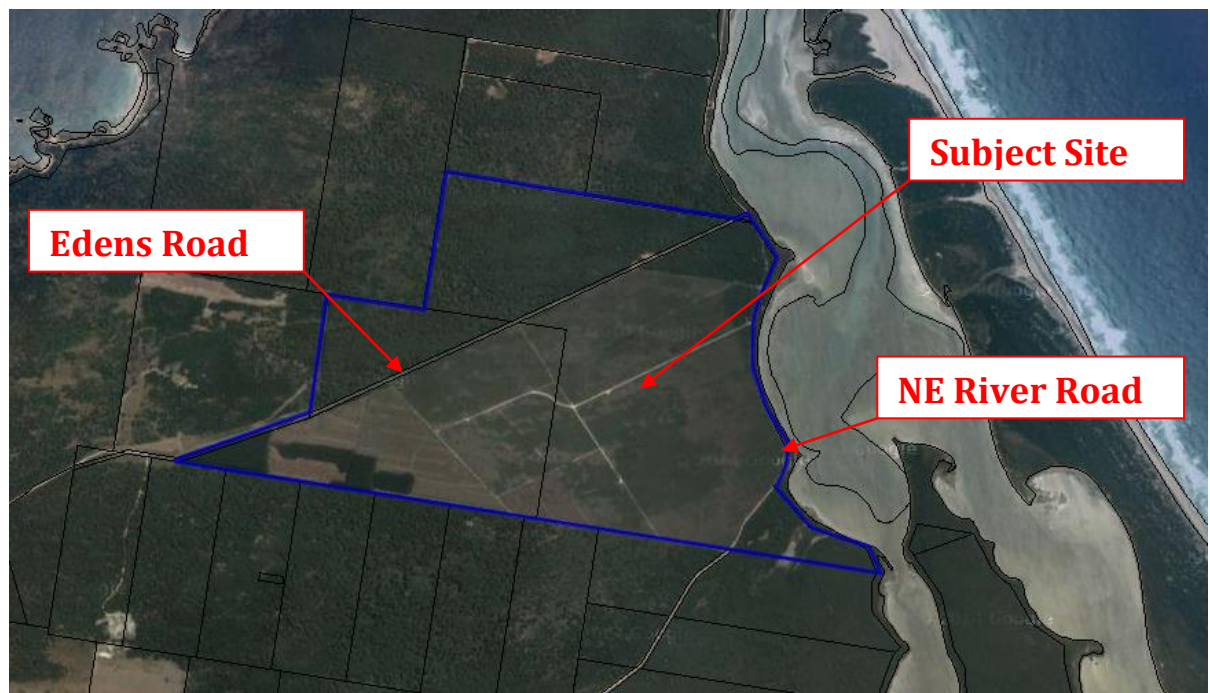
This report considers an application for a 23 plus balance lot staged subdivision of land located at North East River Road, Palana (CT: 237440/1 & 159958/1).

Subject Site

The subject site comprises two lots with frontage to Edens Road in Palana. Together the lots total 392.4ha and slope down from 110m at the western end to 10m at North East River Road, which runs along the eastern edge of the site.

The majority of the site - the part south of Edens Road - is a former pine plantation that has recently been harvested. Further plantation use is not economically viable. The northern side of Edens Road plus small parcels in the north east corner of the site and on the east side of North East River Road have remnant vegetation. This comprises coastal scrubland and a threatened community, *Eucalyptus viminalis* - *Eucalyptus globulus* coastal forest and woodland (refer to map).

The subject site is currently vacant of development with the exception of some rough forestry tracks. Edens Road runs through the site but is only partially formed (essentially a 4WD track). To the north, west and south are eleven neighbouring lots of 40-100ha and all are zoned rural. Six appear to be vacant and five have some development. To the east is the North East River Game Reserve through which North East River Road runs.

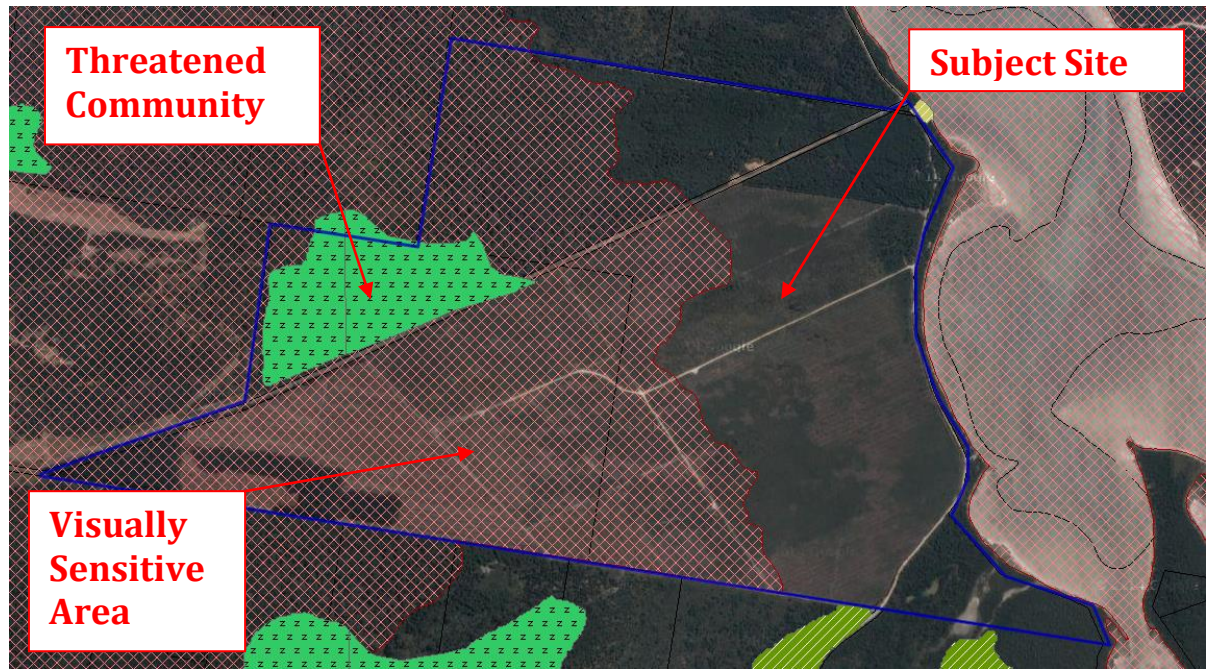


Zoning

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

Special Areas

The part of the subject site above the 40m contour is affected by the visually sensitive special area. It comprises approximately 60% of the site.



Statutory Timeframes

Date Received: 15/5/14

Request for further information: 2/6/14

Information received: 12/9/14

Advertised: 1/10/14

Closing date for representations: 15/10/14

Extension of time granted: 14/10/14

Extension of time expires: 1/12/14

Decision due: 1/12/14

OFFICER'S REPORT:

General

It is proposed to subdivide the subject site into 23 lots plus a balance lot, with lots varying in size from 10ha to 68.1ha. Subdivision will be staged. Lots 1 to 8 and 23 have frontage to North East River Road. The 14.13ha balance lot (Lot 100) is located on the eastern side of North East River Road is proposed to be public open space (Note: Council staff do not support this). Lots 9 to 22 have frontage to Edens Road, which will require upgrading to comply with the Bushfire Code and provide convenient access. Lot 23 also has a second access via a right of way to Edens Road to comply with the Bushfire Code. Lots within the threatened community have been designed to allow a building envelope that will avoid removal of this community. The lots on the ridgeline in the southern part of the site are large enough (60ha plus) to accommodate a

dwelling away from the ridge line. Additional works required for the subdivision are limited to the upgrade of Edens Road and the provision of services.

Staging Details:

- Stage 1: Lots 1-9
Stage 2: Lots 10-13 and 17-23 (the upgrade of Edens Road and construction of right of way will be required prior to this stage)
Stage 3: Lots 14-16

Assessment:

Pursuant to Section 81 of the *Local Government (Building and Miscellaneous) Act 1993*, subdivision requires a discretionary application.

Clause 3.10 Consideration of Applications for Planning Permits

Council shall take into consideration the following:

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;*

An assessment is made below:

5.8.1 Zone Intent

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

COMMENT: The proposal is consistent with the zone intent. Compatible non-agricultural uses can be accommodated in appropriate circumstances and it is considered that these apply in this case. This is expanded on at various points elsewhere in this report.

5.8.2 Desired Zone Character and Zone Guidelines

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

COMMENT: The agricultural report submitted with the application states that *'The title has no agricultural value now and no agricultural potential'* which meets (a). In relation to (b), the current character of the land is an exhausted pine plantation which is not consistent with the desired rural character. In the absence of it having any agricultural potential, residential use of the land will enhance the rural character. The proposed lots are sufficiently large for future buildings to be substantial distances from the road and from each other. Any future dwelling will require a discretionary planning application. Vegetation removal will not be required for the subdivision itself. Vegetation removal for future residential development will be minimal as the pine plantation has been harvested. Some removal will be required on the lots north of Edens Road. The natural values report that accompanied the application required the realignment of the lots in the threatened community to enable building envelopes on these lots to avoid removal of this community and this has been

done (this is now the application plan). The future residential use of this subdivision is likely to meet (c). Criterion (d) is NA as forestry is not proposed.

5.8.3 Subdivision Standards

- (a) The minimum lot size is 40 ha*
- (b) A lot less than 40 hectares may be approved at Council's discretion for the following purposes;*
 - (i) For an intensive agricultural use;*
 - (ii) For a use, other than agriculture, that is consistent with the zone intent, desired zone character and zone guidelines;*
 - (iii) For an aquaculture use;*
 - (iv) For a servicing facility, infrastructure or recreational use;*
 - (v) For boundary alterations where no additional titles are created and the resultant lots will comply with the intent of the zone.*
- (c) In considering an application under Clause 5.8.3(b) Council shall require a detailed assessment of the proposal prepared by a suitably qualified, independent, agricultural consultant that demonstrates:*
 - (i) In the case of lots for intensive agricultural use, the capacity of the proposed lot(s)*
 - (ii) other cases, the agricultural capacity of the proposed lot(s) (including any balance lot) and methods which will be employed to safeguard their agricultural capacity;*
- (d) Before accepting an application under Clause 5.9.3(b) Council may require the applicant to submit a Development Plan for the land to which the application relates. The Development Plan should show that:*
 - (i) Subdivision will not fragment or diminish the agricultural potential of the land;*
 - (ii) Subdivision will not result in ribbon development along roads and coastlines;*
 - (iii) Development will not cause significant adverse impact on the natural environment, flora and fauna, coastal waters, watercourses or skylines;*
 - (iv) Development or use will not be likely to result in land use conflict with existing land uses in the vicinity.*

COMMENT: The proposal must rely on (b) ii) as 21 of the 23 proposed lots are smaller than the 40ha minimum at (a). To apply this clause, a use must be attached to the subdivision proposal. It is intended that the use of the new lots will be residential. An assessment of this proposed use against the zone intent, desired zone character and zone guidelines is made under 3.10 (1.). The

agricultural report submitted with the application states that *'The title has no agricultural value now and no agricultural potential'* which meets (c) (ii).

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

NA. None were received.

3. *any representations received following public notification where required under the Act;*

One representation was received. It was in support of the proposal.

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

(a) *landslip, soil instability, or erosion;*

(b) *excessive slope;*

(c) *ponding or flooding;*

(d) *bush fire hazard;*

(e) *a Protected Catchment District under Water Management Act 1999;*

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

(g) *pollution; and*

(h) *other hazards to safety or health.*

The land is subject to bushfire hazard. An assessment against *Schedule 7 Development in Bushfire Prone Areas* is made elsewhere in this report.

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;*

(b) *adjoining land;*

(c) *the streetscape and/or landscape;*

(d) *the natural environment;*

(e) *items of historic, architectural or scientific interest;*

(f) *buffer zones, attenuation areas,*

(g) *easements;*

(h) *a water supply for fire fighting purposes;*

(i) *any received pollution;*

- (j) the escape of pollutants into storm drains and watercourses: and*
- (k) isolation, separation from other lands.*

An assessment of these is made elsewhere in this report.

- 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;*

It would be a condition on a permit that each lot is provided with services. It is understood that the existing infrastructure including the road network (subject to the upgrade of Edens Road) has sufficient capacity to serve the new lots.

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

There is no agricultural use on adjacent land. Notwithstanding this, the residential development of the subject site will not adversely affect any future agricultural use on adjacent land.

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

NA. None proposed/required.

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

NA. Existing access points.

- 10. the design and siting of the proposal to enable reduction in energy consumption through alternative energy use or reduction in demand; and*

NA. Will apply to future dwelling applications.

- 11. the safety and well-being of the general public.*

Complies.

12. Any other matter which Council is of the opinion is relevant to the particular application.

None stated.

4.1 Plans of Subdivision

4.1.1 In considering any application for the subdivision of land Council must:

- (a) give consideration to the matters listed in Clauses 3.9 & 3.10 as far as they be relevant to a subdivision;*
- (b) in no case approve the subdivision of any lot or other block of land of a size, shape or dimension other than is provided for in Part 6 of this Scheme and required to enable all other relevant provisions of this Scheme to be met; and*
- (c) have regard to any other relevant matters required under this Scheme and the provisions of the Local Government (Building and Miscellaneous Provisions) Act, 1993;*

COMMENT: In relation to (a) and (b) an assessment is provided elsewhere in this report. In relation to (c), pursuant to Section 81 of the *Local Government (Building and Miscellaneous) Act 1993*, subdivision requires a discretionary application.

Part 6 – Use and Development Principles

An assessment is made below against the relevant principles (those that are not applicable have been omitted for brevity):

6.0 Use and development shall be consistent with the following principles:

6.1 Use

- (a) Use or development shall not unreasonably impact on any existing or intended use of development of neighbouring land.
- (b) Subdivision of land shall be carried out in accordance with the subdivision provisions for the zone within which the land is located or where that is not appropriate in accordance with:
 - (i) the requirements of the intended use, and
 - (ii) the Zone Intent, or alternatively by

- (iii) an approved Development Plan that has been adopted by Council and inserted as a provision in the Scheme.

COMMENT: An assessment is made elsewhere in this report.

6.2 Character

- (a) Use and development shall adequately respect the character of, and future intentions for the area in which it is to be located.
- (b) Subdivision layout, particularly roads, shall take adequate account of land contours and the need to avoid visual scarring.

COMMENT: The current character of the land is an exhausted pine plantation which is not consistent with the desired rural character. In the absence of agricultural potential, residential use of the land will enhance the rural character of the area and this is therefore the future intention for the area. The road layout for the subdivision is existing. However, the location of larger (60ha) lots in the most visually sensitive area will enable (b) to be met. Any dwelling will require a discretionary planning application.

6.3 Amenity

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

COMMENT: An area of 14.13ha of open space is proposed to be provided (Balance Lot 100). Council staff have advised that they do not want to take this on as public open space and would prefer a cash contribution be made in lieu of this. The balance lot could revert to being a normal residential lot (although it was not assessed as such in the Bushfire Hazard Management Report).

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.

- (b) Use or Development and land management practices shall be directed towards achieving environmental sustainability, biodiversity and ecological balance, and avoiding environmental damage such as soil erosion, coastal dune erosion, loss of important animal and plant species and increases in vermin populations.
- (c) Use or Development shall not be located in areas of unacceptable risk (eg. from fire, flood or landslide). 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.

COMMENT: In relation to (a), the subject site is a visually sensitive area. An assessment of this is made elsewhere in this report. The proposed subdivision and likely future use of the lots will not detrimentally affect the environment. In relation to (b), a minimum of vegetation clearance will be required to accommodate a future dwelling, which is consistent with this criterion. In relation to (c), i) and ii) are NA. In relation to iii), the site is prone to bushfire, so Schedule 7 applies.

6.5 Heritage

COMMENT: NA. The subject site is not heritage listed.

6.6 Access and Parking

- (a) All new lots must be provided with satisfactory pedestrian and vehicular access to a public street.
- (b) All Use or Development shall provide satisfactory pedestrian and vehicular access which is suited to the volume and needs of future users.

COMMENT: All new lots will be able to be provided with suitable access from an upgraded Edens Road or North East River Road.

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.
- (b) Lot size and arrangement shall be adequate and appropriate to ensure an acceptable level of servicing, particularly in relation to waste disposal.
- (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
- (d) Use or Development in the bushfire prone areas will provide fire protection features and water supplies which comply with Schedule 7.
- (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.
- (f) Servicing systems shall use adequate and appropriate design methods and materials to ensure an acceptable life span and allow for adequate maintenance requirements.

- (g) Use or Development shall optimise efficiency in the use of energy and resources. In particular, land should be subdivided on a generally sequential basis (ie. one area is substantially developed before the next is subdivided), common trenching should be used for different services where appropriate, and solar access maximised.

COMMENT: The proposed lots are to be serviced to meet (a) and (c). The lots comply with (b), subject to environmental health approval of their wastewater disposal when development is proposed. Criteria (d) to (f) will be addressed when development is proposed. In relation to (g), the lack of sub 40ha residential lots in the area means the proposal is consistent with the subdivision of land on a sequential basis.

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, telecommunication, health services and educational facilities).

COMMENT: The proposal provides additional housing lots on Flinders Island which is considered to be in the community interest. Palana is a remote part of Flinders Island, approximately 50km north of Whitemark. For this area, this level of access to services is considered appropriate.

6.9 Administration

- (a) In considering subdivision and/or rezoning proposals, an appropriate balance shall be maintained between current demand and stock available for use or development, and the number of new lots that would be created.
- (b) Use or Development proposals should only be approved where the cost to the public of providing and maintaining services is not exceeded by the economic benefit of the use or development to the community.
- (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: In relation to (a), there is anecdotal evidence of a shortage of affordable housing lots on Flinders Island. As a private subdivision with minimal additional public expenditure required, (b) is met. Criterion (c) is NA.

Part 7 Visually Sensitive Special Area

The objectives of the Visually Significant Areas are:

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

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

- (a) The objectives listed in Clause 7.2.2*
- (b) The siting, orientation, setbacks, bulk, form, height, scale and external finishes of buildings and structures*
- (c) The visual impact of buildings, clearing, excavation, access, construction, fences, firebreaks or the deposition of fill;*
- (d) The adequacy of proposed landscaping and whether any special works or practices are required to protect the scenic values of the site;*
- (e) Whether development is proposed to be located on skylines or ridgelines.*

COMMENT: In relation to (a), the area does not have a natural appearance as it is an exhausted pine plantation. All future dwellings will require a discretionary planning application. Where there is remnant vegetation it will be retained as much as possible. In relation to (b) and (c), the large lots will enable future development to minimise the visual impact and in relation to (d), it is likely that residential development will involve the partial restoration of natural vegetation, although this is not part of this application. In relation to (e), lots 16 and 23 are close to a ridgeline running from Quoin Hill. These lots are sufficiently large to accommodate dwellings away from the ridgeline with a minimal impact. Again, all future dwellings will require a discretionary planning application

Schedule 7 – Development in Bushfire Prone Areas

The subdivision is within a bushfire prone area. An assessment against the schedule is made below:

<p>S7.1.0 ISSUE Subdivision design and layout</p>	<p>INTENT - The design, siting and layout of subdivisions in bushfire prone areas should minimise fire risks and the potential for loss of life.</p>	
<p>ACCEPTABLE SOLUTIONS</p>		<p>PERFORMANCE CRITERIA</p>
<p>S7.1.1a Subdivisions are designed so that buildings are separated from the bushfire hazard by Building Protection Zones (BPZ) and Fuel Modified Buffer Zones (FMBZ) and</p> <p>S7.1.1b A BPZ surrounds a building and is separated from the fire hazard by a FMBZ and</p> <p>S7.1.1c BPZ and FMBZ can be constructed to the width measured along the ground as shown in Table 7.1 and</p> <p>S7.1.1d If the required width of the BPZ is exceeded, the width of the FMBZ may be reduced by that additional width, thus maintaining the same total width of fuel reduced areas. (Note the width of the BPZ cannot be reduced).</p>		<p>Subdivisions are designed to have lots of sufficient size and appropriate shapes to provide building envelopes located within sufficient fuel reduced areas so buildings are not subject to threatening levels of flames and radiation during a bushfire.</p>
<p>COMMENT: BPZs and FMBZs are not referred to in the Bushfire Hazard Management Report so the performance criteria must be met. Lots 14 and 15 have building areas for BAL 19. All the remaining lots have building areas to BAL 12.5. All are within the proposed lot boundaries.</p>		
<p>S7.1.2a FMBZ are within the boundaries of the subdivision and BPZ are within the boundaries of each lot or</p> <p>S7.1.2b In reticulated water supply areas, the width of the FMBZ may be reduced if it can be shown that other fire protection measures acceptable to the Tasmania Fire Service and Council are to be incorporated into the development or</p>		<p>Subdivisions provide all lots with sufficient fuel reduced areas around building envelopes so buildings are not subject to threatening levels of flames and radiation during a bushfire.</p>

<p>S7.1.2c Where the subdivision does not provide either sufficient BPZ or FMBZ for individual lots, a multi-lot solution may be proposed which may be acceptable to the Tasmania Fire Service and Council.</p>	
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COMMENT: FMBZs and BPZs are not referred to in the Bushfire Hazard Management Report so the performance criteria must be met. BAL 19 and BAL 12.5 building areas are provided.

<p>S7.2.0 ISSUE Access in subdivisions</p>	<p>INTENT – Subdivisions are designed to provide safe access for emergency and other vehicles to all lots and buildings.</p>	
<p>ACCEPTABLE SOLUTIONS</p>		<p>PERFORMANCE CRITERIA</p>
<p>S7.2.1a Subdivisions have two access roads to low bushfire hazard areas or 7.2.1b Dead end roads must not exceed 200 metres in length or service more than 8 lots or S7.2.1c Where only one road is available, the Tasmania Fire Service and Council may approve a local area development plan which provides for the eventual linking of a dead end road to a connective road network or S7.2.1d The Tasmania Fire Service and Council may approve a non through road provided it is linked to a formed fire trail to the requirements of the Tasmania Fire Service and Council.</p>	<p>Subdivisions should have safe alternative routes to low bushfire hazard areas for emergency and other vehicles.</p>	
<p>COMMENT: The subdivision has access to two roads, Edens Road (which will require upgrading) and North East River Road.</p>		
<p>S7.2.2a Access must be of all-weather construction and S7.2.2b Road structures (including bridges) must have a minimum load</p>	<p>Safe access roads shall be provided at all times.</p>	

<p>limit of 20 tonnes and</p> <p>S7.2.2c There must be vertical clearance to a height of 4 metres above the trafficable width of the access and</p> <p>S7.2.2d There must be horizontal clearance from 4 metres of the centre line of any trafficable road for a height of 4 metres above the trafficable width.</p>	
<p>COMMENT: Both Edens Road and North East River Road are existing. Without having technical details it is understood that they do or will meet the acceptable solution (Edens Road will require upgrading).</p>	
<p>S7.2.3a A maximum gradient of 1 in 8 (12.5%) is specified. However, where a topographic difficulty occurs, an absolute maximum grade of 1 in 5 (20%) for a distance no greater than 50 metres may be approved by the Tasmania Fire Service and Council. The average maximum grade must therefore not exceed 1 in 7 (14.4%) and</p> <p>S7.2.3b Curves must have a minimum inner radius of 10 metres and</p> <p>S7.2.3c Dips must have no more than a 1 in 8 (12.5%) entry and exit angle and</p> <p>S7.2.3d All roads must have a maximum cross fall alignment of 1 in 33 (3%).</p>	<p>The horizontal and vertical alignments, crossfall and turning areas reflect physical characteristics and major drainage functions for the site as well as satisfying design requirements for emergency vehicles.</p>
<p>COMMENT: Both Edens Road and North East River Road are existing. Without having technical details it is understood that they do or will meet the acceptable solution (Edens Road will require upgrading).</p>	
<p>S7.2.4a At the end of all roads or access ways there must be a court</p>	<p>Suitable turning areas for fire suppression and other vehicles must be provided at the</p>

<p>bowl or cul de sac of a minimum trafficable radius of 10 metres (shoulders, seal or other consolidated edges may be acceptable) or</p> <p>S7.2.4b At the end of all roads or access ways there must be hammerhead “T” or “Y” turnarounds with minimum 4 metres width and total length of 16 metres.</p>	<p>end of all roads and access ways.</p>
<p>COMMENT: NA. Roads are through roads.</p>	
<p>S7.2.5a The minimum trafficable width for access is 6 metres which may include consolidated, formed, surfaced and drained shoulders or</p> <p>S7.2.5b Where 8 or less lots are being serviced, an access with trafficable width of 4 metres for a maximum of 90 metres length may be provided or</p> <p>S7.2.5c Where the access is less than 6 metres trafficable width, passing bays of a minimum length of 20 metres must be provided every 200 metres along the access. The combined width of the access and the passing bay must be a minimum 6 metres. fire suppression and other vehicles</p>	<p>Access should be of sufficient width to allow simultaneous access and egress for emergency and other vehicles.</p>
<p>COMMENT: Both Edens Road and North East River Road are existing. Without having technical details it is understood that they do or will meet the acceptable solution (Edens Road will require upgrading).</p>	
<p>S7.2.6a An access road forms the perimeter of the development or</p> <p>S7.2.6b A fire trail connected to an access road forms the perimeter of the development.</p>	<p>Access to the perimeter of the development must be provided.</p>
<p>COMMENT: There is access to the perimeter of the development via North East River Road. Future driveways within the lots will need to encircle dwellings, but this will be required by any future building permit applications which would require a bushfire report.</p>	

<p>S7.2.7a Fire trails are constructed to 4WD standard and</p> <p>S7.2.7b Fire trails have a formed width of 4 metres and</p> <p>S7.2.7c Fire trails must have vertical clearance to a height of 4 metres above the trafficable and</p> <p>S7.2.7d Fire trails must have horizontal clearance from 3 metres of the centre line for a height of 4 metres above the trafficable width and</p> <p>S7.2.7e Fire trails will have a maximum gradient of 1 in 6 (17%).</p>	<p>Fire trails must be safe for use fire suppression.</p>
<p>COMMENT: NA. No fire trails are proposed.</p>	
<p>S7.3.0 ISSUE Water supplies for fire suppression in subdivisions</p>	<p>INTENT – To ensure adequate water supplies are available in a subdivision for landowners or emergency services to defend properties from bushfire</p>
<p>ACCEPTABLE SOLUTIONS</p>	<p>PERFORMANCE CRITERIA</p>
<p>S7.3.1a Subdivisions have a reticulated water supply with a minimum flow rate as specified by Australian Standard AS 2419 for the intended class of development as required under the Building Code of Australia or 600 litres per minute (which ever is greater) or</p> <p>S7.3.1b Subdivisions have a static water supply to comply with AS 2419 for the intended class of development as required under the Building Code of Australia for fire suppression or</p> <p>S7.3.1c For developments not specified in the Building Code of Australia in S7.3.1 b), subdivisions for lots less than 2500 square metres will have 10 000 litres of stored water for fire suppression and for lots 2500</p>	<p>Subdivisions have an adequate size of water supply.</p>

square metres or larger, 20 000 litres of stored water for fire suppression.	
COMMENT: Reticulated water supply is not available. Water supply for firefighting will be required by any future building permit applications which would require a bushfire report.	
<p>S7.3.2a In areas where the water supply complies with S7.3.1 a), the building envelope must not be more than 130 metres from the nearest fire hydrant. The hydrant must comply with Tasmania Fire Service and Council requirements or</p> <p>S7.3.2b In areas where the water supply does not comply with S7.3.1 a), a static supply complying with S7.3.1 b) or c) will be located within the subdivision to be accessible by emergency vehicles at all times. The supply may be from a single source or a combination of storages for either individual lots or for the entire subdivision. Storages must be accessible from all the lots they are intended to serve.</p>	The water supply for fire suppression will be available at all times.
<p>S7.3.3a All water storage tanks are constructed of non-combustible and non-rust materials such as galvanised steel and concrete and</p> <p>S7.3.3b All above ground pipelines and fittings are either constructed of non-combustible and non-rust materials such as galvanised steel and copper, or protected from the effects of heat and flame by lagging or other means and</p> <p>S7.3.3c All below-ground water pipelines are installed to a depth as specified in the National Plumbing Code AS 3500 (generally 300 mm).</p>	The water supply pipelines, fittings and storages are designed, located and fitted to ensure reliability of the water supply during a fire.
COMMENT: NA. Will apply to future development applications.	
S7.3.4a If the storage is accessible and	Access to static supplies will be suitable for

<p>above ground, a male 64 mm 5V thread coupling to Tasmania Fire Service specifications must be installed on the storage to supply water or</p> <p>S7.3.4b If the storage is accessible and below ground, there must be sufficient hard standing beside or adjacent to the storage to allow an emergency vehicle access for draughting from the storage or</p> <p>S7.3.4c If the storage is not directly accessible, a remote access point may be provided which must deliver water at a minimum flow rate of 270 litres per minute at the delivery point through a male 64 mm 5V thread coupling to Tasmania Fire Service specifications.</p>	<p>emergency vehicles.</p>
<p>COMMENT: NA. Will apply to future development applications.</p>	

Referrals

The application did not require referrals.

STATUTORY REQUIREMENT:

The application was advertised for 14 days in accordance with the Act.

POLICY/STRATEGIC IMPLICATIONS:

The relevant strategic outcome and strategies of the Flinders Council Strategic Plan 2011 are 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.”

COMMENT: The proposal is consistent with this strategic outcome. The proposal promotes investment and activity. Compliance with the Bushfire Code means people are protected. The reuse of an exhausted pine plantation enhances the environmental characteristics of the rural zone.

BUDGET AND FINANCIAL IMPLICATIONS:

Not applicable.

OFFICER'S RECOMMENDATION:

That the application for a 23 plus balance lot subdivision in the rural zone, by Nick Griggs & Co. for land located at North East River Road, Palana (CT:237440/1 & 159958/1) be **APPROVED** generally in accordance with the Application Documents (*Agricultural and Natural Values Report* by AK Consultants dated 30/7/13, *Bushfire Hazard Management Report* by AK Consultants dated 15/8/14) and subject to the following conditions:

APPROVED PLAN

1. The use and/or development must be carried out as shown on the endorsed plan by Nick Griggs and Co. dated 14-8-14 (File No: 3735/25) to the satisfaction of the Council. Any other proposed development and/or use will require a separate application to and assessment by the Council.

OFFICER INITIATED AMENDMENTS

2. Despite Condition 1 above the following amendment to the endorsed plans is required:
 - The removal of the notation 'Proposed Public Open Space' from the proposal plan.

Once these amended plan(s) are approved by Council, it will be endorsed and form part of this permit.

UPGRADE OF EDENS ROAD

3. Edens Road within the subdivision must be upgraded to at least a modified class 4C standard (refer to *Bushfire Hazard Management Report* by AK Consultants dated 15/8/14) prior to sealing of the final plan for Stage 2.

CONSTRUCTION OF RIGHT OF WAY

4. The right of way shown on the plan must be constructed to at least a modified class 4C standard (refer to *Bushfire Hazard Management Report* by AK Consultants dated 15/8/14) prior to sealing of the final plan for Stage 2.

PUBLIC OPEN SPACE CONTRIBUTION

5. When the Final Survey Diagram is submitted for sealing, payment of \$12 000 must be provided as cash in lieu of the provision of land for Public Open Space.

FINAL SURVEY DIAGRAM

6. The Final Survey Diagram and Schedule of Easements (and three copies) must be submitted for sealing, together with a copy of the Survey Notes.

EASEMENTS

7. Easements are required over all Council and third party services located in private property. The minimum width of any easement must be 3 metres for Council (public) mains. A lesser width may be approved for a private service prior to the lodgement of a final plan of survey.

VEHICULAR CROSSING APPLICATION

8. Prior to the sealing of the Final Plan, each lot must be provided with an adequate all weather access from the edge of the road pavement to the property boundary.

COVENANTS ON SUBDIVISIONS

9. Covenants or similar restrictive controls must not be included on or otherwise imposed on the titles to the lots created by the subdivision permitted by this permit unless:
 - a) Such covenants or controls are expressly authorised by the terms of this permit; or
 - b) Such covenants or similar controls are expressly authorised by the consent in writing of the Council.
 - b) Such covenants or similar controls are submitted for and receive written approval by Council prior to submission of a Plan of Survey and associated title documentation is submitted to Council for sealing.

Notes:

1. This permit was issued based on the proposal documents submitted for (DA2014/015). You should contact Council with any other use or developments, as they may require the separate approval of Council.
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.

DECISION:

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

B. GOVERNANCE

Item B1: Annual General Meeting (AGM) and Procedures

ACTION	Decision
PROPONENT	Council Officer
OFFICER	Raoul Harper, General Manager
FILE REFERENCE	COU/0201
ASSOCIATED PAPERS	<i>Annexure 6: 2014 Flinders Council AGM Meeting Procedures</i>

INTRODUCTION:

The purpose of this report is to consider the format for the forthcoming 2014 Annual General Meeting.

PREVIOUS COUNCIL CONSIDERATION:

Council has not previously considered the motion at hand.

OFFICER'S REPORT:

Council is required to hold an Annual General Meeting (AGM) prior to 15th December each year in accordance with the provisions of the *Local Government Act 1993*. An information sheet of the proposed procedural arrangements that will apply to the conduct of the 2014 Annual General Meeting is provided (Annexure 6).

Neither the *Local Government Act 1993* nor any other legislation provides clear directives on how Council should arrange and run its Annual General Meeting. Discussions with the Local Government Office of the Department of Premier and Cabinet have highlighted that Council can follow any common sense based approach it sees fit in relation to the matter. The procedural arrangements provided are a well-recognised approach to the governance arrangements for an AGM meeting and are a recommended approach.

STATUTORY REQUIREMENT:

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS:

5.0 Corporate, Governance and Intergovernmental Relations

BUDGET AND FINANCIAL IMPLICATIONS:

Costs for conducting Council's Annual General Meeting are included in the budget.

RISK/LIABILITY:

Council is required under the *Local Government Act 1993* to hold an Annual General Meeting on a date no later than 15th December each year.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

1. That Council endorses the 2014 Annual General Meeting to occur at 5.00pm on Thursday 4th of December 2014 at the Flinders Arts and Entertainment Centre.
2. That the Meeting Procedures as provided (Annexure 6) be endorsed for use.

DECISION:

Item B2: Ordinary Council Meetings - Times and Dates 2014 - 2015

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

INTRODUCTION:

In previous years, Council has, at its November or December meeting, set the dates and times for the next year's meetings. For some time now the meetings have been held on the third Thursday of each month commencing at 1.00 pm, although adjustments have been made at times to accommodate local functions and/or commitments of the Mayor and General Manager.

PREVIOUS COUNCIL CONSIDERATION:

Annually

OFFICER'S REPORT:

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

At this stage, functions associated with the Local Government Association of Tasmania have been factored in and dates changed to accommodate the Mayor and General Manager's attendance. Northern Tasmanian Development meeting dates for the year ahead have not been determined at the time of writing this report.

STATUTORY REQUIREMENT:

Local Government Act 1993

Local Government (Meeting Procedures) Regulations 2005

POLICY/STRATEGIC IMPLICATIONS:

5.0 Corporate, Governance and Intergovernmental Relations

BUDGET AND FINANCIAL IMPLICATIONS:

Minimal

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

1. That Council resolves to endorse the following Council Meeting schedule, with all meetings commencing at 1.00pm:

- Thursday 18th December 2014
- Thursday 22nd January 2015
- Thursday 19th February 2015
- Thursday 26th March 2015
- Thursday 23rd April 2015
- Thursday 21th May 2015
- Thursday 18th June 2015
- Thursday 16th July 2015
- Thursday 20st August 2015
- Thursday 24th September 2015
- Thursday 22nd October 2015
- Thursday 19th November 2015
- Thursday 17th December 2015

2. That the May 2015 Ordinary Council Meeting be held in Lady Barron at a venue to be decided.

DECISION:

Item B3: Timing of Councillor Workshops

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

INTRODUCTION:

In previous years, Councillor Workshop dates have been generally set for the first Thursday of each month, usually commencing at 1.00pm.

PREVIOUS COUNCIL CONSIDERATION:

Annually

OFFICER'S REPORT:

In previous years, monthly Councillor Workshops have been planned for the first Thursday of each month, allowing for some flexibility to adjust the dates to accommodate local functions and/or commitments of the Mayor and General Manager as required. Workshops usually commence at 1.00pm or if there is a long agenda, they may commence at 10am.

This timing was chosen in order to allow time for workshop items to be included in Ordinary Council Meeting Agendas if required. In 2014, the decision was made to hold a successive three day budget deliberation workshop in May instead of three separate workshops over a three month period. This proved to be very successful and popular with the then Council.

During the past year it became evident that setting the Councillor Workshop and the Ordinary Council Meetings approximately two weeks apart could be problematic for some Councillors who needed to travel for work or personal reasons. It may be more practical to consolidate Council commitments by holding Councillor Workshops the week following Ordinary Council Meetings, thereby freeing up the remainder of the month.

To facilitate planning for staff and Councillors, a decision is required as to the most appropriate time to plan to hold Councillor Workshops.

STATUTORY REQUIREMENT:

Local Government Act 1993

Local Government (Meeting Procedures) Regulations 2005

POLICY/STRATEGIC IMPLICATIONS:

5.0 Corporate, Governance and Intergovernmental Relations

BUDGET AND FINANCIAL IMPLICATIONS:

Minimal

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That Council considers the timing of Councillor Workshops in relation to Ordinary Council Meetings and provides the General Manager with direction as to the most appropriate time to plan to hold monthly Councillor Workshops.

DECISION:

Item B4: Office Closure – Festive Christmas Season 2014/2015

ACTION	Information
PROPONENT	Council Officer
OFFICER	Raoul Harper, General Manager
FILE REFERENCE	COU/0600
ASSOCIATED PAPERS	Nil

INTRODUCTION

The festive season associated with Christmas and the New Year's celebrations commences on Thursday 25th December 2014 and progresses to Thursday 1st January 2015. In the past, Council has closed its offices over the period between Christmas and the New Year as only limited (if any) transactions occur. Staff are available if any emergency situations arise. This is a common practice for Tasmanian Councils.

PREVIOUS COUNCIL CONSIDERATION:

Annually

OFFICER'S REPORT:

Public holidays are scheduled on Thursday 25th December (Christmas Day), Friday 26th December 2014 (Boxing Day) and Thursday 1st January 2015 (New Year's Day).

Council will close its offices for the Christmas and the New Year season on the 24th, 29th, 30th & 31st of December 2014 and 2nd January 2015. Staff members, in discussions with the General Manager, have expressed a desire to close the day before Christmas to allow for arrangements to be made prior to the holiday season. Leave arrangements are in place to ensure that appropriate leave and/or accrued rostered days off are taken for this purpose.

Council Staff will ensure that enough visitor information material is available at selected business houses during this period.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That Council note that the Council Offices will be closed from 24 December 2014 to 2nd January 2015 inclusive.

DECISION:

Item B5: Local Government of Tasmania (LGAT) General Meeting

ACTION	Information
PROPONENT	Council Officer
OFFICER	Raoul Harper, General manager
FILE REFERENCE	COU/0303
ASSOCIATED PAPERS	<i>Annexure 7: LGAT General Meeting Agenda November 2014 Annexure 8: LGAT General Meeting Attachments</i>

INTRODUCTION:

The LGAT General Meeting will be held on the 19th November 2014. The meeting Agenda and attachments are provided for elected members as Annexures 7 and 8.

PREVIOUS COUNCIL CONSIDERATION:

Council considers the LGAT General Meeting Agenda at the Ordinary Council meeting prior to the LGAT General Meeting to allow Council to inform the Mayor of what position it wishes the Mayor take in relation to voting on specific matters.

OFFICER'S REPORT:

A number of motions are included in the LGAT General Meeting Agenda. Council provides direction to the Mayor in relation to voting. The agenda can be accessed at the LGAT website through the following link:
<http://www.lgat.tas.gov.au/page.aspx?u=684#e895>

STATUTORY REQUIREMENT:

Nil

POLICY/STRATEGIC IMPLICATIONS:

5.0 Corporate Governance and Intergovernmental Relations
5.4 Actively participate in local government, industry and regional organisations.

BUDGET AND FINANCIAL IMPLICATIONS:

No known budget implications at this time.

RISK/LIABILITY:

Minimal

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That Council notes the Local Government of Tasmania General Meeting Agenda and provides the Mayor with direction in relation to the items listed for a decision.

DECISION:

Item B6: Council Committee Structure and Membership

ACTION	Decision
PROPONENT	Council Officer
OFFICER	Raoul Harper, General Manager
FILE REFERENCE	COU/0600
ASSOCIATED PAPERS	<i>Annexure 9: Council Committee Membership as at November 2014</i> <i>Annexure 10: Special Committees of Flinders Council Meeting Rules</i> <i>Annexure 11: Letter from Peter Gutwein MP 31.10.2014</i>

INTRODUCTION:

Flinders Council currently has a raft of Special Committees that were established to allow communication, discussion and community input into decision-making on specific areas or activities of community and Council importance. Post an election; Council is required to undertake a review of these committees and their representatives to ensure they are still relevant and have adequate Councillor representation for their continued function.

PREVIOUS COUNCIL CONSIDERATION:

Council reviews Special Committee representation post each election.

OFFICER'S REPORT:

The *Local Government Act 1993* outlines the roles and functions of Councillors and those of Staff. Councillors are charged with the following:

LOCAL GOVERNMENT ACT 1993 - SECTION 28

28. Functions of councillors

(1) A councillor, in the capacity of an individual councillor, has the following functions:

- (a) to represent the community;*
- (b) to act in the best interests of the community;*
- (c) to facilitate communication by the council with the community;*
- (d) to participate in the activities of the council;*
- (e) to undertake duties and responsibilities as authorised by the council.*

The Act directs that the communication and representation of and with the community is the function of a Councillor. Transparent decision making, consultation and communication falls directly within the role of a Councillor and the Councillors as a collective. The use of Special Committees has in the past been one vehicle to assist in achieving this outcome.

Flinders Council currently has a range of Special Committees that were established to allow communication, discussion and community input into decision-making on specific areas or activities of community and Council importance.

The *Local Government Act 1993* states the following:

LOCAL GOVERNMENT ACT 1993 - SECT 24

24. Special committees

- (1) A council may establish, on such terms and for such purposes as it thinks fit, special committees.*
- (2) A special committee consists of such persons appointed by the council as the council thinks appropriate.*
- (3) The council is to determine the procedures relating to meetings of a special committee.*

Post each election, Councillors consider the need and past efforts/use of the Special Committees in place and collectively decide what Special Committees are required. Councillors are then nominated and subsequently selected for inclusion onto these committees. The standard practice is that a Councillor then becomes the Chairperson of the committee for the term of Council and is often assisted by other Councillors who desire to be on the specific committee.

The task of managing attendance, developing agendas, taking minutes and then presenting/discussing the recommendations of these committees to Council is the role of Councillors. Staff are more than willing to assist in ensuring the right processes, templates and procedures are followed and often attend meetings in an ex-officio capacity, however that is the limit of their involvement (unless specifically requested to be otherwise and approved by Council). It should also be noted that committees make recommendations to Council for consideration. They in themselves have no direct ability to make decisions that bind Council to any one course of action.

A Special Committee of Council should at the very least have the following:

- A willing and committed Chair who understands the role the committee has in relation to the community's interests but also the strategies and plans Council already has in place.
- A Chair that can follow the procedures in place for reporting and taking recommendations to Council for consideration.
- Clear and agreed terms of reference for each committee.
- A transparent approach to the selection of individuals to sit on the committee, their terms of appointment and the manner in which the

decisions of the committee inform Council's own decision making and reporting processes.

Some committees require specialist skills to ensure Council mitigates risk as far as practicable. Representatives on the Audit and Finance Special Committee should have a current and detailed understanding of financial accounting, asset management and auditing. It should also be noted that as Council seeks to align as closely as possible with the Ministerial Orders as they relate to the role and function of Audit Panels, at a best practice level the Mayor should not be a member of the Audit and Finance Special Committee of Council and the Chair must be an independent member rather than an Elected Member (refer Annexure 11).

The previous Council had the following Special Committees functioning at the time of the election (for brevity I have only listed the Councillors involved in the committee structure):

Furneaux Group Shipping Special Committee

Mayor Cox - Chair
Deputy Mayor Williams
Cr Willis

Furneaux Group Aviation Special Committee

Mayor Carol Cox – Chair
Cr Rhodes
Cr Wise

Furneaux Community Health Special Committee

Cr Roberts – Chair
Mayor Cox

Furneaux (Emita) Hall & Recreation Ground Special Committee

Cr Marc Cobham – Chair

Lady Barron Hall & Recreational Special Committee

Deputy Mayor David Williams – Chair

The following Special Committees were in place but had not met in the past 12 months.

Flinders Council NRM Special Committee

Cr Marc Cobham – Chair
Cr Rhodes

Community Development Special Committee

Cr Rhodes and Cr Willis – Co Chairs

Other Council Committees of the previous Council:

OH & S Committee

Cr Cobham

Cr Roberts

Waste Management Committee

Cr Wise - Chair

Cr Cobham

Cr Rhodes

Clean Up Australia Day

Cr Wise

Whitemark Beautification

Cr Cobham

Cr Wise

Cr Rhodes

The following Committees are required under legislation and have Councillor representation:

Municipal Emergency Management Committee

Mayor Cox

Audit and Finance Special Committee

Deputy Mayor Williams - Chair

Mayor Cox

Cr Willis

(The Mayor is not to be on the Audit and Finance Special Committee and under the new arrangements for Audit Panels, the Chair must not be an Elected Member.)

Code of Conduct Committee

Deputy Mayor Williams – Chair

Cr Willis

Cr Cobham

(The Mayor is not to be on the Code of Conduct Committee.)

Council also has the following Council Committee:

General Manager's Review Committee

Mayor Cox- Chair
Cr Cobham
Cr Roberts

Council has appointed representatives on the following:

TasWater – Shareholder's representative – Mayor C Cox
Flinders Island District School Association – Mayor Cox
Flinders Island Tourism Association – Cr Roberts

The Mayor also attends a number of committees and reports back to Council such as:

Northern Tasmania Development – Local Government Committee
Local Government Association of Tasmania

STATUTORY REQUIREMENT:

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS:

4.0 Community Safety, Engagement and Enterprise

BUDGET AND FINANCIAL IMPLICATIONS:

The Committees do incur staff time and effort and as such expose Council to costs.

RISK/LIABILITY:

Councillor's connections with the community you serve are critical to avoid risk.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER'S RECOMMENDATION:

1) As per the *Local Government Act 1993*- S24 Special Committees (1), Flinders Council maintains (with the existing community based membership and terms of reference) the following Special Committees of Council:

- 1) Furneaux Group Shipping Special Committee
- 2) Furneaux Group Aviation Special Committee
- 3) Furneaux Community Health Special Committee
- 4) Furneaux (Emita) Hall & Recreation Ground Special Committee
- 5) Lady Barron Hall & Recreational Special Committee

- 6) Audit and Finance Special Committee
- 7) Code of Conduct Special Committee

2) That Flinders Council appoints the Mayor to Chair the following Special Committees and legislated committees:

- 1) Furneaux Group Shipping Special Committee
- 2) Furneaux Group Aviation Special Committee
- 3) Municipal Emergency Management Committee

3) That Flinders Council appoints the Deputy Mayor to Chair the Code of Conduct Special Committee.

4) That Flinders Council appoints the Deputy Mayor to the Audit and Finance Special Committee and that the process be put in place for the appointment of a community member to Chair the committee.

5) That nominations be called from around the Council table to fill positions on all Special Committees. Once nominations are received a ballot be held to elect representatives (if required). A ballot should also be held (if required) to elect a Chair for each Special Committee.

6) Council call for nominations from around the table for a representative to each of the TasWater – Shareholder’s representative, Flinders Island Tourism and Business Association and the Flinders Island District School Association. A ballot be held if there is more than one nomination.

7) That the General Managers Review Committee be a whole of Council function.

DECISION:

Item B7: Councillor Resolution Report

ACTION	Information
PROPONENT	Council Officer
OFFICER	Raoul Harper, General Manager
FILE REFERENCE	COU/0600
ASSOCIATED PAPERS	<i>Annexure 12: Councillor Resolution Report November 2014</i>

INTRODUCTION:

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

PREVIOUS COUNCIL CONSIDERATION:

The report is presented on a monthly basis.

OFFICER'S REPORT:

Please read Annexure 12 – Councillor Resolution Report November 2014.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That the Councillor Resolution Report November 2014 be noted.

DECISION:

C. CLOSED COUNCIL

Item C1: Closed Council Item

ACTION	Decision
PROPONENT	Council Officer
OFFICERS	Raoul Harper, General Manager
FILE REFERENCE	COM/0402
ASSOCIATED PAPERS	<i>Nil</i>

PREVIOUS COUNCIL CONSIDERATION:

18th September 2014 (Closed Council)

29th September 2014 (Closed Council)

16th October 2014 (Closed Council)

REASON FOR CLOSED COUNCIL:

Item C1 is **CONFIDENTIAL** in accordance with Section 15(2) (f) of the *Local Government (Meeting Procedures) Regulations 2005*.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION:

That Council move into Closed Council.

Meeting Closed