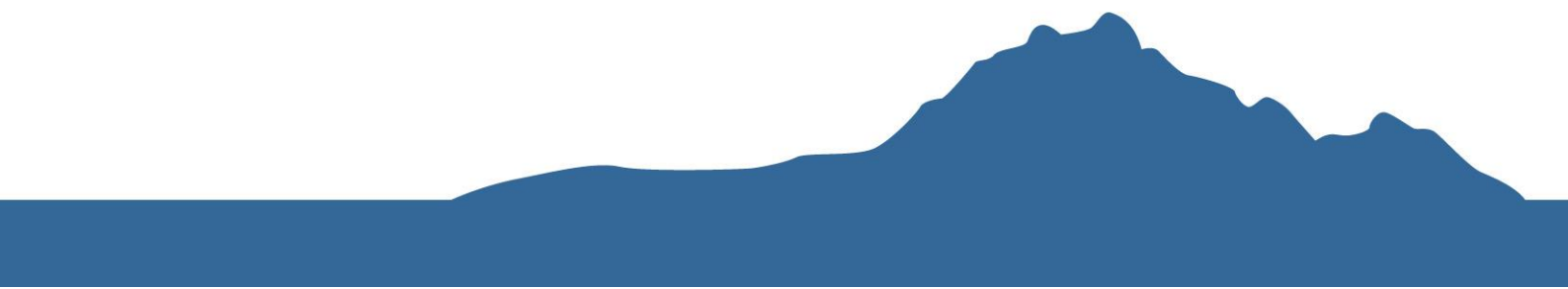




Agenda  
Ordinary Council Meeting  
26<sup>th</sup> March 2015



## 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 20<sup>th</sup> day of March 2015.



Sophie Pitchford  
**ACTING GENERAL MANAGER**

# FLINDERS COUNCIL ORDINARY MEETING

## AGENDA

**DATE:** Thursday 26<sup>th</sup> March 2015  
**VENUE:** Flinders Art and Entertainment Centre, Whitemark  
**COMMENCING:** 1.00 pm

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### 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

Brian Barnewall - Works & Services Coordinator  
Lauren Moraitis - Service Coordinator  
Sophie Pitchford - Acting General Manager  
Jacci Viney - Development Services Coordinator  
Vicki Warden - Executive Officer

### CONFIRMATION OF MINUTES

That the Minutes from the Ordinary Council Meeting and the Closed Council Meeting held on the 19<sup>th</sup> February 2015 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**

Nil

#### **PETITIONS**

Nil

## **WORKSHOPS & INFORMATION FORUMS**

**File No: COU/0205**

### **Council Workshop held on 12<sup>th</sup> March 2015**

Council held a Workshop on the following subjects:

- Item 1: Vet & Quarantine Services
- Item 2A: Amalgamations – outcomes from 12<sup>th</sup> February meeting
- Item 2B: Proposal for shared services with Brighton
- Item 3: Waiver of Fees Policy
- Item 4: Personal Information Protection Policy
- Item 5: Australia Day 2016
- Item 6: Extraordinary Community Grant Application
- Item 7: Tasmania's Affordable Housing Strategy
- Item 8: Planning
- Item 9: Whitemark Boat Ramp

#### **Councillors Present:**

Mayor Carol Cox, Deputy Mayor Marc Cobham, Cr Chris Rhodes, Cr Peter Rhodes and Cr Ken Stockton.

#### **Apologies:**

Cr David Williams  
Cr Gerald Willis

#### **Staff and Consultants Present:**

Sophie Pitchford (Acting General Manager).

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

## **PUBLIC MEETINGS**

Nil

## **COUNCILLOR'S QUESTIONS ON NOTICE**

### **Question 1: Cr Ken Stockton**

Could the General Manager confirm that when Council Staff positions are advertised that the selection, review and debriefing process used by Flinders Council complies with the policy guidelines prescribed in the Staff Selection of the Local Government Guidelines 2003?

### **Response: Acting General Manager, Sophie Pitchford**

The *Local Government Act 1993*- Section 63 directs the following in relation to the management of human resources:

### ***“63. Employees***

*(1) The general manager of a council may –  
(a) appoint persons as employees of the council; and  
(b) allocate duties to employees; and  
(c) control and direct employees; and  
(d) suspend or dismiss employees.*

*(2) The general manager is to develop human resource practices and procedures in accordance with policies of the council to ensure employees of the council receive fair and equitable treatment without discrimination.”*

Flinders Council has a raft of existing Human Resource (HR) related policies and procedures that comply with the following:

*Local Government Act 1993*

*Anti-Discrimination Act 1998*

*Human Rights and Equal Opportunity Commission Act 1986 Work Health & Safety Act 2012*

*Fair Work Act 2009*

The Staff Selection in Local Government Guidelines 2003 referred to by Cr Stockton is not included in any HR related policy of the Flinders Council. Guidelines are non-binding. Legislation combined with formal and approved Council policy dictates the manner in which HR functions are performed.

### **Question 2: Cr Ken Stockton**

Could the General Manager confirm that Island resident professionals are afforded equal opportunity to quote or participate in Council related projects? In particular I am concerned that an outside Architect/Project Manager is to be used on the Lady Barron Hall project when we have at least 3 qualified Architects/Project Managers resident?

### **Response: Acting General Manager, Sophie Pitchford**

The appointment of CMK Architects as the Architect and Project Manager of the Lady Barron Hall upgrade project was a decision made by the Elected Members at the December 2014 meeting of Council. The minutes of the December meeting show that Cr Stockton voted in favour of the appointment.

The engagement of contractors to undertake work for Council is underpinned by qualifications, expertise, cost and experience deemed relevant to the ability to successfully perform and complete a project. Consideration is given to Island resident professionals in this context in most instances. In the example provided by Cr Stockton the elected representatives of Council chose to engage a

contractor with significant and proven experience in the design and delivery of public buildings, on time and on budget.

#### **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

### Furneaux Group Shipping Special Committee

File No: COM/0403

Annexure 1: *Furneaux Group Shipping Special Committee 26<sup>th</sup> February 2015 Unconfirmed Minutes*

### OFFICER'S REPORT (Sophie Pitchford, Acting General Manager):

The unconfirmed minutes of the Furneaux Group Shipping Special Committee meeting held Thursday 26<sup>th</sup> February 2015 have been provided for consideration. The minutes outline what the committee has been working on to date and can now be noted by Council.

### OFFICER'S RECOMMENDATION

That the unconfirmed minutes of the Furneaux Group Shipping Special Committee meeting held Thursday 26<sup>th</sup> February 2015 be noted.

### DECISION:

### Audit & Finance Special Committee

File No: FIN/1300

Annexure 2: *Audit & Finance Special Committee 19<sup>th</sup> February 2015 Unconfirmed Minutes*

### OFFICER'S REPORT (Sophie Pitchford, Acting General Manager):

The unconfirmed minutes of the Audit & Finance Special Committee meeting held Monday 19<sup>th</sup> February 2015 have been provided for consideration. The minutes outline what the committee has been working on to date and can now be noted by Council.

### OFFICER'S RECOMMENDATION

That the unconfirmed minutes of the Audit & Finance Special Committee meeting held Monday 19<sup>th</sup> February 2015 be noted.

### DECISION:



**Lady Ball Hall & Recreation Ground Special Committee**

**File No: AME/0502**

**Annexure 3: *Lady Ball Hall & Recreation Ground Special Committee 19<sup>th</sup> February 2015 Unconfirmed Minutes***

**OFFICER'S REPORT (Sophie Pitchford, Acting General Manager):**

The unconfirmed minutes of the Lady Ball Hall & Recreation Ground Special Committee meeting held Thursday 19<sup>th</sup> February 2015 have been provided for consideration. The minutes outline what the committee has been working on to date and can now be noted by Council.

**OFFICER'S RECOMMENDATION**

That the unconfirmed minutes of the Lady Ball Hall & Recreation Ground Special Committee meeting held Thursday 19<sup>th</sup> February 2015 be noted.

**DECISION:**

## COUNCILLORS' REPORTS

Deputy Mayor's Report

File No: COU/0600

### ACTIVITIES:

DATE	ITEM
14/02/15	Meeting with resident re Island Vet services reduction
16/02/15	Meeting with resident re Whitemark Boat Ramp
19/02/15	Audit and Finance Special Committee
19/02/15	Council Meeting
18/02/15	Meeting with resident re Quarantine/Bio-security /Vet services
21/02/15	Meeting with resident re Telecommunications issues
05/03/15	Telephone meeting with Housing Tasmania re Housing Strategy
06/03/15	Meeting with King Island A/General Manager - various issues
08/03/15	13 x telephone calls to residents re Vet/Quarantine issues
10/03/15	Furneaux (Emita) Hall & Recreation Ground Special Committee Meeting
12/03/15	Council Workshop
13/03/15	Meeting with resident re Vet service
15/03/15	Attended Memorial Gathering for Lady Mary MacTier
17/03/15	Meeting with resident re Waste Levy inequalities
18/03/15	Meeting re potential loss of Community Bus

### CORRESPONDENCE IN:

DATE	WHO	SUBJECT
16/03/15	T and J Klug	Quarantine/Vet issues

**Report from Councillor Gerald Willis as the Flinders Council Representative on TasWater**

**File No: WAT/0200**

**CORRESPONDENCE IN:**

<b>DATE</b>	<b>SUBJECT</b>
12/02/15	Email from Ailsa Sypkes, General Manager Legal and Governance, re feedback on amendments to the Shareholders' Letter of Expectation
13/02/15	Invitation from TasWater to attend a briefing on the Tasmanian water industry. <i>(This invitation was declined as it was in Hobart and the benefits did not seem to warrant the costs)</i>
02/03/15	Applications from persons applying for a vacancy on the board of TasWater
09/03/15	Draft minutes of a meeting of the Board Selection Committee held 5 March 2015
09/03/15	Agenda for meeting of the Board Selection Committee to be held 12 March 2015
16/03/15	Draft minutes of Board Selection Committee meeting held 12 March 2015

**MAYOR'S REPORT:**

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

**REPORT:**

**APPOINTMENTS:**

12/02/15	Paul Hodgen General Manager Launceston Airport
12/02/15	Peter Gutwein northern region amalgamation meeting
13/02/15	Local Government Association of Tasmania meeting
15/02/15	Farmers Market at the Tavern
15/02/15	Met with prospective resident
17/02/15	Met with Michael Buck, Flinders Island Tourism & Business Association (FITBA) Chair
19/02/15	Council Meeting
19/02/15	Met with Mike Wickham, TasPorts
20/02/15	Municipal Emergency Management Committee meeting
21/02/15	SES Medal presentation ( Interstate Hotel)
22/02/15	Lions Fishing Competition (NE River)
23/02/15	Met with Flinders Meat
24/02/15	Sarah Courtney MP election funding announcement
24/02/15	Gavin Barnes re feed in tariff & WINEC (Wireless Institute Civil Emergency Network)
25/02/15	Met with Inspector Darren Hopkins
26/02/15	Furneaux Group Shipping Special Committee meeting
04/03/15	Flinders Island Meat & Others
05/03/15	Affordable Housing Strategy telephone link up (Deputy Mayor & Acting GM)
06/03/15	Meeting with King Island Acting GM (Deputy Mayor & Acting GM) (Freckles)
06/03/15	Northern Tasmanian Development - did not attend phone link options poor
06/03/15	Women's World Day of Prayer
10/03/15	Flinders Island District High School Association meeting
12/03/15	Council Workshop
12/03/15	Met with Lois Ireland
13/03/15	Met with J O'Dell
16/03/15	Minister for Infrastructure, The Honourable Rene Hidding MP (Phone)
17/03/15	Lady Barron Hall Special Committee meeting

18/03/15	Meeting with J Loudon, Cr Wills and Cr Cobham re Community Bus
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**Local Government Association of Tasmania (LGAT):**

Ideas were raised as to how councils as a whole should view amalgamation, i.e. should there be a complete review of boundaries and numbers maybe involving UTAS. The next meeting is on April 30<sup>th</sup> and is centered on the amalgamation issue. The Mayors Workshop for the 1<sup>st</sup> May has been postponed.

The position of President was extended for two years in consideration of the election just held. Similarly the position on the General Management Council as representing the small councils in the north was also extended for 2 years.

**SES Medal Presentation:**

It was a privilege to witness the recognition of many years of service by so many members of the Flinders SES. I congratulate and thank SES members for their service to this remote community by training and retaining skills that we hope are needed only rarely.

**King Island:**

Flinders and King are increasing the contact and discussions on issues of commonality. A discussion between the two Acting General Managers resulted in Flinders having a discussion with Housing Tasmania re the Affordable Housing Strategy. The Deputy Mayor and I also met with the two Acting General Managers on Flinders and discussions resulted in sharing information on several topics such as bitumen spreading and rock crushing.

**Biosecurity and Vet:**

Contact has been made with both the Minister for Agriculture and Mr Craig Elliot, the Manager of Biosecurity Tasmania, regarding the position on the Island. It has been strongly represented that a permanent vet on the island is a necessity for Flinders. Biosecurity Tasmania is conducting a review of biosecurity in Tasmania and information relays that Community consultation is to occur in the autumn of 2015.

**Police:**

The Island was privileged to have visits from both Commander Brett Smith and Inspector Darren Hopkins during the past month. Commander Smith attended the Municipal Emergency Management Committee meeting.

**CORRESPONDENCE IN:**

DATE	WHO	SUBJECT	To Crs
11&12/02/15	Joe Gelston	Launceston Sharp terminal access	

14/02/15	Judy Clark	Congratulations on Furneaux Festival	
16/02/15	David Grutzner	Hanza – international home sharing scheme	
16/02/15	Volunteering Tasmania	State of Volunteering Report 2014	Y
17/02/15	Australian Honours & Awards Secretariat	Information request (Confidential)	
17/02/15	Mr G Rorison	Launceston Airport Access	
18/02/15	Young Achiever Awards	Invite to presentation and list of finalists	
18/02/15	Department of Veterans Affairs	Centenary of ANZAC 10,000 Steps	Y
20/02/15	Business Events Tasmania	New Meeting & Incentive Planners Guide	
20/02/15	Minister for Local Government, Peter Gutwein MP	Outline of process for voluntary amalgamation considerations	Y
23/02/15	Greg Beeton	Copy of letter sent to Paul Hodgen requesting information on how to access a wheelchair for use at Sharp terminal	
27/02/15	Allan Garcia, Local Government Association of Tasmania (LGAT)	Date of next General Meeting, 30 April	
27/02/15	Andrew Nikolic, MP, Federal Member for Bass	Invite roundtable with the Federal Minister for Industry and Science, The Hon Ian Macfarlane MP	
04/03/15	Allan Garcia, LGAT	Resignation from Chief Executive Officer position	
04/03/15	Allan Garcia, LGAT	Thank you	

04/03/15	Paul Hodgen, Launceston Airport	Copy of reply to Greg Beeton's request for information on how to access a wheelchair for use at Sharp terminal	
05/03/15	Eric Hutchinson MP	High cost of fuel on Flinders Island	
06/03/15	Rachel Summers, CWA Rest Room Committee	2014 Community Grant Acquittal	
06/03/15	Minister for Agriculture	Biosecurity and vet on Flinders	
06/03/15	John O'Dell	Clarifying Veterinary Officer position on Flinders	
06/03/15	Jeremy Rockliff MP Deputy Premier Minister for Primary Industries and Water	Reply to query regarding Flinders Island Veterinary Officer position	Y
10/03/15	Norman Monshall	Visitor feedback regarding excessive road kill	
12/03/15	Tasmanian Liberals	First year report & second year plan	
12/03/15	Secretary of Education	Respectful Schools, Respectful Behaviour	Y
13/03/15	Palana Stud Fjord Horses	Support for Veterinary Surgeon position	
13/03/15	T Klug	Support for vet position on Island	Y
15/03/15	J. Loudon, MPC	Community bus being withdrawn	
17/03/15	D LeMerchant	Draft Unconfirmed Minutes of Local Government Committee Meeting	

#### **CORRESPONDENCE OUT:**

<b>DATE</b>	<b>WHO</b>	<b>SUBJECT</b>
12&16/02/15	Joe Gelston	Launceston Sharp Terminal access
16/02/15	David Bailey	Progress with insurance for the Bike Track near Lady Barron
16/02/15	Judy Clark	Australia Day Festival
20/02/15	Kevin Robinson	Centenary of ANZAC 10,000 Steps
20/02/15	Michael Buck, FITBA	New Meeting & Incentive Planners Guide

20/02/15	S Atkinson, Sharp Airlines	Meeting with the General Manager Launceston Airport
24/02/15	Ronald Wise	Community Grant Application
25/02/15	Gavin Barnes	Information on feed in tariff for residential solar generation on Bass Strait Islands
04/03/15	Allan Garcia, LGAT	Thank you for contribution to LGAT and best wishes for new position
11/03/15	C Petit, Education Department	Retention to Years 11 & 12
13/03/15	Premier Tasmania	Thank you for working with Federal Government to get Tasmanian Freight Equalisation Scheme (TFES) changes including increase for Bass Strait Islands
13/03/15	Andrew Nikolic MP	Thank you for work in achieving TFES changes including increase for Bass Strait Islands
13/03/15	Examiner	Impact of Federal Assistance Grant's freeze on Flinders Council
15/03/15	Australian Honours & Awards Secretariat	Requested Information (Confidential)

**COUNCILLOR'S CORRESPONDENCE** (Copies in Mayor's correspondence file)

Cr Chris Rhodes:

**CORRESPONDENCE OUT:**

DATE	WHO	SUBJECT
17/03/15	Matt Bradshaw, DPIPWE	Abalone around the Furneaux Group

**CORRESPONDENCE IN:**

DATE	WHO	SUBJECT
23/12/2014	Clare Hopkins Acting Principal Officer Office of the Ombudsman	Response to email regarding Tasmania Police

**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 – (Mansfield Consulting Services)

**File No:** DA2014/050

Annexure 4: DA2014/050 Floor Plans

Annexure 5: DA2014/050 Representations

Annexure 6: DA2014/050 Owner's response

**Item A2:** Development Application – (Cohen & Associates)

**File No:** DA2015/009

Annexure 7: DA2015/009 Plan

Annexure 8: DA2015/009 Ag Values & Bushfire Management Report

**Item A3:** Building Approvals Policy – to be rescinded

**File No:** REA/0101

Annexure 9: Building Approvals Policy

### B. NOTICE OF MOTIONS

**Item B1:** Notice of Motion from Mayor Carol Cox – General Manager Performance Review Committee

**File No:** PER/1200

**Item B2:** Notice of Motion from Mayor Carol Cox – Amalgamation

**File No:** COU/0401

Annexure 10 Letter from Minister Gutwein 19/2/15

Annexure 11: Staff consideration of amalgamation

**Item B3:** Notice of Motion from Deputy Mayor Marc Cobham – Audit and Finance Special Committee Membership

**File No:** FIN/1300

Annexure 2: Audit & Finance Special Committee Unconfirmed Minutes 19th February 2015

**Item B4:** Notice of Motion from Deputy Mayor Marc Cobham – 2016 Furneaux Islands Festival

**File No:** PUB/0101

## **C. CORPORATE SERVICES**

**Item C1: Variation to the 2014/15 Budget Review**

**File No: FIN/0701; ASM/1000**

*Annexure 12: Capital Works Program Budget*

## **D. GOVERNANCE**

**Item D1: Travel & Accommodation Policy**

**File No: FIN/1300**

*Annexure 13: Travel & Accommodation Policy*

**Item D2: Uniform Policy**

**File No: PER/0602**

*Annexure 14: Uniform Policy*

**Item D3: Elected Members' Allowances & Reimbursements Policy**

**File No: COU/0600**

*Annexure 15: Elected Members' Allowances & Reimbursements Policy*

**Item D4: Personal Information Protection Policy**

**File No: ADM/0900**

*Annexure 16: DRAFT Personal Information Protection Policy*

**Item D5: Funeral Director Policy – to be rescinded**

**File No: CSV/0600**

*Annexure 17: Funeral Director Policy*

**Item D6: Cape Barren Island Policy – to be rescinded**

**File No: COU/0600**

*Annexure 18: Cape Barren Island Policy*

**Item D7: Waiver of Fees Policy**

**File No: FIN/0701**

*Annexure 19: DRAFT Waiver of Fees Policy*

**Item D8: Extraordinary Community Grant Application**

**File No: FIN/0905**

*Annexure 20: For Elected Members only*

**Item D9: Proposal for Shared Services with Brighton**

**File No: ADM/0750**

*Annexure 21: Tasmanian Local Government Common Services Model*

Item D10: Councillor Resolution Report  
File No: COU/0600  
*Annexure 22: Councillor Resolution Report March 2015*

**E. WORKS & SERVICES**

Item E1: Whitemark Boat Ramp  
File No: ASM/0100

**F. CLOSED COUNCIL**

Item F1: Closed Council Item  
File No: WOR/0501

Meeting Closed

## A. DEVELOPMENT SERVICES & 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 – (Mansfield Consulting Services)

ACTION	Decision
PROPONENT	Mansfield Consulting Services
OFFICER	James Ireland (Consultant Town Planner)
APPROVED BY	Rolph Vos (Development Services Manager, West Tamar Council)
FILE REFERENCE	DA2014/050
ASSOCIATED PAPERS	<i>Annexure 4: DA2014/050 Floor Plans Annexure 5: DA2014/050 Representations Annexure 6: DA2014/050 Owner's response</i>

Proposal: Tourism (guest house) 16 guests

Location: 180 Badger Corner Road, Lady Barron (CT: 160220/3)

Applicant: Mansfield Consulting Services

Zoning: Rural Residential Zone

Special Areas: Shorelines, Water Bodies and Watercourses (part)

Representations: Two (from 146 & 310 Badger Corner Road, Lady Barron)

### INTRODUCTION:

It is proposed to extend the existing tourism (guest house) use from three double bedrooms (maximum six guests) to five double bedrooms and a six person bunk room (maximum 16 guests). The use will remain within the existing building, with only internal and cosmetic work required.

### Subject Site

The subject site is an irregular 5.044ha lot on the west side of Badger Corner Road, 350m south of Robinsons Road in Lady Barron. It has frontage of 86.27m to Badger Corner Road but widens to 173.48m with a depth of 337.71m. The lot slopes down 30m to the east and is occupied by an existing guest house in the south west (highest) corner. To the north is a single dwelling. To the west is a

farm with a single dwelling. To the south is a single dwelling. To the east across the road is the coastal reserve and Adelaide Bay.

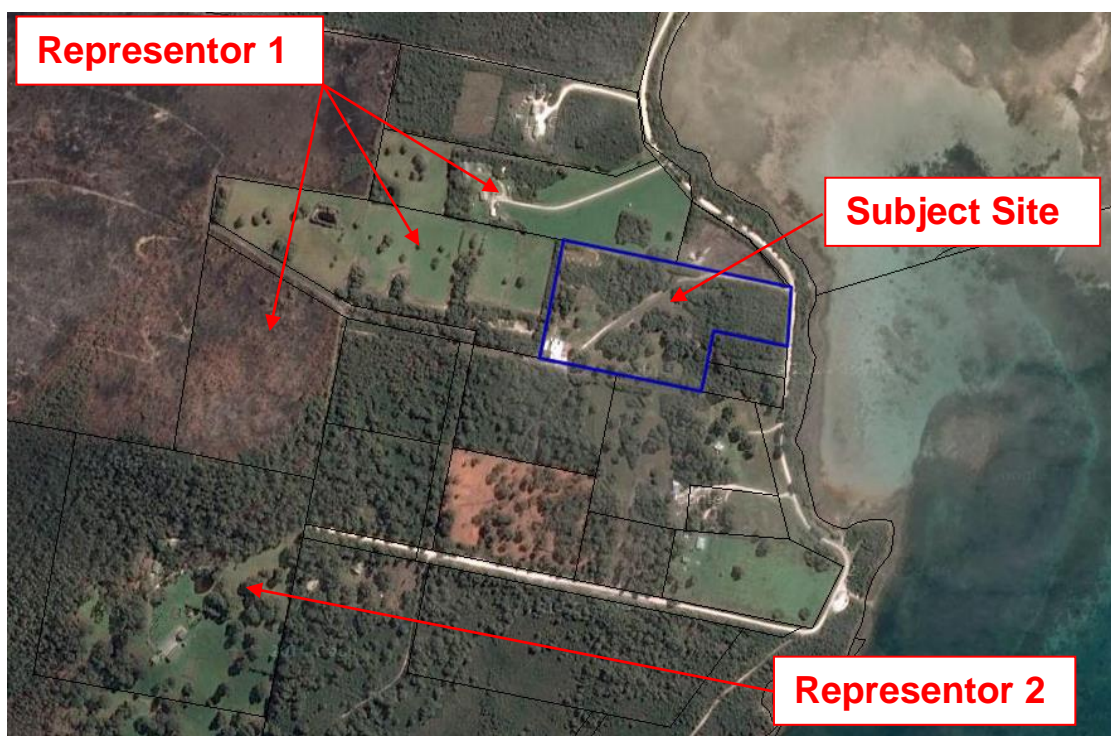
### Zoning

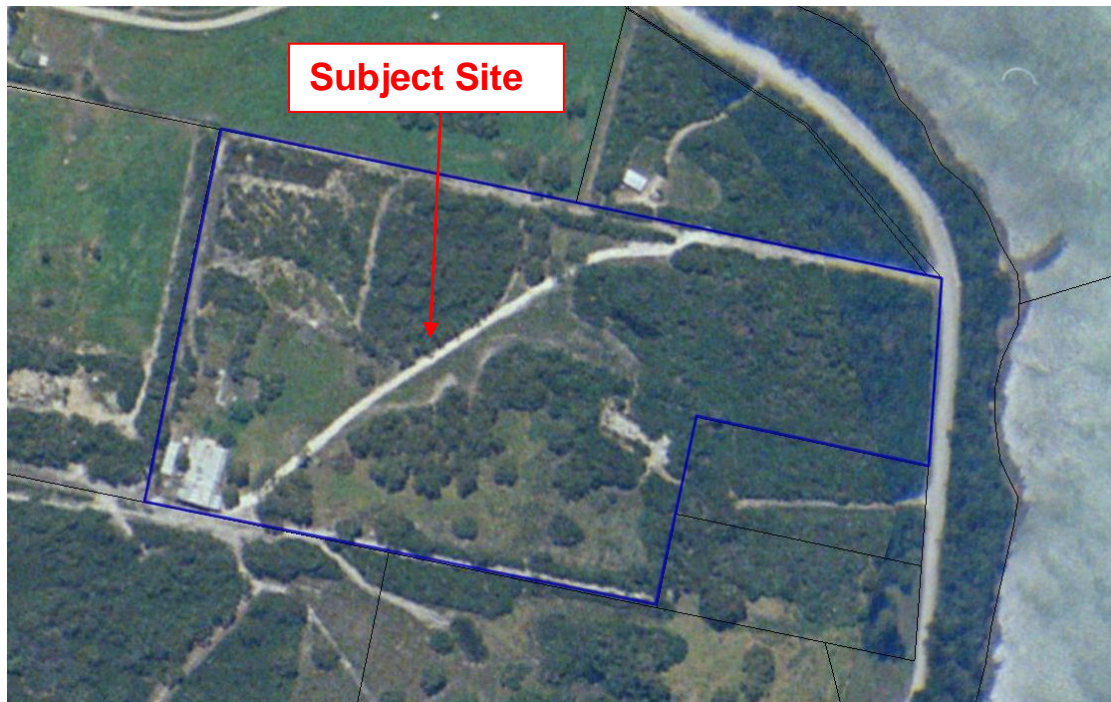
The subject property is located within the rural residential zone, pursuant to the *Flinders Planning Scheme 2000*.

### Special Areas

Shorelines, Water Bodies and Watercourses (part of the site)

### Subject Site and Surrounding Area





### **Statutory Timeframes**

Date Received: 22/1/14

Advertised: 28/1/15

Closing date for representations: 11/2/15

Request for further information: NA

Information received: NA

Extension of time granted: 17/2/15

Extension of time expires: 27/3/15

Decision due: 27/3/15

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

#### **General**

It is proposed to extend the existing tourism (guest house) use from three double bedrooms (maximum six guests) to five double bedrooms and a six person bunk room (maximum 16 guests). The use will remain within the existing building, with only internal and cosmetic work required.

#### **Assessment:**

Tourism (guest house) is a discretionary use in the zone.

#### **5.4 Rural Residential Zone**

#### 5.4.1 **Zone Intent**

- (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.*

**COMMENT:** In relation to (a), the proposal is considered to be an appropriate commercial activity serving the tourism industry as it is located within an existing building of domestic scale and appearance. The remaining points are not applicable as it is an existing building.

#### **5.4.3 Development Standards**

**COMMENT:** This is an application for use only. The use will remain within the existing building, with only internal and cosmetic work required, so the development standards are not applicable.

### **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.*

**COMMENT: Complies. Notwithstanding that adjoining lots are zoned rural residential, the agricultural use of the neighbouring land will not be affected by the extension of the existing guest house use from six to 16 guests. It remains a relatively modest scale operation.**

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.

**COMMENT: Complies. The existing character of the subject site is as a guest house. A low impact tourism use such as this respects the neighbouring rural and residential uses. There are no explicit future intentions for the area, but as a spot of natural beauty close to Lady Barron, it is ideally suited to low impact tourism.**

6.3 Amenity

**COMMENT: Not relevant to the proposal as it relates only to future occupiers of dwellings.**

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 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.
- (d) Potentially incompatible Uses or Developments shall be adequately and appropriately located, sited and designed to avoid conflict. Level 2 activities or sources of pollution shall be sited in accordance with the following:
  - i. Use or Development for a use of land that is a Level 2 activity under the provisions of the Environment Management and Pollution Control Act 1994 shall not be allowed within the lesser distance from a residential zone than that recommended by the Director of Environmental Management.
  - ii. Use or Development of land that is not a Level 2 activity, but which Council nonetheless considers will or has the potential for environmental harm, shall not be allowed within a lesser distance from a residential zone than that determined by Council after taking into account the advice from the Director of Environmental Management.

- iii. A dwelling unit shall not be erected within a lesser distance of any established Level 2 activity or other use of land which Council considers a source of pollution, than that determined by Council taking into account the advice from the Director of Environmental Management.

**COMMENT: Complies. In relation to (a) the subject site is not in an ecologically or visually sensitive area. In relation to (b) low impact tourism of this nature is an environmentally sustainable industry. The site is not an area of unacceptable risk, (c). In relation to (d), this is not a level 2 activity and Council does not consider that action under ii) is necessary.**

#### 6.5 Heritage

**COMMENT: The site is not heritage listed.**

#### 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.
- (h) New Use or 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.
- (j) On site turning shall be provided for development involving significant traffic volumes, heavy vehicle types and/or on roads which carry significant amounts of traffic.

**COMMENT: Complies. Access will be via the existing driveway and parking will be provided in a new ten space car park.**

#### 6.7 Services

- (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: Complies. As it is within an existing building, (e) is met. In relation to (f), servicing systems are regulated under separate legislation. By intensifying the use of an existing building, (g) is met.**

#### 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: Complies. In relation to 1., although it is a private enterprise, increased tourist numbers benefit the Flinders Island community. In relation to 2., the intensification of the existing guest house business within 7km of the services at Lady Barron suggests the use has adequate and appropriate types and levels of access to 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 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: Complies. As an existing building, (b) is not applicable. In relation to (c), the proposal was notified pursuant to the *Land Use Planning and Approvals Act 1993*.**

## Part 7 – Special Area Provisions

### 7.5 Shorelines, Water Bodies and Watercourses

This overlay affects a strip of land up to 90m wide along the boundary with the coastal reserve. It is over 250m from the existing building in which the use will be contained. As such the provisions are not considered to be relevant.

### 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;*

**Refer to the assessment elsewhere in this report.**

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

**Not applicable.**

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

Two representations were received, from the owner of 146 Badger Corner Road (which adjoins the subject site to the north and west) and from the owner of 310 Badger Corner Road (400m to the south west of the subject site). Their concerns are addressed in the table below:

<b>Representation Issue</b>	<b>Officer Comment</b>
Increase in guest numbers creates a commercial environment that has not been zoned for.	In the rural residential zone, both agriculture and tourism are discretionary uses – the property has been zoned for tourism use as much as it has been zoned for agriculture. Note that the increase is from the existing six guests to 16, not 16 new guests as stated in one of the representations.
Will disrupt or intrude on farming / rural living and routine / lifestyle of neighbours.	The existing tourism use is operating with six guests without any known issues and it is not anticipated that

	increasing that number to 16 will have an unreasonable impact.
Impede on privacy.	The existing building is over 200m from the nearest building.
Road infrastructure not sufficient.	The increase in vehicles generated by an additional 10 guests can be accommodated on Badger Head Road which is a Council maintained gravel road that currently serves approximately 12 dwellings over 2.3km.
Affects viability of existing tourism businesses.	Not a planning issue.
Waste management a matter of concern.	The operation will require a functioning waste water management system. If the existing system fails, it will have to be upgraded. This is a matter for Council's environmental health officer.

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.*

**Criteria (f) and (g) are relevant and are addressed 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 firefighting purposes;*
- (i) any received pollution;*
- (j) the escape of pollutants into storm drains and watercourses: and*
- (k) isolation, separation from other lands.*

The proposed use is within an existing building so the above are largely not applicable. Emission levels and pollutant levels will be minimal and appropriately managed (via waste water and rubbish disposal).

- 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;*

**Satisfactory.**

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

**An assessment is made elsewhere in this report.**

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

**No additional landscaping or illumination is required as it is an existing building.**

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

**Satisfactory.**

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

**The proposal is within an existing building.**

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

**Satisfactory.**

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

**Council has not advised of any.**

### **Referrals**

The application did not require referrals.

### **State Policies**

The proposal is consistent with all State policies.

### **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.”*

The proposal promotes investment and activity while protecting people and the environmental characteristics of the Flinders municipal area.

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

Not applicable.

### **OFFICER’S RECOMMENDATION:**

That the application to extend tourism (guest house) use in the rural residential zone, by Mansfield Consulting Services for land located at 180 Badger Corner Road, Lady Barron (CT: 160220/3) be **APPROVED** subject to the following condition:



## GUEST NUMBERS

1. No more than 16 guests are to be accommodated on the site at any one time.

### Permit Notes

- A. This permit was issued based on the proposal documents submitted for DA2014/0050. You should contact Council with any other use or developments, as they may require the separate approval of Council.
- B. This permit takes effect after:
  - a) the 14 day appeal period expires; or
  - b) any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined; or
  - c) any agreement that is required by this permit pursuant to Part V of the *Land Use Planning and Approvals Act 1993* is executed; or
  - d) any other required approvals under this or any other Act are granted.
- C. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. A once only extension may be granted if a request is received at least 6 weeks prior to the expiration date.

### Other Approvals

- D. This permit does not imply that any other approval required under any other by-law or legislation has been granted. At least the following additional approvals may be required before construction commences:
  - a) Building permit
  - b) Plumbing permit

### Restrictive Covenants

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

### Access for People with a Disability

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

### Appeal Provisions

- G. A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal Tribunal.

A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant.

For more information see the Resource Management and Planning Appeal Tribunal website [www.rmpat.tas.gov.au](http://www.rmpat.tas.gov.au)

### Permit Commencement

- H. 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.

### Aboriginal Heritage

- I. If any Aboriginal relics are uncovered during works;
- a) All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,
  - b) The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: **(03) 6233 6613** or **1300 135 513** (ask for Aboriginal Heritage Tasmania) Fax: **(03) 6233 5555**  
Email: [aboriginal@heritage.tas.gov.au](mailto:aboriginal@heritage.tas.gov.au).

## **DECISION:**

**Item A2: Development Application – (Cohen & Associates)**

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Cohen & Associates on behalf of W. Hipkiss
<b>OFFICER</b>	James Ireland (Consultant Town Planner)
<b>APPROVED BY</b>	Rolph Vos (Development Services Manager, West Tamar Council)
<b>FILE REFERENCE</b>	DA2015/009
<b>ASSOCIATED PAPERS</b>	<i>Annexure 7: DA2015/009 Plan Annexure 8: DA2015/009 Ag Values &amp; Bushfire Management Report</i>

Proposal: Three Lot Subdivision

Location: 693 West End Road, Leeka (CT: 153187/3)

Applicant: Cohen & Associates on behalf of W. Hipkiss

Zoning: Rural Zone

Special Areas: Visually Sensitive Area  
Shorelines, Water Bodies and Watercourses

Buffer Attenuation Area: None

Schedules: Schedule 7 Development in Bushfire Prone Areas

Representations: None

**INTRODUCTION:**

This report considers an application for a three lot subdivision of land located at 693 West End Road, Leeka (CT: 153187/3).

**Subject Site**

The subject site is a 41.22ha lot located on both the north and south sides of West End Road on Bun Beetons Point in Leeka. It has frontage to West End Road of 203.7m to 210.85m (it has frontage to both sides) and an overall depth of approximately 2km. There is a 10m wide right of way and electricity easement along part of the west boundary. The site falls from 120m in its northern part to 10m near the coastal reserve. The site is covered in eucalypt forest to the north of West End Road and by scrub to the south of the road. The

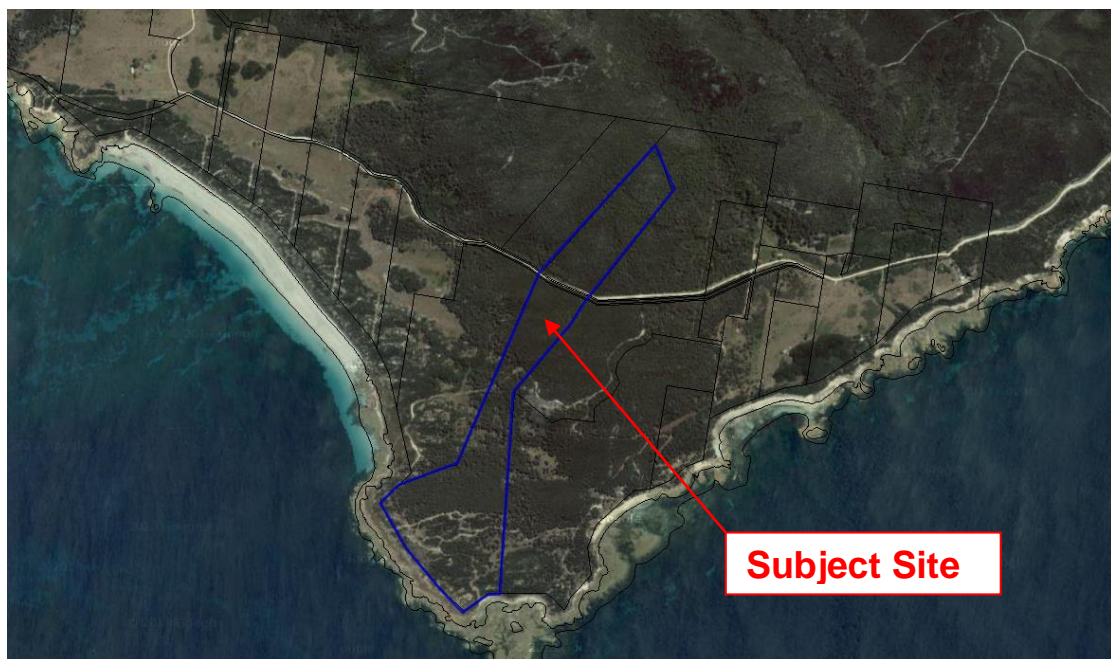
lot is occupied by a single dwelling and outbuildings in its south west corner, with the vegetation around it cleared.

To the west is a 40.28ha vacant lot. To the north is a 39.51 vacant lot. To the east is a 40.1ha lot with a house. To the south is the coastal reserve and ocean.

### Zoning

The subject property is located within the Rural Zone, pursuant to the *Flinders Planning Scheme 2000*.

### Subject Site and Surrounding Area



### Statutory Timeframes

Date Received: 17/2/15  
Advertised: 25/2/15  
Closing date for representations: 12/3/15  
Request for further information: NA  
Information received: NA  
Extension of time granted: NA  
Extension of time expires: NA  
Decision due: 31/3/15

## OFFICER'S REPORT:

### General

It is proposed to subdivide the 41.22ha subject site into three lots, one on the north side of West End Road and two lots on the south side. Lot 1 is the westernmost of the lots on the south side of West End Road. It is 18ha and contains the existing house. Lot 2 is also on the south side of West End Road and measures 12ha and is vacant. Lot 3 is on the north side of West End Road and measures 11ha and is also vacant.

### 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 not consistent with the zone intent. Although compatible non-agricultural uses can be accommodated in appropriate

circumstances it is considered that here this is not the 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:** In relation to (a), the agricultural report submitted with the application concludes that the subject site has no agricultural value now and no agricultural potential. In relation to (b) the proposed lot dimensions means that future buildings cannot be: *"...substantial distances from the road frontage and apart."* Although the subdivision itself does not require vegetation clearance, the future residential land use will. The requirement to clear bushfire hazard management areas for future dwellings on a prominent headland will not be visually sympathetic. The likely future residential use of this subdivision is likely to meet (c). Criterion (d) is not applicable.

#### 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 the proposed lots are smaller than the 40ha minimum at (a). To apply this clause, a use must be attached to the subdivision proposal. 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.).

In relation to (c), the agricultural report submitted with the application concludes that the subject site has no agricultural value now and no agricultural potential, meeting (c) ii).

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

None were received.

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

**None were received.**

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

- (i) *landslip, soil instability, or erosion;*
- (j) *excessive slope;*
- (k) *ponding or flooding;*
- (l) *bush fire hazard;*
- (m) *a Protected Catchment District under Water Management Act 1999;*
- (n) *any Special Area Provisions in Part 7;*
- (o) *pollution; and*
- (p) *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:*
- (l) *existing site features;*
  - (m) *adjoining land;*
  - (n) *the streetscape and/or landscape;*
  - (o) *the natural environment;*
  - (p) *items of historic, architectural or scientific interest;*
  - (q) *buffer zones, attenuation areas,*
  - (r) *easements;*
  - (s) *a water supply for firefighting purposes;*
  - (t) *any received pollution;*
  - (u) *the escape of pollutants into storm drains and watercourses: and*
  - (v) *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 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;*

**It is likely that the surrounding land has limited agricultural potential, consistent with the subject site. Notwithstanding this, the likely development of houses on the new lots would not affect any agricultural use of adjacent land if there was any.**

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

**Not applicable.**

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

**Not applicable.**

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

**Not applicable. Any future dwelling would be able to meet this.**

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

**Complies.**

14. 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:** In relation to (a), the subject site is zoned rural and has a rural character, even if it does not have agricultural potential. The creation of smaller (compared with 40ha) lots that are likely to be developed with houses does not respect this character. If the future intentions for the subject site are residential, the subject site should be rezoned to reflect this.

In relation to (b), no roads are proposed as part of the subdivision. However, the layout of the subdivision creates the opportunity for the development of houses with the necessary associated vegetation clearing for bushfire hazard management in a visually sensitive area. The subdivision layout promotes the potential for visual scarring rather than avoiding it.

## 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:** No public open space is proposed. However it is normal for a subdivision of this size to make a cash contribution to Council in lieu.

## 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 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.
  - iv. 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
  - v. 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
  - vi. 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 in visually sensitive area on Bun Beetons Point. A detailed assessment is made at Part 7 of this report. In relation to (b), the subdivision itself has no direct environmental impact. Any future development of houses will require a discretionary application and will have to address (b), particularly in relation to threatened flora and fauna identified on the site by the Natural Values Report. In relation to (c), i) and ii) are not applicable. In relation to iii), the site is prone to bushfire, so Schedule 7 applies.

#### 6.5 Heritage

**COMMENT:** 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 West End 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 wastewater disposal. Criterion (d) is addressed elsewhere in this report as it relates to bushfire. Criteria (e) to (f) will be addressed when development is proposed. In relation to (g), this proposal is not consistent with the subdivision of land on a sequential basis. The majority of lots in Leeka are undeveloped.

## 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 anecdotally is considered to be in the community interest. The proposed location of the housing lots cannot be considered to have adequate and appropriate access to services as the subdivision is a 40km drive from the closest social facilities and services in Whitemark. Notwithstanding, this may in fact be an attraction for buyers.

## 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. However, the majority of lots in Leeka are undeveloped. From a planning perspective only, there is not a shortage of vacant lots in the area. In relation to (b), the cost of providing services to the new lots should not be unreasonable. In relation to (c), the proposal was notified in accordance with the *Land Use Planning and Approvals Act 1993*.

## Part 7 – Special Area Provisions

### 7.2 Visually Sensitive Areas

This overlay affects all of the subject site.

The objectives of the Visually Significant Areas overlay 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 the objectives of the visually sensitive area, the subdivision itself does not have a visual impact. However, the subdivision allows the future construction of dwellings on Lots 2 and 3 (Lot 1 already has a dwelling). The impact of a dwelling, associated outbuildings, driveways and vegetation clearance for bushfire hazard management is considerable. To achieve the BAL 19 bushfire rating in the bushfire hazard management plan (BHMP) for Lots 2 and 3, an area with a radius of between 32m and 46m around a future habitable building must be managed, which will require significant vegetation removal. This area, including the building, is likely to be a minimum of 4500m<sup>2</sup>. It is considered that the objectives are not met as it will not be possible to retain the natural appearance of the area and the impact of future development and associated vegetation removal will be too great.

In relation to (b) to (e), no buildings are proposed so they are NA. Again, all future dwellings will require a discretionary planning application which will have to address these criteria.

### 7.5 Shorelines, Water Bodies and Watercourses

This overlay affects a strip of land up to 70m wide along the boundary with the coastal reserve.

In considering an application for Use or Development in Shorelines, Water Bodies and Watercourses and whether to impose conditions Council shall consider the following matters:

- (a) The siting, orientation, setback, bulk, form, height, scale, materials and external finishes of buildings and structures*
- (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;*
- (c) Whether land should be acquired by Council as a condition of subdivision or otherwise, to protect the items listed in Schedule 3;*
- (d) Whether additional fencing or any other special works or practices are required to protect the items listed in Schedule 3;*
- (e) The design, content and location of signage and interpretative displays.*

As the subdivision does not propose any buildings, the above matters are not strictly relevant. If a future house was proposed anywhere on a future lot including in the special area, it would be subject to a discretionary planning application. There is sufficient area outside this overlay area for a house, should this be necessary.

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

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

<b>S7.1.0 ISSUE</b> Subdivision design and layout	<b>INTENT</b> - The design, siting and layout of subdivisions in bushfire prone areas should minimise fire risks and the potential for loss of life.	
<b>ACCEPTABLE SOLUTIONS</b>		<b>PERFORMANCE CRITERIA</b>
<p><b>S7.1.1a</b> 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><b>S7.1.1b</b> A BPZ surrounds a building and is separated from the fire hazard by a FMBZ and</p> <p><b>S7.1.1c</b> BPZ and FMBZ can be constructed to the width measured along the ground as</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>shown in Table 7.1 and</p> <p><b>S7.1.1d</b> 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><b>COMMENT: BPZs and FMBZs are not referred to in the bushfire report so the performance criteria must be met. The bushfire report by AK Consultants identifies BAL 19 building areas for proposed Lots 2 and 3 (the dwelling on Lot 1 is existing) are of sufficient size so buildings are not subject to threatening levels of flames and radiation during a bushfire.</b></p>	
<p><b>S7.1.2a</b> FMBZ are within the boundaries of the subdivision and BPZ are within the boundaries of each lot or</p> <p><b>S7.1.2b</b> 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><b>S7.1.2c</b> 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>	<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><b>COMMENT: FMBZs and BPZs are not referred to in the bushfire report. BAL 19 building areas are provided and they are within the proposed lot boundaries.</b></p>	

<p><b>S7.2.0 ISSUE</b></p> <p><b>Access in subdivisions</b></p>	<p><b>INTENT</b> – Subdivisions are designed to provide safe access for emergency and other vehicles to all lots and buildings.</p>	
<p><b>ACCEPTABLE SOLUTIONS</b></p>		<p><b>PERFORMANCE CRITERIA</b></p>
<p><b>S7.2.1a</b> Subdivisions have two access roads to low bushfire hazard areas or</p> <p><b>7.2.1b</b> Dead end roads must not exceed 200 metres in length or service more than 8 lots or</p>	<p>Subdivisions should have safe alternative routes to low bushfire hazard areas for emergency and other vehicles.</p>	

<p><b>S7.2.1c</b> 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</p> <p><b>S7.2.1d</b> 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><b>COMMENT: West End Road is a through road, meeting the acceptable solution S7.2.1a.</b></p>	
<p><b>S7.2.2a</b> Access must be of all-weather construction and</p> <p><b>S7.2.2b</b> Road structures (including bridges) must have a minimum load limit of 20 tonnes and</p> <p><b>S7.2.2c</b> There must be vertical clearance to a height of 4 metres above the trafficable width of the access and</p> <p><b>S7.2.2d</b> 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>Safe access roads shall be provided at all times.</p>
<p><b>COMMENT: Complies with the acceptable solution. It is understood that West End Road meets the acceptable solution.</b></p>	
<p><b>S7.2.3a</b> 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><b>S7.2.3b</b> Curves must have a minimum inner radius of 10 metres and</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><b>S7.2.3c</b> Dips must have no more than a 1 in 8 (12.5%) entry and exit angle and</p> <p><b>S7.2.3d</b> All roads must have a maximum cross fall alignment of 1 in 33 (3%).</p>	
<p><b>COMMENT: West End Road is existing. It is understood that it meets the acceptable solution.</b></p>	
<p><b>S7.2.4a</b> At the end of all roads or access ways there must be a court 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><b>S7.2.4b</b> 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>Suitable turning areas for fire suppression and other vehicles must be provided at the end of all roads and access ways.</p>
<p><b>COMMENT: As West End Road is a through road and no culs de sac are proposed, this is NA.</b></p>	
<p><b>S7.2.5a</b> The minimum trafficable width for access is 6 metres which may include consolidated, formed, surfaced and drained shoulders or</p> <p><b>S7.2.5b</b> 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><b>S7.2.5c</b> 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><b>COMMENT: West End Road is existing. It is understood that it meets the acceptable solution.</b></p>	
<p><b>S7.2.6a</b> An access road forms the perimeter of the development or</p>	<p>Access to the perimeter of the development must be provided.</p>

<p><b>S7.2.6b</b> A fire trail connected to an access road forms the perimeter of the development.</p>	
<p><b>COMMENT:</b> There is no access to the perimeter of the development. This means the performance criteria is not met.</p>	
<p><b>S7.2.7a</b> Fire trails are constructed to 4WD standard and</p> <p><b>S7.2.7b</b> Fire trails have a formed width of 4 metres and</p> <p><b>S7.2.7c</b> Fire trails must have vertical clearance to a height of 4 metres above the trafficable and</p> <p><b>S7.2.7d</b> 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><b>S7.2.7e</b> 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><b>COMMENT:</b> NA. No fire trails are proposed.</p>	
<p><b>S7.3.0 ISSUE</b> Water supplies for fire suppression in subdivisions</p>	<p><b>INTENT</b> - To ensure adequate water supplies are available in a subdivision for landowners or emergency services to defend properties from bushfire</p>
<p><b>ACCEPTABLE SOLUTIONS</b></p>	<p><b>PERFORMANCE CRITERIA</b></p>
<p><b>S7.3.1a</b> 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 (whichever is greater) or</p> <p><b>S7.3.1b</b> 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>Subdivisions have an adequate size of water supply.</p>

<p><b>S7.3.1c</b> 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 square metres or larger, 20 000 litres of stored water for fire suppression.</p>	
<p><b>COMMENT: Water supply is not specified. As there is no reticulated water supply, a permit will have a condition on it to meet S7.3.1c.</b></p>	
<p><b>S7.3.2a</b> 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><b>S7.3.2b</b> 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>	<p>The water supply for fire suppression will be available at all times.</p>
<p><b>S7.3.3a</b> All water storage tanks are constructed of non-combustible and non-rust materials such as galvanised steel and concrete and</p> <p><b>S7.3.3b</b> 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><b>S7.3.3c</b> All below-ground water pipelines are installed to a depth as specified in the National Plumbing Code AS 3500 (generally 300 mm).</p>	<p>The water supply pipelines, fittings and storages are designed, located and fitted to ensure reliability of the water supply during a fire.</p>
<p><b>COMMENT: NA. Will apply to future development applications.</b></p>	

<p><b>S7.3.4a</b> If the storage is accessible and 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><b>S7.3.4b</b> 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><b>S7.3.4c</b> 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>Access to static supplies will be suitable for emergency vehicles.</p>
<p><b>COMMENT: NA. Will apply to future development applications.</b></p>	

### Referrals

The application did not require referrals.

### **STATUTORY REQUIREMENT:**

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

### **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 not consistent with this strategic outcome. The environmental characteristics of the rural zone and the visually sensitive area are not protected. If the future intentions for the subject site are residential, the subject site should be rezoned to reflect this.

**BUDGET AND FINANCIAL IMPLICATIONS:**

Not applicable.

**OFFICER'S RECOMMENDATION:**

That the application for a three lot subdivision in the rural zone, by Cohen & Associates for land located at 693 West End Road, Leeka (CT: 18125/1) be **REFUSED** for the following reasons:

1. The proposal is not consistent with the zone intent, desired zone character and zone guidelines for the rural zone.
2. The proposal does not meet the requirements of Clause 5.8.3 (b) of the planning scheme relating to subdivision in the rural zone.
3. The proposal does not meet the objectives of the visually sensitive area.
4. The proposal does not comply with standard S7.2.6 in Schedule 7 *Development in Bushfire Prone Areas* relating to perimeter roads.

**DECISION:**

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

**Item A3: Building Approvals Policy – to be rescinded**

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Jacci Viney, Development Services Coordinator
<b>FILE REFERENCE</b>	REA/0101
<b>ASSOCIATED PAPERS</b>	<i>Annexure 9: Building Approvals Policy</i>

**INTRODUCTION:**

Council's Policy Manual is an important document of Council as it provides direction to Staff, Management and Councillors. Council has a policy that states that policies should be reviewed at least every two (2) years.

**PREVIOUS COUNCIL CONSIDERATION:**

Adopted 11<sup>th</sup> August 2005 475.08.05  
Amended 23<sup>rd</sup> September 2010 278.09.10

**OFFICER'S REPORT:**

The Building Approvals Policy has been in place since 2005 and reviewed once since it was first adopted. All procedures of this nature must be followed in strict accordance with the *Building Act (Tas) 2000* and Building Regulation 2014. This Policy serves no purpose and cannot be reflected upon to provide guidance to officers of Council when dealing with matters as outlined in the Policy.

Therefore, I recommend Council rescind the Building Approvals Policy.

**STATUTORY REQUIREMENT:**

Nil

**POLICY/STRATEGIC IMPLICATIONS:**

3.0 Land use, Development and Building

**RISK/LIABILITY:**

There is a risk that the Policy will contravene a practice outlined in the *Building Act 2000* and may be utilised instead of legislated proceedings.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

That Council rescinds the Building Approvals Policy and allows it to lay on the table for 28 days for public comment.

**DECISION:**



<b>B. NOTICE OF MOTIONS</b>
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Item B1: Notice of Motion from Mayor Carol Cox – General Manager Performance Review Committee

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Mayor Carol Cox
<b>OFFICER</b>	Sophie Pitchford, Acting General Manager
<b>FILE REFERENCE</b>	PER/1200
<b>ASSOCIATED PAPERS</b>	<i>Nil</i>

**NOTICE OF MOTION:**

That the terms of reference as presented in this motion be accepted as the Terms of Reference for the General Manager's Performance Review Committee.

**General Manager's Performance Review Committee  
Terms of Reference (March 2015)**

**Purpose:**

The General Manager's Performance Review Committee (The Committee) has the purpose of providing advice and recommending to Councillors as a collective (The Council) the process to be used to undertake and report on the annual review of the General Manager's performance.

**Committee make up:**

The Committee is a Council Committee (subcommittee) of Finders Council and is formed under Section 23 of the *Local Government Act 1993*(The Act).

The Committee will consist of the Mayor and two other Councillors as elected at a meeting of the Council. If the Deputy Mayor is in the position of Acting Mayor then the Deputy Mayor will take the place of the Mayor on The Committee.

If a Councillor resigns from The Committee for any reason, the vacant position will be filled through a motion of The Council.

Membership of The Committee will be reviewed in November 2016. (Refer to motion936.11.2014)

**Meetings:**

The *Local Government Act 1993* dictates that

*“23(3) A meeting of a council committee is to be conducted in accordance with prescribed procedures.  
The prescribed procedures are as in the “Local Government (Meeting Procedures) Regulations 2005” as relating to a Council Committee.”*

**Role:**

1. To make a recommendation to The Council as to how the General Manager’s Performance Review is to be carried out be it internal or by an external party.
  - a. If by an external party the recommendation is to include-
    - i. A selection of at least two providers.
    - ii. The budget allocation required.
  - b. If by internal means the recommendation is to include the process The Committee will follow in undertaking the performance review including but not limited to-
    - i. The KPI’s to be used.
    - ii. The range of Councillors, staff and external personnel to be given the opportunity to comment.
    - iii. A time frame over which the review is to take place.
2. At the conclusion of the Review make a recommendation to The Council regarding the response to the General Manager and any proposed changes in remuneration or conditions.
3. The Mayor or Acting Mayor is to liaise with the General Manager on the outcome of the performance review.

All recommendations are to be put forward as soon as practicable to The Council for consideration in Closed Council.

**COUNCILLOR’S REPORT:**

Motion 40.02.2015 was passed unanimously (Cr Williams absent) at the February Ordinary meeting of Council.

The second paragraph of the motion requires the General Manager’s Performance Review Committee to present a Terms of Reference for consideration to the March Ordinary meeting of Council.

*“The GMPRC present draft Terms of Reference for the Committee to the March Ordinary Meeting of Council that includes but is not limited to the purpose of the Committee.”*

A draft Terms of Reference is presented for Councillors’ consideration. The draft has been considered by committee members using email correspondence, phone and verbal discussion.

Once the Terms of Reference for the Committee are put in place the Committee will meet to consider the process to be undertaken for the 2015 General Manager's Performance Review.

I present the draft Terms of Reference for Council's consideration.

**PREVIOUS COUNCIL CONSIDERATION:**

936.11.2014	13 <sup>th</sup> November 2014
Councillor Workshop	26 <sup>th</sup> November 2014
Council Meeting (motion lost)	22 <sup>nd</sup> January 2015
40.02.2015	19 <sup>th</sup> February 2015

**OFFICER'S REPORT:**

The General Manager's performance review is a component of the existing contract of employment. The Terms of Reference for the General Manager's Performance Review Committee should be ratified by Council.

**STATUTORY REQUIREMENTS:**

*Local Government Act 1993*  
*Local Government (Meeting) Regulations 2005*

**POLICY/STRATEGIC IMPLICATIONS:**

No policy on the matter is in place.

**BUDGET AND FINANCIAL IMPLICATIONS:**

Nil

**RISK/LIABILITY:**

Council should review the performance of the General Manager on an annual basis.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

The Notice of Motion as written.

**DECISION:**

**Item B2: Notice of Motion from Mayor Carol Cox – Amalgamation**

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Mayor Carol Cox
<b>OFFICER</b>	Sophie Pitchford, Acting General Manager
<b>FILE REFERENCE</b>	COU/0401
<b>ASSOCIATED PAPERS</b>	<i>Annexure 10: Letter from Minister Gutwein 19/2/15</i> <i>Annexure 11: Staff consideration of amalgamation</i>

**NOTICE OF MOTION:**

That the Mayor sends the following letter to the Minister for Local Government, The Honourable Peter Gutwein MP, which advises that Flinders Council can see no benefit in amalgamation for its ratepayers and thus will not be participating in a voluntary amalgamation discussion with any other council.

*Mr Peter Gutwein MP  
Minister for Local Government*

*I write in answer to your request for Councils to voluntarily consider the issue of Amalgamation and/or a Shared Services Model. I advise that Flinders Council has considered the issue and is firmly of the opinion that Amalgamation or a Shared Service Model serves no purpose for Flinders Council and thus Flinders Council will not be partaking any further in the process.*

*The Community has been openly encouraged to talk to Councillors about how they feel about Amalgamation; Council Staff have as a unit considered it; as have the Councillors. All see no benefit in Council amalgamating or committing to a Shared Service arrangement. Flinders CURRENTLY buys in, from other Councils, services where it does not have LOCAL expertise, and we are very keen to keep the flexibility of obtaining the required service from the Council that offers the best deal that suits our needs.*

*You outlined 4 points to be considered regarding amalgamation, the first and foremost being that it must be in the interest of ratepayers. We advocate that for Flinders amalgamation would be detrimental to the ratepayers. Many reasons were identified, only a few are listed here:*

- The level of service Council currently provides the community contributes to the reason why most people chose to live here. It helps market the Island and many regular visitors and new residents cite programs run by Council as one of the reasons for their commitment to the Island e.g. school holiday program. A reduction in services*

*would adversely affect the population and the economy of the Islands.*

- *Any dollars saved in Councillor allowances would be shifted to transport costs, transferring the dollars out of the community.*
- *The inevitable loss of employment of Council staff would have an adverse effect on our whole community.*
- *Flinders would have limited representation on a "joint" council, which would mean loss of control of our destiny.*
- *There is no benefit in sharing machinery due to the cost of shipping and of not having access to machinery when and as required.*

*In closing I believe that the Flinders Council has benefited from having this discussion, as it has strengthened our belief that amalgamation is not in the best interest of our ratepayers and hence we will not be participating any further in the voluntary amalgamation process.*

#### **COUNCILLOR'S REPORT:**

On the 19<sup>th</sup> February 2015, the Minister for Local Government wrote to Councils advising of the process for discussion of voluntary amalgamation and/or shared services between Councils to occur (Refer Annexure 10).

The first step following the meetings the Minister held in each region outlining the government's wish, was for Councils to seriously consider voluntary amalgamations.

The letter requests that Councils advise the Minister whether they intend to conduct modelling on an amalgamation and/or shared services model by Tuesday the 31<sup>st</sup> March 2015.

Funding put up for modelling of amalgamation between participating Councils is proposed on a 1 for 1 basis i.e. Council puts in \$1 for each State \$1.

Councillors have reported that discussions with rate payers indicate no support for amalgamation. The staff and Councillors separately have considered what amalgamation might mean for the ratepayers of Flinders Council. All have come to the conclusion that for many and varied reasons there is no benefit to Flinders Council in amalgamation. The staff considerations are Annexure 11.

This motion is to send a letter to the Minister outlining that Flinders Council will not be partaking in the amalgamation discussions with any mainland Council; and that there are many considered reasons why amalgamation would not benefit the Islands' ratepayers.

The letter, being included in the motion, clearly identifies Council's position on this issue.

**PREVIOUS COUNCIL CONSIDERATION:**

19<sup>th</sup> February 2015 Council Meeting - information item only.

**OFFICER'S REPORT:**

Flinders Council strongly disagrees with the idea of voluntary amalgamation. Extensive discussions have been held with elected members and staff, as well as extending an invitation to the Community to join in the discussions. There were no significant benefits identified but rather a strong belief that it would be detrimental to the sustainability and growth of the Island.

**STATUTORY REQUIREMENTS:**

Nil

**POLICY/STRATEGIC IMPLICATIONS:**

Nil

**BUDGET AND FINANCIAL IMPLICATIONS:**

Nil

**RISK/LIABILITY:**

Nil

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

The Notice of Motion as written.

**DECISION:**

**Item B3: Notice of Motion from Deputy Mayor Marc Cobham – Audit and Finance Special Committee Membership**

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Deputy Mayor Marc Cobham
<b>OFFICER</b>	Sophie Pitchford, Acting General Manager
<b>FILE REFERENCE</b>	FIN/1300
<b>ASSOCIATED PAPERS</b>	<i>Annexure 2: Audit &amp; Finance Special Committee Unconfirmed Minutes 19<sup>th</sup> February 2015</i>

**NOTICE OF MOTION:**

That Flinders Council supports the recommendation of the Audit and Finance Special Committee to appoint community member Mr John Dick as the Independent Chairperson and Ms Diane Droog as the Independent Community Representative on the Audit and Finance Special Committee.

**COUNCILLOR'S REPORT:**

As the interim Chairperson of Council's Audit and Finance Special Committee, which met on 19<sup>th</sup> February 2015, I am obliged to put the above motion on behalf of the Committee. Ratifying the Committee's decision at this meeting will enable the Special Committee, with the proposed two members, to undertake the duties that it is empowered to do.

**PREVIOUS COUNCIL CONSIDERATION:**

Nil

**OFFICER'S REPORTS:**

The motion is supported.

**STATUTORY REQUIREMENTS:**

*Local Government Act 1993*

Local Government (Audit Panels) Order 2014

**POLICY/STRATEGIC IMPLICATIONS:**

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.

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

5.1.3. Achieve a sustainable balance of income, investment and recurrent expenditure

5.1.3.1 Complete an Internal Audit of all financial procedures and provide recommendations for improved systems and processes.

**BUDGET AND FINANCIAL IMPLICATIONS:**

The remuneration of the Independent Chairperson and Independent Community Representative will need to be approved at the Audit and Finance Special Committee Meeting.

If the Committee Members decide that the Independent Members need to be remunerated, there will be a nominal amount allocated in the budget.

**RISK/LIABILITY:**

Appointment of an Independent Chairperson and Independent Committee Representative will comply with the Ministerial Orders outlined in the Local Government (Audit Panels) Order 2014.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

That Flinders Council supports the recommendation of the Audit and Finance Special Committee to appoint community member Mr John Dick as the Independent Chairperson and Ms Diane Droog as the Independent Community Representative on the Audit and Finance Special Committee.

**DECISION:**



**Item B4: Notice of Motion from Deputy Mayor Marc Cobham – 2016  
Furneaux Islands Festival**

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Deputy Mayor Marc Cobham
<b>OFFICER</b>	Sophie Pitchford, Acting General Manager
<b>FILE REFERENCE</b>	PUB/0101
<b>ASSOCIATED PAPERS</b>	<i>Nil</i>

**NOTICE OF MOTION:**

1. That Council holds the third annual community Furneaux Islands Festival on the last weekend of January 2016.
2. That at the upcoming 2015-2016 Council Budget workshops, an amount similar to the 2015 Furneaux Islands Festival budget be committed to the proposed event.

**COUNCILLOR'S REPORT:**

The two previous Furneaux Islands Festivals held in 2014 and 2015 were deemed to be a great success by those who attended. Council's vision is to hold an event that celebrates our community, an event that is inclusive rather than an event on Australia Day that, by its very nature, excludes a considerable percentage of our community. The efforts taken by Council to "include and acknowledge the Aboriginal community over the Australia Day long weekend", has been endorsed by the Chief Executive Officer of the Flinders Island Aboriginal Association Incorporated (FIAAI) and there are potential opportunities for Council to work in partnership with FIAAI in future Festival events.

There are some members of our community who are dissatisfied that Council has not held Australia Day "celebrations" for the past two years. The reality is that for many other people, both indigenous and non-indigenous, celebrating on Australia Day is considered to be insensitive and disrespectful.

The National Australia Day Council (NADC) encourages people to 'celebrate your way' and Council has the support from the Department of Premier and Cabinet (DPAC) who deliver the State Australia Day program. DPAC is "wholly supportive of Flinders Island, and any Tasmanian communities, deciding for themselves how they wish to celebrate and acknowledge Australia Day. This includes the decision to not hold any activities on the 26<sup>th</sup> out of respect for the Aboriginal Community."

Council's decision not to hold an Australia Day event does not prevent any community member from holding their own Australia Day "celebration" if they so wish.

#### PREVIOUS COUNCIL CONSIDERATION:

12<sup>th</sup> March 2015      Council Workshop

At the Council meeting held on the 18<sup>th</sup> December 2014 Council passed the following motion:

*Moved: Cr G Willis Seconded: Cr K Stockton*

*That Council rescind motions 866.08.2014 and 867.08.2014 "That the 2015 community day celebration will be held on Saturday 24<sup>th</sup> January" and support the change in Festival programming for the community BBQ to be held on the Monday 26<sup>th</sup> January 2015.*

*Motion withdrawn by the mover with the consent of the seconder.*

*958.12.2014 Moved: Cr D Williams Seconded: Deputy Mayor M Cobham*

*That Council rescind motion 867.08.2014 "That the 2015 community day celebration will be held on Saturday 24<sup>th</sup> January" and support the change in Festival programming for the community BBQ to be held on the Sunday 25<sup>th</sup> January 2015.*

*CARRIED (6-1)*

*For: Mayor Carol Cox, Deputy Mayor Marc Cobham, Cr Chris Rhodes, Cr Peter Rhodes, Cr Ken Stockton, Cr David Williams.*

*Against: Cr Gerald Willis*

At the Council meeting held on the 21<sup>st</sup> August 2014 Council passed the following motion:

*866.07.2014 Moved: Deputy Mayor D Williams Seconded: Cr M Cobham*

*That Council reconfirms their commitment that future Australia Day events organised and supported by Council celebrate our own unique culture on a day to be agreed and reserve the 26<sup>th</sup> January as a day for our community to undertake their own activities.*

*CARRIED (4-2)*

*For: Deputy Mayor David Williams, Cr Marc Cobham, Cr Mary-Anne Roberts and Cr Ronald Wise.*

*Against: Mayor Carol Cox and Cr Gerald Willis.*

*867.07.2014 Moved: Cr M Cobham Seconded: Cr R Wise  
That the 2015 community day celebration will be held on Saturday 24th  
January.*

*CARRIED (5-1)*

*For: Mayor Carol Cox, Deputy Mayor David Williams, Cr Marc Cobham, Cr  
Mary-Anne Roberts and Cr Ronald Wise.*

*Against: Cr Gerald Willis*

At the Council meeting held on the 21<sup>st</sup> November 2013 Council passed the following motion:

- 1) That the Australia Day Committee be disbanded.*
- 2) That the General Manager direct Council staff to develop and deliver a BBQ on the Australia Day weekend from the existing budget allocation for such events.*

*CARRIED (6-1)*

*For: Mayor C Cox, Deputy Mayor D Williams, Cr M Cobham, Cr M Roberts,  
Cr G Willis and Cr R Wise*

*Against: Cr P Rhodes*

Previous Council consideration includes the issue of celebrating Australia Day, or having an island celebration on some other date, being discussed by Councillors at Council workshops held on 4<sup>th</sup> April 2013 and 2<sup>nd</sup> May 2013.

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

Over the past two years Council has supported the Furneaux Islands Festival and not a specific Australia Day event. As staff understand it, this decision has been based on holding a community celebration on a day that does not evoke strong negative feelings for some in our community but provides an alternative series of events as a celebration of our unique community, shared culture and being Australian. In short, our communities celebrated being Australian over the Australia Day long weekend – however, not on the 26<sup>th</sup> January.

Mayor Carol Cox in the 2014 Council Media Release on the 2014 Festival events reaffirmed Council's decision:

*"Flinders Council recognises the diverse backgrounds of islanders, Aboriginal and European, and has chosen to support a community initiated event on Saturday the 25<sup>th</sup> January to celebrate being Australian and to celebrate living in the Furneaux Group, a place of unique beauty and fertile land and sea."*

Council has previously received funding support from the Department of Premier and Cabinet (DPAC) who administer the State Australia Day Program. For this year's event DPAC provided an Australia Day grant of over \$2,500 to support the Festival bringing Social Circus Tasmania to Flinders Island to deliver the market and festival free community workshops.

The Chief Executive Officer of the Flinders Island Aboriginal Association Incorporated (FIAAI) congratulated Council on the direction it has taken and stated that it is a *"giant step forward to build positive relationships with Council and the Aboriginal community"*. Council staff have had a number of informal discussions with FIAAI and are keen to explore and develop opportunities and partnerships for the 2016 Festival's planning, programming and delivery of the weekend's events. It has been made clear that FIAAI's involvement is dependent on the dates so that Aboriginal people are comfortable in joining in the celebration. The Notice of Motion calls for Council to hold the third annual Furneaux Islands Festival on the last weekend of January 2016.

The Councillor Report notes "Council's decision not to hold an Australia Day event does not prevent any community member from holding their own Australia Day "celebration" if they so wish."

The Councillor Notice of Motion also calls for Council in the 2015-2016 Council Budget to consider an allocation of funding similar to the 2015 Furneaux Islands Festival budget as part of the upcoming budget workshops. Opportunities also exist to build on this allocation through potential grant funding.

Both Furneaux Islands Festivals have been a proven success and opportunities exist to build on the existing Festival for the enjoyment of both Island residents and visitors.

#### **STATUTORY REQUIREMENTS:**

*Local Government Act 1993*

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

Community partnerships, enhance people's security, inclusion and well-being.

4.3 Maintain and develop productive, constructive relationships with the community and organisations involved in delivery of strategic services and activities in the islands.

4.3.2 Build civic engagement and increase civic pride through evidence based research, agreed events, programs and improved communication with the community.

**BUDGET AND FINANCIAL IMPLICATIONS:**

The Notice of Motion if supported will be further discussed during budget workshops.

**RISK/LIABILITY:**

No financial risk.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

1. That Council holds the third annual community Furneaux Islands Festival on the last weekend of January 2016.
2. That at the upcoming 2015-2016 Council Budget workshops, an amount similar to the 2015 Furneaux Islands Festival budget be committed to the proposed event.

**DECISION:**

<b>C. CORPORATE SERVICES</b>
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**Item C1: Variation to the 2014/15 Budget Review**

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Sophie Pitchford, Corporate Services Manager
<b>FILE REFERENCE</b>	FIN/0701; ASM/1000
<b>ASSOCIATED PAPERS</b>	<i>Annexure 12: Capital Works Program Budget</i>

**INTRODUCTION:**

The Airport requires a new broom in order to maintain the runway. The current broom has broken down and due to its age it is no longer viable to carry out repairs.

**PREVIOUS COUNCIL CONSIDERATION:**

Nil

**OFFICER'S REPORT:**

The broom plays an important role at the Airport and it is imperative that a new one is purchased as soon as possible. Due to the age of the current broom, we are no longer able to source parts and as a result repairs cannot be carried out.

A variation is required to the 2014/15 Capital Works Program Budget to allow for the reallocation of \$20,000 from the Airport Runway Upgrade to fund a new broom.

**STATUTORY REQUIREMENT:**

*Airports Act 1996*

**POLICY/STRATEGIC IMPLICATIONS:**

2.0 Infrastructure - Efficient and reliable infrastructure that supports and protects production, services and lifestyle.

2.2.1 Identify, research, design and implement key infrastructure projects and programs to meet the economic and environmental needs of Council and the community.

**BUDGET AND FINANCIAL IMPLICATIONS:**

Nil

**RISK/LIABILITY:**

Nil

**VOTING REQUIREMENTS:**

Absolute Majority

**OFFICER'S RECOMMENDATION:**

That Council approves a budget variation request to the 2014/15 Capital Works Program Budget to allow for the reallocation of \$20,000 from the Airport Runway Upgrade in order to purchase a new broom for the Airport.

**DECISION:**

<b>D. GOVERNANCE</b>
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**Item D1: Travel & Accommodation Policy**

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Sophie Pitchford, Acting General Manager
<b>FILE REFERENCE</b>	FIN/1300
<b>ASSOCIATED PAPERS</b>	<i>Annexure 13: Travel &amp; Accommodation 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 instance help manage Council's exposure to risk.

**PREVIOUS COUNCIL CONSIDERATION:**

19<sup>th</sup> February 2015          51.02.2015

**OFFICER'S REPORT:**

Council has identified that a Travel & Accommodation Policy is required to govern travel required by staff and elected members in the course of their Council business.

The policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by elected members and staff and to ensure that the facilities provided to assist elected members and staff to carry out their civic duties are reasonable.

Discussions were held at the February Councillor workshop as to which guidelines to follow - State Government or the Australian Taxation Office. Both guidelines have since been reviewed and the Australian Taxation Office guidelines are more suitable and easier to follow. Council adopted the Travel & Accommodation Policy at the February Council Meeting and allowed it to lay on the table for 28 days for public comment. No submissions were received during the public consultation period.

**STATUTORY REQUIREMENT:**

*Local Government Act 1993*

**POLICY/STRATEGIC IMPLICATIONS:**

5.0 Corporate, Governance and Intergovernmental Relations



**RISK/LIABILITY:**

Adoption of this policy and ensuring that Management, Staff and Councillors are aware of and follow this policy will help to reduce Council's exposure to risk of fraudulent activity.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

That Council adopts the Travel & Accommodation Policy.

**DECISION:**

**Item D2: Uniform Policy**

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Sophie Pitchford, Acting General Manager
<b>FILE REFERENCE</b>	PER/0602
<b>ASSOCIATED PAPERS</b>	<i>Annexure 14: Uniform 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:**

20 <sup>th</sup> August 2009	312.08.09
22 <sup>nd</sup> October 2009	405.10.09
16 <sup>th</sup> May 2013	540.05.2013
19 <sup>th</sup> February 2015	50.02.2015

**OFFICER'S REPORT:**

Council has a policy that states that policies should be reviewed at least every two (2) years.

The Uniform Policy has been updated to reflect current staffing trends and is now presented for Councillors' consideration.

Council adopted the Uniform Policy and allowed it to lay on the table for 28 days for public comment. No submissions were received during the public consultation period.

**STATUTORY REQUIREMENT:**

*Work Health & Safety Act 2012 (Tasmania)*

**POLICY/STRATEGIC IMPLICATIONS:**

5.0 Corporate, Governance and Intergovernmental Relations

**RISK/LIABILITY:**

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

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

That Council adopts the Uniform Policy.

**DECISION:**

**Item D3: Elected Members' Allowances & Reimbursements Policy**

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Sophie Pitchford, Acting General Manager
<b>FILE REFERENCE</b>	COU/0600
<b>ASSOCIATED PAPERS</b>	<i>Annexure 15: Elected Members' Allowances &amp; Reimbursements 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:**

12 <sup>th</sup> October 2000	161.10.00
13 <sup>th</sup> December 2001	301.12.01
25 <sup>th</sup> August 2005	486.08.05
8 <sup>th</sup> December 2005	749.12.05
19 <sup>th</sup> January 2006	031.01.05
23 <sup>rd</sup> September 2010	290.09.10
5 <sup>th</sup> February 2015	Councillor Workshop
19 <sup>th</sup> February 2015	52.02.2015

**OFFICER'S REPORT:**

Council has a policy that states that policies should be reviewed at least every two (2) years.

The Elected Members' Allowances & Reimbursements Policy was last reviewed in 2010. The recent Council election highlighted the need to update this policy. Changes have been made in the areas of travel, telephone and internet expenses and the policy is now presented for Councillor's consideration.

Council adopted the Elected Members' Allowances & Reimbursements Policy and allowed it to lay on the table for 28 days for public comment. No submissions were received during the public consultation period.

**STATUTORY REQUIREMENT:**

*Local Government Act 1993*

**POLICY/STRATEGIC IMPLICATIONS:**

5.0 Corporate, Governance and Intergovernmental Relations

**RISK/LIABILITY:**

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

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

That Council adopt the Elected Members' Allowances & Reimbursements Policy.

**DECISION:**

**Item D4: Personal Information Protection Policy**

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Sophie Pitchford, Acting General Manager
<b>FILE REFERENCE</b>	ADM/0900
<b>ASSOCIATED PAPERS</b>	<i>Annexure 16: DRAFT Personal Information Protection 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:**

19<sup>th</sup> February 2015 Council Meeting  
12<sup>th</sup> March 2015 Councillor Workshop

**OFFICER'S REPORT:**

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

**STATUTORY REQUIREMENT:**

*Local Government Act 1993*  
*Personal Information Protection Act 2004*

**POLICY/STRATEGIC IMPLICATIONS:**

5.0 Corporate, Governance and Intergovernmental Relations

**RISK/LIABILITY:**

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

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

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

**DECISION:**

**Item D5: Funeral Director Policy – to be rescinded**

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Sophie Pitchford, Acting General Manager
<b>FILE REFERENCE</b>	CSV/0600
<b>ASSOCIATED PAPERS</b>	<i>Annexure 17: Funeral Director Policy</i>

**INTRODUCTION:**

Council's Policy Manual is an important document of Council as it provides direction to Staff, Management and Councillors. Council has a policy that states that policies should be reviewed at least every two (2) years.

**PREVIOUS COUNCIL CONSIDERATION:**

Adopted	9 <sup>th</sup> September 2004	415.09.04
Amended	25 <sup>th</sup> August 2005	497.08.05
Amended	18 <sup>th</sup> August 2011	226.08.2011

**OFFICER'S REPORT:**

The Funeral Director Policy has been in place since 2004 and reviewed twice since it was first adopted. This Policy is a procedure which the Council has employed in carrying out the Funeral Director duties.

Therefore, I recommend Council rescind the Funeral Director Policy.

**STATUTORY REQUIREMENT:**

*Burial and Cremation Act 2002*

**POLICY/STRATEGIC IMPLICATIONS:**

5.0 Corporate, Governance and Intergovernmental Relations

**RISK/LIABILITY:**

Nil

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

That Council rescinds the Funeral Director Policy and allows it to lay on the table for 28 days for public comment.

**DECISION:**



**Item D6: Cape Barren Island Policy – to be rescinded**

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Sophie Pitchford, Acting General Manager
<b>FILE REFERENCE</b>	COU/0600
<b>ASSOCIATED PAPERS</b>	<i>Annexure 18: Cape Barren Island Policy</i>

**INTRODUCTION:**

Council's Policy Manual is an important document of Council as it provides direction to Staff, Management and Councillors. Council has a policy that states that policies should be reviewed at least every two (2) years.

**PREVIOUS COUNCIL CONSIDERATION:**

Adopted	20 <sup>th</sup> May 2004	248.05.04
Amended	21 <sup>st</sup> October 2010	341.10.2010

**OFFICER'S REPORT:**

The Cape Barren Island Policy has been in place since 2004 and reviewed once since it was first adopted. This policy is a procedure that is carried out by Elected Members and Council staff when required.

Therefore, I recommend Council rescind the Cape Barren Island Policy.

**STATUTORY REQUIREMENT:**

Nil

**POLICY/STRATEGIC IMPLICATIONS:**

5.0 Corporate, Governance and Intergovernmental Relations

**RISK/LIABILITY:**

Nil

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

That Council rescinds the Cape Barren Island Policy and allows it to lay on the table for 28 days for public comment.

**DECISION:**

**Item D7: Waiver of Fees Policy**

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Sophie Pitchford, Acting General Manager
<b>FILE REFERENCE</b>	FIN/0701
<b>ASSOCIATED PAPERS</b>	<i>Annexure 19: DRAFT Waiver of Fees 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:**

Nil

**OFFICER'S REPORT:**

The Waiver of Fees Policy has been developed to guide the General Manager by providing a framework for the consistent and equitable assessment of all requests for the reduction or waiver of Council Fees and Charges for the use of facilities and/or services provided by Council.

**STATUTORY REQUIREMENT:**

Nil

**POLICY/STRATEGIC IMPLICATIONS:**

5.0 Corporate, Governance and Intergovernmental Relations

**RISK/LIABILITY:**

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

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

That Council adopts the Waiver of Fees Policy and allows it to lay on the table for 28 days for public comment.

**DECISION:**

**Item D8: Extraordinary Community Grant Application**

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Vicki Warden, Executive Officer
<b>FILE REFERENCE</b>	FIN/0905
<b>ASSOCIATED PAPERS</b>	<i>Annexure 20: For Elected Members only</i>

**INTRODUCTION:**

Volunteer groups are a vital component of the social fabric that makes up the Furneaux Community. Grants such as these are designed to assist these groups to remain viable and continue to provide services and activities to the broader community.

Regrettably their ability to raise adequate funding from within the community as well as pay for additional capital costs required to undertake their activities is limited and in previous years, the Council has provided the community with the opportunity to request financial assistance for local projects. An extraordinary Community Grant application has been received for a project that will finish before the 2015/16 funding round and is now submitted for consideration.

**PREVIOUS COUNCIL CONSIDERATION:**

At the 16<sup>th</sup> October 2014 the following motion was passed:

***910.10.2014**      **Moved:** Cr R Wise                      **Seconded:** Cr G Willis  
That Council agree to reallocate a maximum of \$6,000 from the Australian Small Islands Forum to Community Grants. That Cr Wise submit an extra ordinary Community Grant application in the coming months outlining the details of the project and proposed expenditure for Council consideration.*

***CARRIED UNANIMOUSLY (6-0)***

***For:** Deputy Mayor David Williams, Cr Marc Cobham, Cr Peter Rhodes, Cr Mary-Anne Roberts, Cr Gerald Willis and Cr Ronald Wise.*

**OFFICER'S REPORT:**

The 2016 ANZAC Centenary Celebration project was presented to Council by Cr Ronald Wise as a Notice of Motion at the 16<sup>th</sup> October 2014 Council Meeting. Council agreed to consider supporting the project if an extraordinary Community Grant application was submitted prior to the commencement of the project. 2015/16 Community Grants have now officially opened and an

application has been received from the R.S.L. Flinders Island Sub-branch in support of this project:

Applicant	The Project	Requested amount
R.S.L. Flinders Island Sub-branch	Travel Assistance for RSL representatives to and from Cape Barren Island (CBI) and members of CBI community to and from Whitemark to participate in ANZAC services in both communities.	\$6,000.00

**STATUTORY REQUIREMENT:**

*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.

4.3 Maintain and develop productive, constructive relationships with the community and organisations involved in delivery of strategic services and activities in the islands

4.3.1 Engage with, as necessary support and integrate into Flinders Council plans key community based service providers.

4.3.1.1 Coordinate advertising and administration of the Community Grants and Gunn Bequest funding program.

**BUDGET AND FINANCIAL IMPLICATIONS:**

Minimal - funds have already been reallocated to the Community Grants budget to cover this grant application, if successful.

**RISK/LIABILITY:**

No foreseen risks

**VOTING REQUIREMENTS:**

Absolute Majority

**OFFICER’S RECOMMENDATION:**

That Council allocate \$6,000 to the R.S.L. Flinders Island Sub-branch in support of the 2016 ANZAC Centenary Celebration project.

**DECISION:**

**Item D9: Proposal for Shared Services with Brighton**

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Sophie Pitchford, Acting General Manager
<b>FILE REFERENCE</b>	ADM/0750
<b>ASSOCIATED PAPERS</b>	<i>Annexure 21: Tasmanian Local Government Common Services Model</i>

**INTRODUCTION:**

Brighton Council has proposed to formalise the current service sharing agreement with Flinders Council via a managed joint venture of Councils.

**PREVIOUS COUNCIL CONSIDERATION:**

12<sup>th</sup> March 2015 Councillor Workshop

**OFFICER'S REPORT:**

Council currently buys in services from Brighton Council which works extremely well as it allows Council to tap into expertise that is not available on the Island.

Brighton would like to formalise this arrangement and develop a Common Services Model to provide maximum cost efficiencies, high quality service and long term sustainability for Council who would like to participate.

The Common Service Model gives small, under resourced Councils the ability to provide a high level of professional services to their ratepayers at an affordable cost. Councils will not lose their autonomy, but rather will have access to all the skills and experience within all the Councils under agreed joint venture arrangements, enabling them to better use their autonomy.

There is no beneficial value to Flinders Council by entering into an agreement with Brighton Council. As part of the Common Services Agreement, a representative from the Council would be required to join a committee which would expose Flinders to an additional financial commitment, due to the cost and time of travelling to Brighton for meetings.

Flinders Council currently buys in services for Asset Management and Rates. Council also has in place an arrangement with West Tamar Council for Planning and Building. All other services are provided for by staff, so there would be no benefit at this stage to enter into an agreement to extend the level of services.

**STATUTORY REQUIREMENT:**

*Local Government Act 1993*

**POLICY/STRATEGIC IMPLICATIONS:**

5.0 Corporate, Governance and Intergovernmental Relations

**BUDGET AND FINANCIAL IMPLICATIONS:**

Entering into an agreement with Brighton Council would expose Flinders to an additional financial commitment, due to the cost and time of travelling to Brighton for committee meetings.

**RISK/LIABILITY:**

Nil

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

That Council instructs the Acting General Manager to thank Brighton Council for the invitation and to advise them that Council will not be entering into a Common Services Joint Venture Model.

**DECISION:**

**Item D10: 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 22: Councillor Resolution Report March 2015</i>

**INTRODUCTION:**

This report identifies the actions taken and actual costs associated with implementing resolutions passed by elected members up to March 2015.

**PREVIOUS COUNCIL CONSIDERATION:**

The report is presented on a monthly basis.

**OFFICER'S REPORT:**

Please read Annexure 22 – Councillor Resolution Report March 2015.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

That the Councillor Resolution Report March 2015 be noted.

**DECISION:**

<b>E. WORKS &amp; SERVICES</b>
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**Item E1: Whitemark Boat Ramp**

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Brian Barnewall, Works & Services Manager
<b>FILE REFERENCE</b>	ASM/0100
<b>ASSOCIATED PAPERS</b>	<i>Nil</i>

**INTRODUCTION:**

Council has an allocation of \$19,720 in the 2014/15 Budget to carry out urgent upgrades to the Whitemark Boat Ramp. Council has an opportunity to match funding from the Marine and Safety Tasmanian Recreational Boating Fund to expand on the project by replacing the old ramp with a new one.

**PREVIOUS COUNCIL CONSIDERATION:**

Nil

**OFFICER'S REPORT:**

Since 1998, Marine and Safety Tasmania has funded projects around the State from the Recreational Boating Fund. MAST annually allocates some \$400,000 from this fund, which is derived from recreational boat registration fees to worthy projects that meet the following objectives:

1. Contribution the project will make to recreational boating in Tasmania, the region and the immediate area.
2. Enhancement of boating safety and enjoyment.
3. Economic viability.
4. Additional funding secured for the project.

The fund is a competitive grant round and competition for funding of projects is often quite strong. Local Government has played a strong partnership role with MAST since 1998 in providing dollar for dollar funding for recreational boating infrastructure development and its ongoing maintenance, management and insurance. The majority of recreational boating facilities throughout the State are owned and maintained by Local Government Authorities.

Replacement of the old boat ramp with a new ramp will cost \$80,000. If an application to the Marine and Safety Tasmania Recreational Boating Fund for the Whitemark Boat Ramp project is successful, Council will be required to allocate \$40,000 matching funds. We envisage that the balance of the 2014/15 budget allocation will be \$15,000 at the end of the financial year, due to the cost of engaging an engineer. Council would need to allocate an additional \$25,000 towards the Whitemark Boat Ramp in the 2015/16 budget.



The new boat ramp will be of precast concrete, which will have a life of between 50 to 70 years. This will mitigate the ongoing cost of repairs and maintenance to the old ramp if Council was just to upgrade it.

With this project MAST and Council jointly fund the infrastructure and Council becomes the “owner” of the infrastructure. Applications for this annual funding round close on 31/3/2015; the applications are assessed by the MAST Board. Successful applicants are notified by end of May 2015 and it is planned that construction would commence in the early part of financial year 2015/2016.

In order to submit an application for funding, Council is required to allocate matching funds. While a supportive decision from Council is all that is required at this stage, it is suggested that these funds not be formally allocated to the project until Council sets its 2015/16 budget.

**STATUTORY REQUIREMENT:**

*Local Government Act 1993*

**POLICY/STRATEGIC IMPLICATIONS:**

2.0 Infrastructure - Efficient and reliable infrastructure that supports and protects production, services and lifestyle.

2.2 Optimise infrastructure to support existing settlements and enhance sustainable development opportunities and remove impediments to growth.

**BUDGET AND FINANCIAL IMPLICATIONS:**

\$25,000 allocation in the 2015/16 financial year, if the application to MAST is successful. Ongoing maintenance and insurance costs.

**RISK/LIABILITY:**

Public infrastructure provision has inherent risk which is managed by Council’s existing risk management processes.

**VOTING REQUIREMENTS:**

Absolute Majority

**OFFICER’S RECOMMENDATION:**

That Flinders Council allocates a maximum of \$25,000 in the 2015/2016 financial year with the addition of the 2014/15 budget allocation as matching funds, if an application to the Marine and Safety Tasmania Recreational Boating Fund for the Whitemark Boat Ramp project is successful.

**DECISION:**

<b>F. CLOSED COUNCIL</b>
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**Item F1: Closed Council Items**

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Sophie Pitchford, Acting General Manager
<b>FILE REFERENCE</b>	WOR/0501
<b>ASSOCIATED PAPERS</b>	<i>Nil</i>

**PREVIOUS COUNCIL CONSIDERATION:**

2014/2015 Budget Workshops  
2014/2015 Budget Estimate  
2014/2015 Annual Plan

**REASON FOR CLOSED COUNCIL:**

Item F1 is **CONFIDENTIAL** in accordance with Section 15(2) (e) of the *Local Government (Meeting Procedures) Regulations 2005*.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER'S RECOMMENDATION:**

That Council move into Closed Council.

**DECISION:**

**Meeting Closed**