



Agenda
Ordinary Council Meeting
22nd October 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 15th day of October 2015.



Raoul Harper
GENERAL MANAGER

FLINDERS COUNCIL ORDINARY MEETING

AGENDA

DATE: Thursday 22nd October 2015
VENUE: Furneaux Arts and Entertainment Centre, Whitemark
COMMENCING: 1.00 pm

PRESENT

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

APOLOGIES

Cr Chris Rhodes

STAFF IN ATTENDANCE

Raoul Harper - General Manager
James Ireland - Consultant Planner (West Tamar Council)
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 24th September 2015 be confirmed.

PUBLIC QUESTION TIME

In accordance with Section 31 (1) of the Local Government (Meeting Procedures) Regulations 2015 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 2015, 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 2015.

LEAVE OF ABSENCE

Nil

PETITIONS

Nil

WORKSHOPS & INFORMATION FORUMS

File No: COU/0205

Council Workshop held on 8th October 2015

Council held a Workshop on the following subjects:

- Item 1 LGAT Policy and Procedure Suite
- Item 2 Drugs & Alcohol Policy
- Item 3 Employee Recruitment Policy
- Item 4 Communication between Councillors and Council Officers Policy
- Item 5 Code of Tender and Contracts Policy
- Item 6 Resource Sharing update
- Item 7 Airport update and staffing discussion
- Item 8 Date Change - November workshop and Council meeting
- Item 9 Whitemark Foreshore erosion area
- Item 10 Six monthly Planning Report to Councillors (discussion deferred)
- Item 11 Values and conduct policy/statement (discussion deferred)

Additional item discussed: Banking

Councillors Present:

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

Staff and Consultants Present:

Raoul Harper (General Manager), Lauren Moraitis (Service Coordinator) (Item 1 only) and Sophie Pitchford (Corporate Services Manager) (Item 5 only).

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

VOTING REQUIREMENTS:

Simple Majority

RECOMMENDATION:

That the Council Workshop held on 8th October 2015 be noted.

DECISION:

PUBLIC MEETINGS

Nil

COUNCILLOR'S QUESTIONS ON NOTICE

Nil

COUNCILLOR'S QUESTIONS WITHOUT NOTICE

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

PUBLICATIONS/REPORTS TABLED FOR COUNCIL INFORMATION

Nil

REPORTS TO BE RECEIVED

General Manager Performance Review Committee

File No: PER/1500

Annexure 1: *General Manager Performance Review Committee 7th October 2015 Confirmed Minutes (For Elected Members Only)*

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

The confirmed minutes of the General Manager Performance Review Committee meeting held 7th October 2015 have been provided for consideration. The minutes outline what the committee has been working on to date and can now be received by Council.

OFFICER'S RECOMMENDATION

That the confirmed minutes of the General Manager Performance Review Committee meeting held 7th October 2015 be accepted.

DECISION:

Furneaux Group Aviation Special Committee

File No: COM/0104

Annexure 2: *Furneaux Group Aviation Special Committee 29th September 2015 Unconfirmed Minutes*

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

The unconfirmed minutes of the Furneaux Group Aviation Special Committee meeting held 29th September 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 Aviation Special Committee meeting held 29th September 2015 be noted.

DECISION:

Furneaux Group Shipping Special Committee

File No: COM/0403

Annexure 3: *Furneaux Group Shipping Special Committee 29th September 2015 Unconfirmed Minutes*

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

The unconfirmed minutes of the Furneaux Group Shipping Special Committee meeting held 29th September 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 29th September 2015 be noted.

DECISION:

Flinders Council Audit Panel

File No:

Annexure 4: *Flinders Council Audit Panel 6th October 2015 Unconfirmed Minutes*

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

The unconfirmed minutes of the Flinders Council Audit Panel meeting held 6th October 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 Flinders Council Audit Panel meeting held 6th October 2015 be noted.

DECISION:

COUNCILLORS' REPORTS

Deputy Mayor's Monthly Report

File No: COU/0600

ACTIVITIES:

DATE	ITEM
16/09/15	Discussion with several community members re island Banking services
17/09/15	Phone call re tourism infrastructure from a community member
17/09/15	Discussion on Badger Corner boat ramp site with a community member
23/09/15	Meeting with Emita Hall Special Committee member
24/09/15	Council Meeting
29/09/15	Furneaux Group Shipping Special Committee meeting
30/09/15	On-site briefing re Quoin tourism development with staff /Councillors
01-02/10/15	Off island
8/10/15	Council workshop
13/10/15	Meeting re island banking services

CORRESPONDENCE OUT:

DATE	WHO	SUBJECT
22/01/15	Mrs P Nugent	Ongoing Telstra issues
11/02/15	TasWater	Rsvp re declining invite

MAYOR'S REPORT:

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

REPORT:

APPOINTMENTS:

17/09/15	Met with Councillors
22/09/15	Flinders Island District High School athletics carnival
24/09/15	Council Meeting
26/09/15	Football – Flinders vs Bridport
29/09/15	Furneaux Group Aviation Special Committee Meeting
29/09/15	General Manager Performance Review Committee met with the General Manager
29/09/15	Furneaux Group Shipping Special Committee Meeting
30/09/15	Organised planning visit to the proposed Quoin Development site
02/10/15	Little Big Islands Art Project pop-up exhibition
07/10/15	General Manager Performance Review Committee Meeting
08/10/15	Council Workshop
12/10/15	General Managers Performance Review Committee Meeting
12/10/15	Furneaux Community Health Special Committee Meeting
12/10/15	Councillors Meeting with local Westpac representatives
15/10/15	Meeting with Telstra representative

Football:

Congratulations to the Flinders Yakkafats on giving the spectators a sound win in the first intrastate match to be held on the island in many years. Commiserations to the Bridport players, and on behalf of the Flinders Community, a huge thank you for taking up the challenge to come to our Island. Thank you Logan and Brett for putting in the hard yards to make it happen and may there be many more matches to follow.

Little Big Islands Art Project:

Congratulations to the organisers for presenting such diverse and interesting art activities during the school holidays. The combination of Flinders Island Aboriginal Association Inc., Scotch College and Council working together enabled a unique and interesting range of art styles to be experienced by the participants. The pop-up exhibition of the art works revealed the wide range of interests of the participants and the resulting large posters will become a community talking point when displayed on the showgrounds fence. Thank you

to all who combined with Council to make this and the other school holiday activities interesting and achievable.

Westpac:

At the time of writing Westpac is advising that the Instore Agency at Whitemark will close in March of 2016 and that a decision will be made by the end of October 2015 as to the future of Westpac Banking Services on the Island. It is my understanding that Westpac is closing all its Instore Agencies Australia wide and under pressure from Council and the Community is considering whether it will continue a service to Flinders other than through the arrangements it has already made with Australia Post. I have been lobbying Westpac for some months, indicating both the need and the opportunities that exist in providing a banking service for a vibrant small remote community.

Councillors have met with the local Instore operators and broadly discussed the situation. Council is adamant that the island needs a face to face banking service to support local business, residents and visitors and encourage investment and will do all that is possible to achieve this end result.

CORRESPONDENCE IN:

DATE	WHO	SUBJECT
16.09.15	K Rowlings	Westpac
15.09.15	Tas Audit Office	Final Management Report – Audit of Financial Report for 2015/16 year
17 & 21.09.15 & 15.10.15	C Agostinelli, Local Government Association of Tasmania (LGAT)	Advice of Planning Workshop on the 28 th November
17 & 18.09.15	P Hodgen, CEO Launceston Airport	Invite to participate in key stakeholder survey
18.09.15	F Madigan, LGAT	Letter to the Editor of the Examiner
18 & 22.09.15	Integrity Commission	Gifts & benefits resources for public authorities
18.09.15	D Le Merchant, Northern Tasmania Development (NTD)	Background information for China Delegation visit to Northern Tasmania
18 & 22.09.15	NTD	2015 Annual General Meeting documentation
18.09.15	J&L Clifford	Information on the closure of Westpac Instore Agencies
20.09.15	V Teichmann	Thank you for acknowledgement of queries
20 & 21.09.15	Spirit of ANZAC Experience	Invitation to the Launch of the Spirit of Anzac Centenary Experience
22.09.15	K Stephenson, LGAT	Education Ambassadors meeting

23.09.15	I Bayly	Advice of making representation to the Quoin Development Application
23.09.15	TasWater	Release of Annual Report 2014-15
25.09.15	Minister for Planning, Peter Gutwein MP	Land Use Planning and Approvals Amendment Bill to Parliament
24.09.15	Department of Infrastructure & Regional Development	State of Regional Australia Report released
28 & 30.09.15	Biosecurity Tasmania	Biosecurity Advisory - myrtle rust & blueberry rust
28.09.15	Tasmania Young Achiever Awards	2015 Launch
28.09.15	Natural Resource Management (NRM) North	Northern exposure – Winter 2014
29.09.15	B Grutzner	Notice of Representation to the Quoin Development Application
30.09.15	Tasmania Police	Invitation to Graduation Ceremony
01.10.15	NRM North	Response re letter published in the Examiner
01.10.15	F Madigan, LGAT	Mayor's professional development day
01.10.15	S McDonald, NBN	Lift off for first NBN satellite
01.10.15	Australian Fire & Emergency Services Authorities Council	AFAC News Sept 2015
01.10.15	Director of Events Tasmania	Tasmanian Government Events Strategy 2015-2020
01.10.15	Biosecurity Tasmania	Our Biosecurity Futures – Plant Biosecurity Forum 2015
02.10.15	Break O'Day Council	Support for Northern Campus of UTAS
03.10.15	D Grutzner	4 th World Homeshare Congress - Preview
05.10.15	O Tilbury, Festival Director	Tasmanian Breath of Fresh Air (BOFA)
05.10.15	TasWater	Tasmanian Water Industry News
06.10.15	Human Rights Week organising team	Invitation to Launch of Human Rights week
06.10.15	Tasmanian Young Achiever Awards	2015/16 Nominations Open
07.10.15	Tasmanian Electoral Commission	Result of Southern Electoral District election for LGAT General Management Committee
07.10.15	N Martin	Ferry and Bass Strait shipping
07.10.15	Her Excellency	Invitation to mark the Official Launch of

	Professor the Honourable Kate Warner, The Governor of Tasmania	Education Ambassadors Tasmania 11/11/15
08.10.15	Flinders Island Show Society	Invitation to Show Day Lunch
09.10.15	Australian Local Government Association (ALGA)	ALGA News
09.10.15	K Hall	Radio for all Australians
09.10.15	B Worsely	Query on 50 year time capsule
13.10.15	The National Australia Day Council & the Tasmanian Government	Invite to the 2016 Tasmanian Australian of the Year Awards presentations on 30/10/15
14.10.15	TasWater	Notice of General Meeting on 12/11/15 & documents

CORRESPONDENCE OUT:

DATE	WHO	SUBJECT
17.09.15	P Hodgen, CEO Stakeholder Survey	Query re extent of stakeholder survey
18.09.15	C Fenner	Thank you for submission on the Draft Strategic Plan
18.09.15	D Droog	Thank you for submission on the Draft Strategic Plan
18.09.15	D Lovegrove	Thank you for submission on the Draft Strategic Plan
18.09.15	K Rowlings, Westpac	Re instore proposed closure
22.09.15	Tourism Operator	Support letter for grant application
22.09.15	NTD	Re Annual Report for 2014/15
28.09.15	I Bayly	Re notification of representation to Development Application
30.09.15	Tasmania Police	Re Attendance at Graduation Ceremony
01.10.15	J McDonnell	Re Hydro Tasmania - King Island Workshop
07.10.15	N Martin	Re ferry and Bass Strait shipping
11.10.15	K Johnston, Mayor Glenorchy Council	Congratulations on election to General Management Committee of LGAT
08.10.11	Flinders Island Show Society	Acceptance of invitation for lunch
09.10.15	C Agnostelli, LGAT	Re Planning Course and possibility of holding one on Flinders

13.10.15	B Worsely	Re Time Capsule and other
13.10.15	V Tiechmann	Re Rates queries

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 – (J. & T. Youl)

File No: DA2015/030

Annexure 5: *Cover and all Sites*

Annexure 6: *Owners house*

Annexure 7: *Bunkhouse refurb*

Annexure 8: *Sheds*

Annexure 9: *Staff Accommodation*

Annexure 10: *Villa 2*

Annexure 11: *Villa 3a + 3b 2xbeds*

Annexure 12: *Villa 4*

Annexure 13: *Villa 5*

Annexure 14: *Villa 6*

Annexure 15: *Villa 7*

Annexure 16: *Wellness centre floor plan*

Annexure 17: *Wellness Centre Elevations*

Annexure 18: *Wellness centre MODEL*

Annexure 19: *Civil & Hydraulic Report*

Annexure 20: *Development application summary sheet*

Annexure 21: *Ecological Assessment*

Annexure 22: *ECOTas Statement*

Annexure 23: *Aboriginal Heritage Assessment*

Annexure 24: *Coastal Vulnerability Assessment*

Annexure 25: *Bushfire Assessment*

Annexure 26: *Development Application Support Report*

Annexure 27: *Quoin Titles*

Annexure 28: *Reps 1-10*

Annexure 29: *Reps 11-20*

Annexure 30: *Reps 21-30*

Annexure 31: *Reps 31-40*

Annexure 32: *Reps 41-50*

Annexure 33: *Reps 51-55*

Item A2: Development Application Report

File No: DSV/0300

Annexure 34: *Planner's Information Report – September 2015*

B. NOTICE OF MOTIONS

Item B1: Notice of Motion from Mayor Carol Cox – Nomination of
Furneaux Group Aviation Special Committee Representative
File No: COM/0104

Item B2: Notice of Motion from Mayor Carol Cox - Shipping Container
Maintenance
File No: COM/0403

C. CORPORATE SERVICES

Item C1: Quarterly Financial Report for July – September 2015
File No: FIN/0100, ADM/0600
Annexure 35: Quarterly Financial Report July– September 2015

D. GOVERNANCE

Item D1: Reschedule November Council Meeting
File No: COU/0203

Item D2: Local Government of Tasmania (LGAT) General Meeting
File No: COU/0303

Item D3: Council's 1st Quarterly Report
File No: COU/0600
Annexure 36: Council's 1st Quarterly Report (July – September 2015)

Item D4: Councillor Resolution Report
File No: COU/0600
Annexure 37: Councillor Resolution Report September 2015

Meeting Closed

A. DEVELOPMENT SERVICES AND PLANNING APPLICATIONS
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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 – (J. & T. Youl)

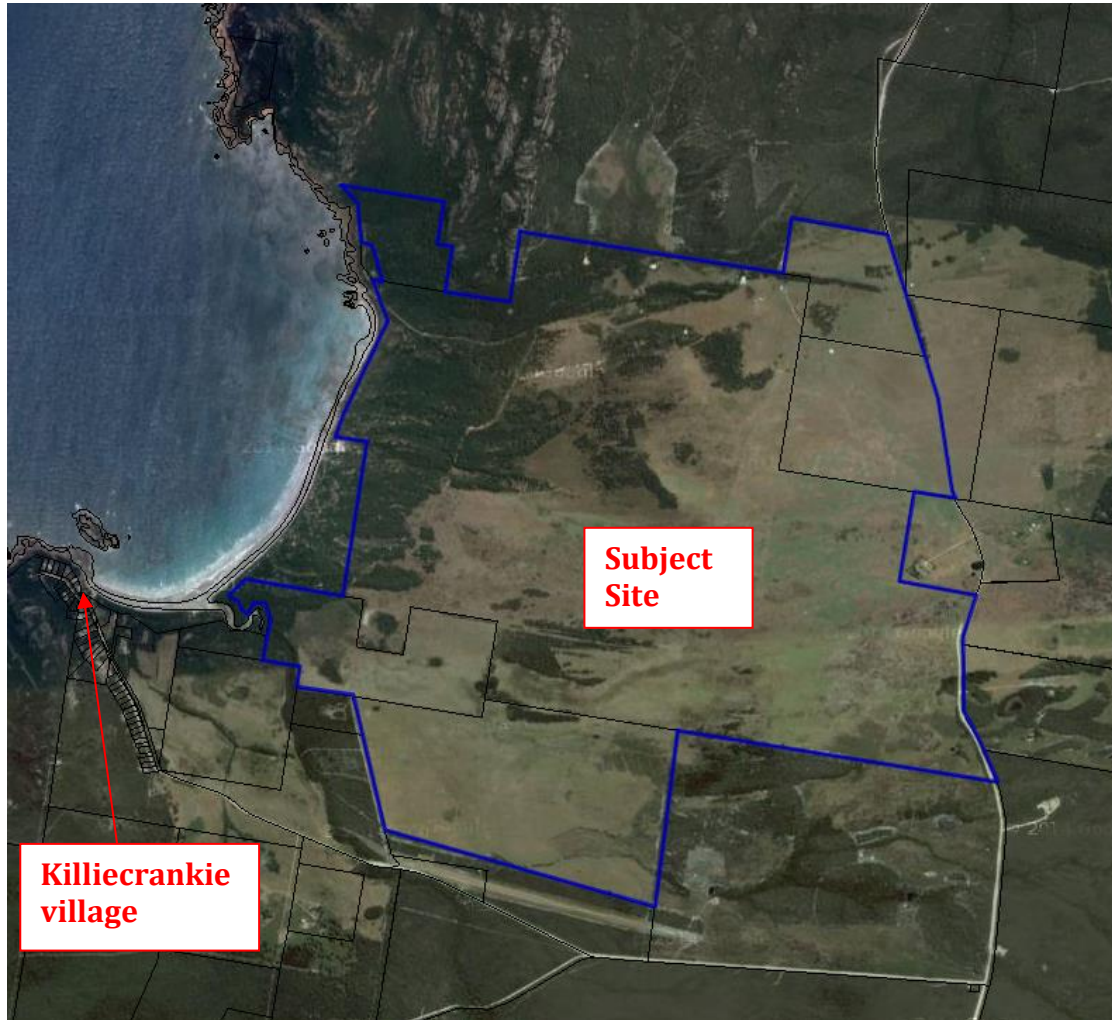
ACTION	Decision
PROPONENT	J. & T. Youl
OFFICER	James Ireland (Consultant Town Planner)
APPROVED BY	Karin Van Straten (Senior Consultant Town Planner)
FILE REFERENCE	DA2015/030
ASSOCIATED PAPERS	<p><i>Annexure 5: Cover and all Sites</i></p> <p><i>Annexure 6: Owners house</i></p> <p><i>Annexure 7: Bunkhouse refurb</i></p> <p><i>Annexure 8: Sheds</i></p> <p><i>Annexure 9: Staff Accommodation</i></p> <p><i>Annexure 10: Villa 2</i></p> <p><i>Annexure 11: Villa 3a + 3b 2xbeds</i></p> <p><i>Annexure 12: Villa 4</i></p> <p><i>Annexure 13: Villa 5</i></p> <p><i>Annexure 14: Villa 6</i></p> <p><i>Annexure 15: Villa 7</i></p> <p><i>Annexure 16: Wellness centre floor plan</i></p> <p><i>Annexure 17: Wellness Centre Elevations</i></p> <p><i>Annexure 18: Wellness centre MODEL</i></p> <p><i>Annexure 19: Civil & Hydraulic Report</i></p> <p><i>Annexure 20: Development application summary sheet</i></p> <p><i>Annexure 21: Ecological Assessment</i></p> <p><i>Annexure 22: ECOtas Statement</i></p> <p><i>Annexure 23: Aboriginal Heritage Assessment</i></p> <p><i>Annexure 24: Coastal Vulnerability Assessment</i></p> <p><i>Annexure 25: Bushfire Assessment</i></p> <p><i>Annexure 26: Development Application Support Report</i></p> <p><i>Annexure 27: Quoin Titles</i></p> <p><i>Annexure 28: Reps 1-10</i></p> <p><i>Annexure 29: Reps 11-20</i></p> <p><i>Annexure 30: Reps 21-30</i></p> <p><i>Annexure 31: Reps 31-40</i></p> <p><i>Annexure 32: Reps 41-50</i></p> <p><i>Annexure 33: Reps 51-55</i></p>

Proposal:	Tourist Operation – 27 Single and 2 double holiday cabins; Wellness Centre with dining Area; Staff Accommodation; Owner’s House; Two Sheds; Passive Recreation (walking tracks) in the Rural Zone and within Visually Sensitive Special Area. Vary Northern boundary setback
Location:	‘Quoin’ 3951 Palana Road and 322 Killiecrankie Road (CT:242997/1, 170037/1-8, 170038/1&2, 30983/1, 116032/2 and 112854/1), Killiecrankie
Applicant:	J. & T. Youl
Zoning:	Rural Zone
Special Areas:	Visually Sensitive Area
Representations:	Forty nine. 20 were in support of and 29 were against the proposal (Note: 54 were initially lodged but five were withdrawn after changes were made to the application and it was re-notified)

INTRODUCTION:

Subject Site

The subject site is the ‘Quoin’ pastoral property which comprises fourteen titles totaling 904 ha of land between the Killiecrankie township, Killiecrankie Bay, Mount Killiecrankie and Palana Road. The land runs down from high points in the north and the centre of the site to sea level at the coastal reserve on Killiecrankie Bay. Killiecrankie Creek runs across the very south western corner of the site. The property is partly pasture and partly vegetated. The current land use is cattle grazing (approx. 200 head) and the property is farmed by the owners who live on property – the house and a number of outbuildings and dams are located in the north east part and accessed from Palana Road. A second access is available over a road reserve from the south (Killiecrankie Road). To the west and north is the Killiecrankie Nature Reserve Area. To the south west and east across Palana Road are more pastoral properties and to the south is the Killiecrankie Airstrip.

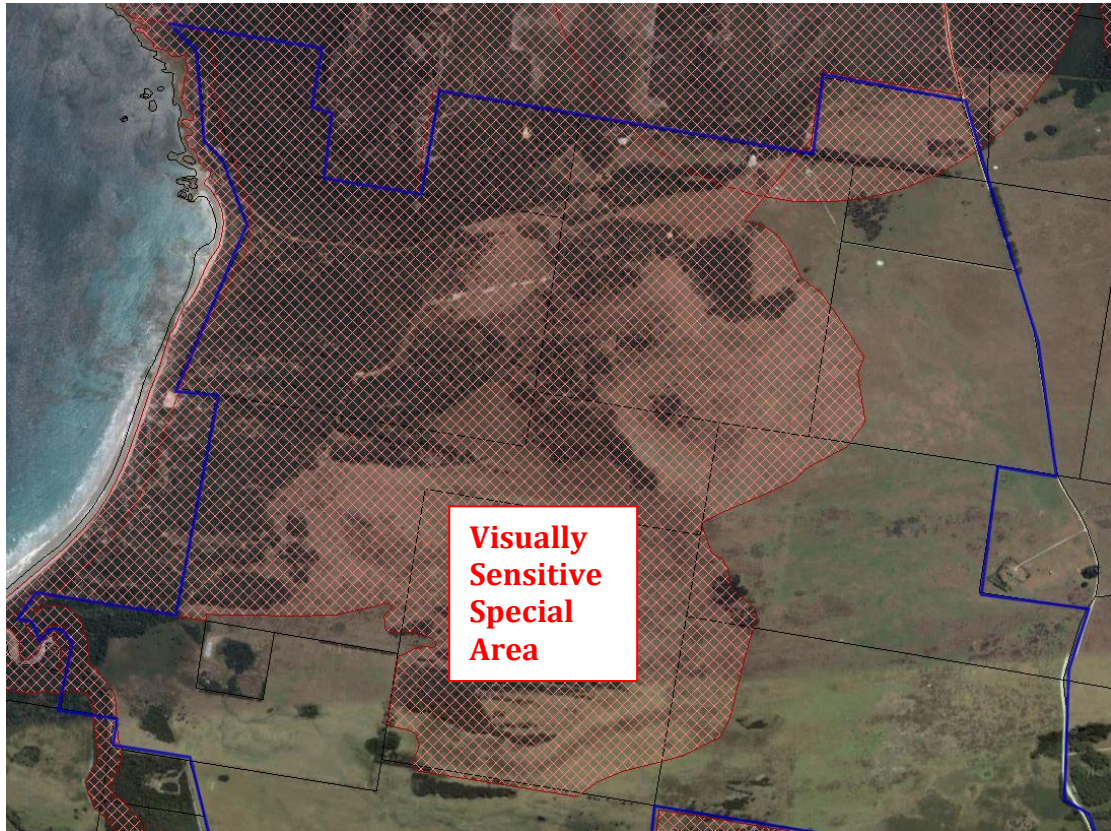


Zoning

The subject property is located within the Rural Zone, pursuant to the *Flinders Planning Scheme 2000* (hereafter, the planning scheme).

Special Areas

A large part of the site is affected by the visually sensitive special area, including the site of most of the proposal (see map below).



Statutory Timeframes

Date Received: 30/7/15
Request for further information: 20/8/15
Information received: 25/8/15
Advertised: 26/8/15
Closing date for representations: 9/9/15
Re-advertised: 16/9/15
Closing date for representations: 30/9/15
Extension of time granted: 9/9/15
Extension of time expires: 22/10/15
Decision due: 22/10/15

OFFICER'S REPORT:

The Proposal

The proposal can be described in three parts based on their location in the western, central and eastern parts of the site:

Western part - the primary location for the tourist operation:

Wellness Centre

The central focus of the proposal is the 479m² central building that will provide reception, dining, lounge and wellness facilities including a spa, sauna, plunge pool and two treatment rooms. There is also change rooms/toilets and back office areas. It is located 60.42m back from the boundary with the coastal reserve, between villa sites four and five (see below). The layout comprises a central skillion roofed, timber clad wedge containing the dining area/bar with two small pods off to each side of it containing the wellness facilities, all oriented towards the ocean view. These are linked by a crescent shaped corridor which runs behind them, with the remaining facilities behind this. A central spine walkway runs perpendicular to the crescent walkway from the entry. The forty space car park is located adjacent to the wellness centre.

The Villas

The 29 villas are arranged in six groups (known as villa sites 2 to 7) of between two and ten on tracks off the main route through the site. They are described in more detail below. Please note: Areas refer to floor area + decking area.

Villa Site 2

Comprises 10 one bedroom one bathroom 68.5m² + 33m² (decking) villas of similar gable roof design. They are raised on stilts to varying heights depending on the topography. The maximum height is 7.99m.

Villa Site 3

Comprises two two bedroom two bathroom villas of different design. The 139m² + 45m² Villa 3a is arranged in a long, low (4.7m high) gabion and timber flat roofed box. The 68m² + 104m² Villa 3b is arranged in a more triangular, Colorbond clad skillion roofed box, 7.12m high.

Villa Site 4

Comprises four one bedroom one bathroom 63m² + 18m² villas of similar design, located to the north of the central building. Skillion roofed Colorbond and timber boxes with a maximum height of 6.32m.

Villa Site 5

Comprises four one bedroom one bathroom 77m² + 36m² villas of similar design, located to the south of the central building and closest to the coast (minimum setback from high water mark 100m and to the property boundary 20.37m). Arranged in a long render and wood clad flat roofed box with ocean views from the living areas.

Villa Site 6

Comprises five one bedroom one bathroom $73\text{m}^2 + 48\text{m}^2$ villas of similar design in the northernmost part of the site set out with greater separation than the other villa sites. Arranged in a wedge open to the view with render, steel and wood cladding. Maximum height 4.73m.

Villa Site 7

Comprises four one bedroom one bathroom $57\text{m}^2 + 10\text{m}^2$ villas of similar design in the most inland villa site. Arranged in long gabion and timber skillion roofed boxes with a maximum height of 6.55m.

Central Part

Comprises an owners' house and two manager's houses along with a maintenance shed. The four bedroom, single storey owners house is located close to the central high point on the site. Its floor area is 326m^2 with 106m^2 of decking arranged as an 'H' shape. The two $161\text{m}^2 + 64\text{m}^2$ three bedroom manager's houses have a similar floor plan. They are single storey with a maximum height of 5.69m.

To the north of these will be a new 624m^2 maintenance shed with a 30.48m by 14.48m enclosed area (height 4.96m) and a 6m deep open area along the long (north) side.

Eastern Part

Comprises the use of the existing house and bunkhouse for staff accommodation and will also involve refurbishment of the bunkhouse, limited to minor external changes, internal re-arrangement and new decking. To the north of these will be a new 109m^2 storage/horse shed with a 12m by 6m enclosed area (height 4.18m) and a 3.075m deep open area along the long (eastern) side.

General

Access and Parking

Primary access is from Killiecrankie Road to the south, over a road reserve 20.12m wide. Secondary access will be via the existing 'Quoin Road' and will serve the continuing farming operation, along with staff movements. The loop created allows better evacuation in a bushfire. In the east and central parts parking will be provided either within or directly adjacent to the buildings. In the main west part, a 40 space car park is provided adjacent to the central building. It is envisaged that guests with cars will park here.

Water and Wastewater

As there is no mains water available, water will be collected from the roofs of the buildings and stored in tanks. The servicing report submitted with the

application outlines how this will operate and concludes that the system will have sufficient capacity, although there is dam water available for emergencies. The proposal will also use on-site waste water treatment. The wellness centre and each villa site will have its own septic tanks and absorption trenches.

Staging

It is understood that it is proposed to stage the development as follows, although this will be subject of a permit condition requiring the submission of a staging plan to the satisfaction of Council:

Stage 1

Bunkhouse refurbishment, construction of the maintenance shed, horse shed and infrastructure works (site works, power, roads, water, sewer).

Stage 2

Construction of 12 villas (all villas at Sites 3 and 6, five of the villas at Site 2).

Stage 3

Wellness Centre

Stage 4

The balance of the proposal either in one complete stage or various separate stages.

Assessment Against the Planning Scheme

The Flinders Island planning scheme is organised into seven parts. Assessment is required under the following parts:

- Part 1 – Scheme Intent (1.3)
- Part 2 – Scheme Intent (2.2)
- Part 3 – Consideration of Applications for Planning Permits (3.10)
- Part 6 – Use and Development Principles
- Part 7 – Special Areas

Parts 1 and 2 – Scheme Intent

This part of the planning scheme only applies: *“where any question arises as to the interpretation or effect of any part of this Scheme the objectives should be referred to in order to provide the basic intent.”*

COMMENT: This assessment of the proposal against the rest of the planning scheme does not raise any questions of interpretation. It is not necessary to apply this clause.

Part 3 – Consideration of Applications for Planning Permits (3.10)

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 provided below. Note that there is no applicable development plan:

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 subject site is characterised in part by '*open farmland*' and in part by '*irregular areas of native vegetation and substantial unspoiled landform*'. Only the horse shed and the change of use of the bunkhouse are within the farmland area and these maintain this character.

The remainder of the site (an area of approximately 125ha) is characterised by '*irregular areas of native vegetation and substantial unspoiled landform*'. Maintaining this character does not require the prohibition of any and all development. It does require that development retains sufficient areas of native vegetation and unspoiled landform to maintain the character. The intent of the development is to capitalise on its natural setting and it therefore minimises the removal of native vegetation. The buildings sit within existing vegetation and are screened by it. Vegetation removal is limited to the proposed roads and parking area and areas slightly larger than the footprints of the villas and their servicing needs. This is possible because an evacuation

rather than building protection approach to bushfire hazard management is proposed, which removes the need for bushfire hazard management areas to be cleared.

In relation to (b), tourist operation is listed as a compatible non-agricultural use that can be accommodated in appropriate circumstances. 'Appropriate circumstances' are not explicitly stated but are related to the impact on agricultural use. In order to use the site of the proposal for agriculture, wholesale clearance of native vegetation would be required. Primarily for environmental reasons, the use of this land for agriculture is not desirable. The proposal accommodates the existing agricultural use on the site whilst using the more sensitive parts of the site in a way that better provides for their environmental protection.

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: Criteria (a) and (d) are not applicable. In relation to (b), and in addition to the discussion under the zone intent section, buildings are a substantial distance from road frontages. The horse shed is the closest at 585m from Palana Road and all other new buildings are more than 1.5km from any road frontage. There is a relatively large number of buildings proposed. Most are located in groups. This minimises the impact by maximizing the area that remains unspoiled whilst maintaining the character by avoiding one large

building or site of buildings. This reflects topographical and operational considerations. The groups are separated from each other by 50 to 100m. Within each group the separation distance varies from 5.8m (villa site 4, four villas) to 75m (villa site 6). Land clearance is required. The intent of the development is to capitalise on its natural setting and it therefore minimises the removal of native vegetation. The buildings sit within existing vegetation and are screened by it. Vegetation removal is limited to the proposed roads and parking area and areas slightly larger than the footprints of the villas and their servicing needs. Building locations (and therefore areas of land clearance) are based on the Ecological Assessment that accompanied the application and are clear of fence lines, property boundaries, watercourses and the property entrances.

In relation to (c) the proposal is environmentally appropriate and is designed to avoid contamination and/or despoliation of the land. All buildings are located 110m or more from a shoreline or watercourse. Many smaller septic tanks serve the proposal, rather than one or two large ones. This maximizes their effectiveness and reduces any impact should there be a failure. Water supply will be via rainwater collection.

5.8.4 Development Standards

- (a) The maximum height of buildings is 8.0 metres unless it can be satisfactorily demonstrated that a higher structure is required for operational, topographic or other justified purposes.*
- (b) Habitable buildings should be sited and designed to achieve the best solar gain or orientation that the site can provide. Where such design or orientation is not feasible other energy efficient practices, such as insulation, heat pumps or double glazing, should be considered.*
- (c) Buildings shall be setback a minimum distance of 20 metres from all boundaries.*
- (d) Regardless of the foregoing minimum setbacks, buildings shall be set back not less than a horizontal distance of 100m from high water mark and 40 m from a perennial watercourse.*
- (e) Council may relax the setback requirement of the above clause pursuant to the provisions of Clause 3.5 of this Scheme and after giving consideration to:*
 - i. The particular size, shape, contours or slope of the land and the adjoining land;*
 - ii. The adjoining land and uses and zones*

- iii. *The position of existing buildings and setbacks in the immediate area;*
 - iv. *Consideration of any representations received as a result of the notification under Section 57 of the Act.*
- (f) *The external walls, roof, paving and other large surface areas of buildings shall be finished with non-reflective materials and colours that harmonise with the natural landscape or shall be substantially screened by landscaping.*
- (g) *A house on any lot which contains only class 4, 5, 6 or 7 land is discretionary and may only be approved if any existing or potential development and use of agricultural land in the vicinity is likely to receive no impact, or only minor impact from the establishment of the residence taking into account:*
- (a) *The topography of the land;*
 - (b) *The location of water catchments;*
 - (c) *The location of neighbouring agricultural pursuits;*
 - (d) *Buffers created by natural features;*
 - (e) *Resource sustainability given the objective of the State Protection of Agricultural Land Policy.*

COMMENT: The proposal complies with (a), (b) and (d).

In relation to (c), the northern most villa (at villa site 6) is setback 12.48m from the northern boundary and the horse shed which is setback 5m from the northern boundary. Therefore criteria (e) applies. In relation to i), both the subject site and the land to the north are large lots. The villa is located on the basis of the site contours, to minimise its visual impact. The horse shed is located on the basis of operational considerations and is in the farm part of the site.

In relation to ii), the adjoining land is the Killiecrankie Nature Recreation Area administered by the Parks and Wildlife Service. It is zoned environmental management and recreation. In relation to iii), there is no pattern of setbacks here. There are no existing buildings at villa site 6. The horse shed is located proximate to the existing dwelling and dressage arena. In relation to iv), no representations raised these setbacks as an issue.

In relation to (f), buildings are finished in non-reflective materials and are substantially screened by existing vegetation. Colours harmonise with the natural landscape and are predominantly natural and dark stained timber, rock gabions, dark grey Colorbond with smaller sections of black and dark grey texture-painted cladding. Glazed areas are predominantly oriented towards the sea and recessed to minimise reflections. A permit condition will require finishes, including glazing, to be non-reflective.

In relation to (g), the lot containing the owner's house is not wholly Class 4, 5, 6 or 7 so this clause does not apply.

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

Not applicable. None were received by Council.

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

The application was initially notified from 26th August to 2nd September 2015. During this period it was discovered that there were discrepancies between the documents notified pursuant to the Act and the electronic copies distributed by Council. To avoid confusion, Council decided to re-notify the application from 16th September to 30th September 2015. The applicant made some minor amendments to the proposal, the main one being reducing the height of the villas at villa site 2. Other matters were clarified regarding planning controls and proposed uses. Representations lodged in either or both notification periods were accepted and considered.

A total of 54 representations were received. Five of these were subsequently withdrawn. Of the remaining 49, 20 were in support and 29 were against.

Representations in support (20):

The following made representations in support:

- Flinders Island Aboriginal Association Inc. (M. Roughey, CEO)
- Jackie Hetzel

- Flinders Island Travel Centre (L. MacGregor)
- Jay Hetzel
- Amy Jones
- R. & M. Walker
- Flinders Island Car Rentals and Flinders Island Quad Bike Tours (J. & R. Nicholls)
- Flinders Island Meat (D. Madden)
- R. Wise
- M. Grimshaw
- Flinders Island Adventures (J. & L/ Luddington)
- D. Newton-Brown
- Tourism Northern Tasmania (J. McKee, Chairman)
- Sawyers Bay Shacks (C. Newton-Brown)
- Tourism Industry Council Tasmania (Luke Martin, CEO)
- Killara Pastoral Co. (A. Anderson)
- D. Lovegrove
- B. Grutzner
- D. & P. Conn
- THP Transport (M. Pitchford)

The key comments provided in support are summarised below:

The application / proposal itself:

- The pre-application briefing and consultation was welcomed and open and honest answers to questions were provided.
- Consultation with the Aboriginal community was welcomed by the Flinders Island Aboriginal Association Inc.
- Exhaustive, professional and transparent application.
- Industry best practice application.
- Shows the applicants' commitment to the island and the community.
- Welcome the application being on private land, not public or Crown land.
- Visually sensitive design
- Little visual impact
- Design merit
- Minimal impact on residents of Killiecrankie
- Alignment with the Nature Based Tourism Market Feasibility Study of 2010
- Consistent with Council's Strategic Plan and current Draft Strategic Plan

General benefits to the island

- Bring more people to our island to enjoy its natural resources
- Employment, especially for young people which will prevent the island becoming a 'retirement home'
- Beneficial economic spin-offs and benefits to local businesses

- Improving the socio-economic development of the island
- Private investment on the island (besides houses) has been minimal – this changes that.
- Each job will support 3-5 people.
- Opportunity for the developer to facilitate future community projects, e.g, walking tracks
- Contributes to a healthy and balanced future for the island

Specific benefits to the island’s tourism industry:

- Tourism the preferred route to economic independence for the island
- Low occupancy rates could be helped by the marketing done by/for this proposal.
- The premium, top of the range tourism offer fills a gap
- Larger tourist operation provides an ‘anchor’
- Not enough coastal tourist accommodation which this will address

Representations opposed (29):

A total of 24 people (or co-signing couples) made representations wholly or partly in opposition to the proposal. Of these 24, five made further or supplementary representations to the second notification period, making a total of 29 representations.

It should be noted that five representations in opposition were withdrawn upon the notification of the amended plans. They are not counted here, pursuant to the Act. One representor made a representation themselves and employed a consultant to make one on their behalf. They are counted together as one.

The following made representations against:

- J. O’Dell
- J. Morton & S. Jane
- R. Hufton
- M. Pearse
- D. Harris
- S. Donati (plus supplementary representation in the second notification period)
- J. Jacques (plus supplementary representation in the second notification period)
- I. James
- B. & H. Ridgeway (part on their own behalf, part by GHD)
- B. Stubbs
- A. Rae
- B. Roberts
- J. Cazaly (plus supplementary representation in the second notification period)

B. Watson (plus supplementary representation in the second notification period)

A. Brown

J. Whinray (plus supplementary representation in the second notification period)

B. & M. Godbehere (plus supplementary representation in the second notification period)

K. Hopkins

I. Bayly

D. Sullivan

S. & D. Godbehere

M. Roberts

P. Carnell

The key issues raised in the representations in opposition are summarised and addressed below:

Insufficient notification and/or consultation

The proposal was notified in accordance with S. 57 of the Land Use Planning and Approvals Act 1993. Council cannot vary this process. Any further consultation whether provided by the applicant or requested by the community is optional and not for consideration here.

Discrepancies and deficiencies in the application material

There were discrepancies between the information in the initial statutory notification and the additional information provided by Council on CD/USB. Most of the representations were made during the first representation period and continue to stand for the second period, when these discrepancies were rectified.

In relation to the amount of information provided, the application contained the information necessary for Council to determine compliance with the planning scheme (pursuant to Clause 3.8 and 3.9). This is ultimately the Council's decision, not the representors'. Additional sight line diagrams, models and montages may have been more helpful. However, it was decided that they were not necessary to assessing the application. The plans and reports provided were sufficient.

Assessment should be made against the 'imminent' interim planning scheme

The interim planning scheme is not the current statutory planning scheme. The current, Flinders Planning Scheme 2000 is the current statutory planning scheme and the proposal can only and must only be assessed against this. Request to delay consideration of the application until such a scheme applies are not possible under the statutory time lines. There is perhaps an unrealistic

expectation of when a new planning scheme will be adopted – the State Government’s most recent estimate is 2017.

Inconsistency with the Planning Scheme

This covers many issues which are addressed throughout this report – its primary purpose is to assess the application against the provisions of the planning scheme.

One issue raised that isn’t addressed elsewhere is the suggestion that the site should be rezoned to a commercial zone before this application is made. Tourist operation is a discretionary use in the rural zone, along with 37 other uses from a house to a hospital. An application for a discretionary use can be approved or refused based on assessment against the planning scheme. On this basis, the rural zone is an appropriate zoning and there is no requirement or need for the land to be rezoned. Furthermore, if it was rezoned, not only could a proposal like this still be approved, but a number of unintended consequences would arise – for example, in the commercial zone, a major shop, office or licensed establishment would *have* to be approved as they are permitted, not discretionary uses in the in the zone.

Inappropriate size / density

There is no explicit control in the planning scheme on the size and/or density of a tourist operation development in the rural zone. Whether the scale and or density are appropriate is an assessment made through the various consideration clauses in the planning scheme, addressed in this report. Some representations raised a three cabin limit on tourist operation uses in the planning scheme. This limit is in the rural residential zone but not in rural zone, in which the subject site is located.

Visual Impact / Impact on views

A comprehensive assessment against the provisions of the visually sensitive special area is made at Part 7 of this report. It is worth noting that there has been some understandable confusion about the location of the wellness centre on the site. In the initial public consultation material provided by the applicant to residents (aside from the planning process itself), the wellness centre was shown on a more prominent high point. On the basis of comments from residents, the planning application was lodged with the wellness centre in a less prominent location. This is the location shown on the application plans.

Environmental Impact, particularly on the dunes erosion etc. hooded plovers. Ecological assessment is flawed and superficial

The Ecological Assessment was submitted with the application and, as it will form part of the permit, all the recommendations it makes must be complied with. The report identified threatened flora and fauna on the site. Recommendations were made for the management of the habitat of the swift

parrot (*eucalyptus globulus*). The hooded plover was identified in the area between the proposal and the coast. Guests walking between the proposal and the beach and disturbing this area was identified as a potentially threatening process to be managed. The report suggested surveys of plovers and people using the route to the beach, signage and the fencing off of discovered nesting sites. In addition to this, it is suggested that access to the beach be restricted to set routes located to avoid nesting areas. This can be ensured via a permit condition.

Impact on neighbouring land as rural retreats

This is taken to be an impact on the amenity enjoyed by residents of the village, which is in the village zone. Amenity impacts include built form impacts such as overshadowing, overlooking and bulk or impacts associated with incompatible uses, such as high levels of traffic, noise or emissions. As the proposal is a minimum of 1.7km from the village, built form impacts cannot be considered to impact on the amenity of its residents. Insofar as visual impact is an amenity impact, it is assessed under Part 7 of this report. The proposal is not a use that is incompatible use with houses in the village. This is primarily due to the distance of the proposal from the village, 1.7km. The traffic generated will have little impact (20-30 vehicles will access the tourist operation, at a point on Killiecrankie Road 1.3km before the village boundary). Noise and other emissions from an eco-oriented, 'wellness retreat' style operation catering for 40-60 guests and 1.7km from the village will be negligible. Whether or not these 40-60 guests choose to walk on the beach is beyond the scope of this report.

Proposal is close to the minimum setback to the shoreline of 100m.

Notwithstanding the proposal is at least 110m from the shoreline, 100m is not the minimum, it is the minimum to not fall within the special area.

Does not comply with planning scheme Schedule 7 Bushfire

This only applies to subdivision and none is proposed. Notwithstanding this, a Bushfire Assessment was submitted with the application and the evacuation approach decided on (in the absence of statutory control in the planning process, this is the applicant's prerogative).

Wastewater and sewerage disposal

As part of the plumbing and special plumbing permit process, the proposal must be able to dispose of wastewater safely and effectively. At planning permit stage, an indication is required that this is possible. The servicing report specifies suggested septic systems that can do so.

Visibility of Water Tanks and Septic Tanks

The proposed water tanks have not been shown on the plans presumably as their location has not yet been finalised. One 23,650 litre tank is required for

most of the villa sites (two for the 10 villas at site 2 and two by 14,100 litre tanks for villa site 6). A 20,000 litre tank is also proposed for each site for firefighting. There is no need or proposal for tanks for the plunge pools. As a guide, a standard 23,650 litre tank has a height of 2.67m and a diameter of 3.67m. Tanks will be considerably lower than the buildings and will be screened by existing vegetation. A permit condition will require that a plan showing the location of the tanks, along with their dimensions and colour is provided to the satisfaction of Council.

Septic tanks are underground, so they won't be visible. Vegetation needs to be cleared to construct absorption trenches. Their dimensions are subject to a special plumbing permit, but as a guide two 1.5m by 20m trenches are suggested in the servicing report for most of the villa sites.

Servicing report shows septic tanks off the subject site.

This is correct, and an error in the report. All parts of the proposal must be within the subject site. Permit conditions 2) and 3) ensure this. Final design of the wastewater system in the special plumbing permit process will have to address this.

Rainwater harvesting is based on assumptions.

As the proposal has not yet been built, this has to be the case. The rainfall assumptions are based on the best available Bureau of Meteorology data.

Staging

Details of the staging were not provided with the application. There is normally no requirement to stage a development. However, as it was described in the application as a staged development and the applicants do intend to stage it, details were requested. Details of the staging now form a permit condition.

Recreation Uses

Passive recreation is proposed. In this application this is limited to the Flinders Trail walking track which already passes through the subject site. Activities such as quad bikes, motorbikes and jet skis are not proposed and do not fit under the passive recreation definition.

Restaurant and bar seem to be the main focus of the wellness centre.

The dining area and bar are an integral and subservient part of the proposed tourist operation use of the site, pursuant to clause 3.7.1 of the planning scheme.

Is it possible to move the wellness centre to be 500m from the coast to reduce its impact?

Council must make a decision on the application before it. Such a change to the proposal would constitute a significant change and would require a new application.

DA implies coastal part of the site is not suitable for farming and therefore has less value.

This is not the intent. The coastal part has a high environmental value and is therefore not being used for farming.

Issue raised that are not planning considerations

No economic case for the proposal. Insufficient market research undertaken.

To obtain a planning permit, an applicant does not have to provide any kind of economic justification or market research in support of an application.

Application being rushed.

There is no requirement for the applicant to proceed at any particular pace provided the statutory process is followed.

The tourist operation or parts of it will be sold off separately from the farm in the future and there will be three operations competing with each other.

The applicant has no intention of doing this. It is technically possible, subject to access. Commercial competition is not a planning consideration.

Use of the Killiecrankie Airfield and related bio-security concerns

How guests arrive on Flinders Island and their adherence to bio-security regulations is not a planning consideration. However, the applicants intend for off-island guests to primarily use Whitemark Airport rather than the Killiecrankie Airfield.

Rural zoned properties are rated at a lower rate than commercial properties so the subject site should be re-zoned to provide an equitable 'rate base versus usage'

The planning scheme determines development potential through zones, use tables and other standards. It is not appropriate for Council to re-zone land on a site by site basis in order to manipulate rates income.

The applicant has disposed of and burnt spoil on neighbouring properties.

Not a planning consideration.

The applicants are reckless and untrustworthy.

Not a planning consideration.

Targeted marketing strategies have not worked on previous island tourism ventures and there seems little evidence that that will change.

Not a planning consideration.

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

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

No mapped landslip or stability issues at the sites of the proposal.

Coastal erosion is addressed in the *Climate Change Impact and Coastal Vulnerability Assessment* submitted with the application. As is best practice, stopping natural coastal erosion is not attempted (regardless, the current coastline is within Crown land). Instead, it is avoided by locating the proposal a minimum of 110m away from high tide, as recommended in the report. Non-coastal erosion (i.e, caused by wind and run-off) will be minimised by the limited areas that will be cleared and will remain uncovered by either buildings or roads. Where land – and particularly dunes – are left uncovered after clearing, new planting will be required by a permit condition to minimise erosion.

(b) *excessive slope;*

Not at the sites of the proposal.

(c) *ponding or flooding;*

None known at the sites of the proposal.

(d) *bush fire hazard;*

The planning scheme only sets standards for bushfire hazard in relation to subdivision applications. Notwithstanding this, there is a bush fire hazard. Elsewhere in Tasmania a hazard is defined as a habitable building within 100m of an area greater than 1ha of bushfire prone vegetation. This is clearly the case for this proposal. A Bushfire Assessment was submitted with the application. It is proposed to evacuate rather than stay and defend. This avoids the need to clear large hazard management areas around each building. Whilst this is technically possible due to the large size of the land, the environmental and visual impact of doing this was considered too great. If an evacuation policy is to work effectively, there must be procedures in place. These will be required by a permit condition.

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

No.

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

The proposal is within the Visually Sensitive Special Area. An assessment against this is provided at Part 7 of this report.

(g) *pollution; and*

None known.

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

None known.

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;*

Existing site features where the proposal is located are limited to the topography, the coastline and vegetation.

(b) *adjoining land;*

The closest adjoining land is the Killiecrankie Nature Recreation Area which lies to the north (Mount Killiecrankie) and west (Killiecrankie Bay). The horse shed is setback 5m from the boundary with this land. It is part of the group of farm buildings and adjacent to a less sensitive and less accessible area of adjoining land. The setback of the northern most villa at site 6 is 12.5m. The villas here are separated more than others (it is 55m to the next closest villa) and are low-slung design, bunkered between dark grey walls, reducing the impact. The impact is further minimised by the topography and vegetation. They are located in the topography to be either not visible (the wellness centre is in a natural depression) or to have a limited visibility (villa site 4) from the beach. The locations have been chosen to utilise the topography and vegetation to minimise the visual impact. The design and finishes of the buildings also contribute to this.

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

Buildings are a substantial distance from road frontages. The horse shed is the closest at 585m from Palana Road and all other new buildings are more than 1.5km from any road frontage.

The landscape is taken as being the site as viewed from adjoining land, including the beach. An assessment of this is made under Part 7 Visually Sensitive Areas of this report.

(d) *the natural environment;*

The natural environment is taken here as the flora and fauna on the site. Other aspects of the natural environment such as landscape views, erosion and pollution are addressed in other more specific sections of this report.

The Ecological Assessment was submitted with the application and, as it will form part of the permit, all the recommendations it makes must be complied with. The report identified threatened flora and fauna on the site. The proposed building areas are located outside areas of threatened flora.

Recommendations were made for the management of the habitat of the swift parrot. The hooded plover was identified in the area between the proposal and the coast. Guests walking between the proposal and the beach and disturbing this area was identified as a potentially threatening process to be managed. The report suggested surveys of plovers and people using the route to the beach, signage and the fencing off of discovered nesting sites. In addition to this, it is suggested that access to the beach be restricted to set routes located to avoid nesting areas. This can be ensured via a permit condition.

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

An Aboriginal Heritage Assessment was submitted with the application. Five Aboriginal sites were located in the Crown land along the coast. None were located on the subject site itself. Access from the subject site to the beach will need to be controlled to avoid these sites. There are no known items of historic or architectural interest on the site. Except for the flora and fauna there are no known items of scientific interest on the site.

(f) buffer zones, attenuation areas

None applicable.

(g) easements;

None applicable.

(h) a water supply for firefighting purposes;

As described in the Bushfire Assessment Report, the intention is to evacuate rather than stay and defend. Notwithstanding this, each villa site group will be provided with a 20,000lt firefighting water tank.

(i) any received pollution;

None known.

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

Stormwater is collected and used.

Wastewater is managed through septic systems whose design and installation will be subject to a special plumbing permit. A number of smaller septic systems serve will the proposal, rather than one or

two large ones. This maximises their effectiveness and reduces any impact should there be a failure.

(k) isolation, separation from other lands.

Please refer to (b).

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;*

The access driveway along the reserved road from Killiecrankie is being improved as part of the proposal. This involves providing an all-weather gravel surface. No improvement needs to be made to any roads, road junctions or water, sewerage, electricity or transportation services. This part of the island is not supplied with water or sewerage infrastructure and the proposal is designed to be self-sufficient. It is therefore concluded that the proposal will be supplied with an adequate level of infrastructure and services.

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

Buildings associated with the tourist operation are located over 1km from any adjacent land. This large setback combined with the low impact nature of the tourism use ensures there will be no adverse effect on use on adjacent land. The Killiecrankie Airfield has low flight numbers and is a sufficient distance from the proposal to have no adverse impact.

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

It is the intent of the proposal to sit within the existing natural vegetation and to minimise removal of it or changes to it. No additional landscaping is proposed. Illumination will be limited to normal indoor lighting and way finding light which will be bollard and/or ground mounted lights. This will be required via a permit condition.

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

The existing 'Quoin Road' access will remain the primary access for the farming operation, with little change to it. The primary access for the tourist operation

will be via an existing access across a reserved road from Killiecrankie Road, to the west of the Killiecrankie Airfield. The planning scheme does not set out sight distances. However, the proposed access meets the requirements for safe intersection site distance, being 175m for an 80km/h vehicle speed (the speed limit on Killiecrankie Road)

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 a modern, energy efficient design. The buildings are oriented north and west to maximize solar gain. All new buildings are required to achieve a six star energy rating by the National Construction Code. Walking is encouraged as a means of transport within the site.

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

Generally this is the role of the National Construction Code and health and safety requirements. The proposal does not pose a risk to the safety or wellbeing of the public.

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

None stated.

In conclusion, the proposal is consistent with the consideration clauses 1-12 under Part 3.10.

Part 6 – Use and Development Principles

This part of the planning scheme provides general principles that development must be consistent with. Some of them are clearly not relevant to this application (for example those concerned with subdivision or quarrying) so these have been omitted for brevity. Furthermore, most have been addressed in more specific parts of this report. They are included here for completeness, but the comment will often refer to the part of the report where they are assessed in detail.

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. For more detail refer to Part 3 assessment.

6.2 Character

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

COMMENT: Complies. For more detail refer to Part 3 assessment.

6.4 Environment

- (a) *Use or development shall not be allowed to detrimentally affect the environment. All areas, and sensitive ecological and/or visual areas in particular, shall be developed in a manner and to an extent which is consistent with the protection of the values of the area.*
- (b) *Use or Development and land management practices shall be directed towards achieving environmental sustainability, biodiversity and ecological balance, and avoiding environmental damage such as soil erosion, coastal dune erosion, loss of important animal and plant species and increases in vermin populations.*
- (c) *Use or Development shall not be located in areas of unacceptable risk (eg. from fire, flood or landslide). In situations where risk may exist, use and development shall be appropriately sited and designed to provide an acceptable level of protection and safety for future users. In particular.*
 - i. *Lands subject to flood risk are those subject to a greater than one in a 100 year flood interval (1% probability), and land, the natural surface level of which is below 3 metres Australian Height Datum (AHD); and*

- ii. *Land which comprises soils of known or suspected instability, has a slope greater than 1 in 4, or is filled or reclaimed land, are deemed to constitute an unstable land hazard; and*
 - iii. *Use and development in bushfire prone areas will comply with the provisions of Schedule 7 Development in Bushfire Prone Areas or some other provisions acceptable to Council and the Tasmania Fire Service.*
- (f) *Use or development shall be of a suitable form and siting to avoid any adverse impact on any watercourse and vice versa. Use or development (including the siting of effluent disposal systems) shall be setback a minimum of 40 metres, or such distance as is required, from a watercourse to avoid degradation of water quality.*

COMMENT: Complies. For more detail refer to Part 3 assessment.

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.*
- (c) *Buildings and spaces intended for public access shall provide for satisfactory use and access by the disabled; the requirements of the Building Regulations in relation to AS1428.1-1988 shall be met.*
- (d) *Road widths shall be appropriate to the road function, expected traffic type and volume, and future subdivision potential of the subject and surrounding land.*
- (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.*
- (k) *New Use or Development in Bushfire Prone Areas will require access that complies with the provisions of Schedule 7, Development in Bushfire Prone Areas.*

COMMENT: Complies. In relation to (b) and (i), at full capacity (bearing in mind target average occupancy is 65%), up to 62 guests would be present and up to 31 vehicles (one vehicle per single villa, two per double). A forty space car park is provided adjacent to the wellness centre, providing sufficient parking. Staff parking and deliveries will be via the Quoin Road (farm) access. The application material states that road access will comply with (d), (h) and (k). Criteria (c) will be subject of the building permit application, but can certainly be accommodated.

6.7 Services

- (a) Use or Development shall be provided with adequate and appropriate services which are suited to the lifestyle requirements of people, the nature of the location, and the ability of the community to provide.*
- (c) In areas not serviced with water use or development shall provide adequate water supply and effluent disposal systems. Each dwelling shall provide a potable water storage facility (minimum capacity of 40kl) to provide for the anticipated number of occupants, and a wastewater disposal system approved by the Council's Environmental Health Officer*
- (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: Complies. For more detail refer to Part 3 assessment.

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: In relation to 1, community interest is difficult to define for the purpose of this principle. As a private investment with undoubted (although not quantified) economic and employment flow-on benefits, the proposal is in the community's interest. On an individual level, by assessing the representations received, there were 29 opposed and 20 in support. Whilst less than the level of opposition, this level of support is unusually high for a planning application.

In relation to 2, the proposal is intended to be located distant from social services. However, services such as health services are clearly vital in emergency situations. The proposal is approximately 40km from Whitemark by road which is considered appropriate.

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: In relation to (b), this is a privately financed undertaking, with no cost to the public, notwithstanding that there is likely to be an economic benefit to the community. In relation to (c), the application was notified under the statutory process. The applicant obtained advice from the Flinders Island Aboriginal Association as part of the application and Council did not require further advice or opinion.

Part 7 Special Area Provisions

7.2 Visually Sensitive Special Area

The objectives of the Visually Significant Areas are:

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

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

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

INTRODUCTORY COMMENTS: The visual impact of the proposal was raised in a number of representations. As the proposal is located in a visually sensitive area, it is one of the key assessment considerations.

A detailed assessment follows. It concentrates on the tourist operation parts of the proposal as the farm parts are not within the special area. The assessment is generally made from the viewpoint of Killiecrankie village, which is from where the largest part of the proposal will be seen, by the most people. Houses in the village enjoy long-range views across the bay to Mount Killiecrankie (the summit is approximately 3.6km distant) from their slightly elevated position (around 30m above sea level). Both the bay and the mountain are Crown land. Almost all the intervening land is the Quoin property (904 ha). The proposal will generally not be seen from the beach (high water mark), with the exception of part of villa site 4 (see below). The impact as viewed from the land to the north is assessed at Part 3, above. Part of this assessment is the visual impact of lighting. Access and way-finding lighting was detailed in Part 3 (low level and bollard lighting) so here the assessment relates to glazed areas of buildings, from which light can be emitted.

ASSESSMENT: In relation to the objectives at Clause 7.2.2, it should be noted that the visually sensitive special area is not a prohibition on all development. Nor does it require that development be completely invisible. Objective (a) is to

retain the natural appearance of each area when development takes place, and objective (b) is to minimise the impact of that development. In relation to (c), the natural vegetation cover is to be retained and restored where possible. Vegetation is only to be removed to accommodate buildings and roads. Clearance for bushfire protection is avoided by the evacuation policy. Vegetation is not to be cleared for any other reason.

The visual impact is able to be minimised because the site is large, undulating and has extensive vegetation cover. The design response has made the most of these opportunities to reduce the prominence of buildings while also proposing building designs that are generally low-slung and recessive, with low heights (all below the 8m height discretion) flat roofs and subdued, natural finishes.

The large site provides the opportunity to locate the buildings a considerable distance from viewing points external to the site so that their visual impact is minimised. All buildings are setback at least 110m from the high tide mark (due to the coastal reserve, this is a setback of at least 20m from the property boundary) and more than 1.7km from the closest house in Killiecrankie village. The large site also allows buildings to be dispersed. The 34 buildings in the special area are dispersed over an area of approx. 100 ha. Separation between villa sites and other buildings is generally greater than 100m and up to 600m.

The undulating site allows buildings to be located in natural depressions and on the 'other' side of high points (as viewed from the village), reducing their prominence. A detailed assessment is made below:

Villa Site 5 is the closest to the beach (110m) and Killiecrankie village (1.7km) and in lower (approx. waist high) dune vegetation. The four villas are separated from each other by 9.3m – 14m and have a bunker-like design, with flat roofs, a short glazed end to the sea and longer, closed dark grey facades to the village. In more detail (villas listed from south to north or closest to furthest from the village):

- 5a is cut into the near (south) slope of a dune 20.5m high (NB: heights and floor levels here are based on the contours on the application documents). Floor level approx. 1m below the top of the dune, overall height 4.1m,
- 5b is on the far (north) side of the same dune. Floor level approx. 1.5m below the top of it, overall height 5.1m,
- 5c is also on the far (north side) of the dune. Floor level approx. 2.5m below the top of it, overall height 4.3m, and
- 5d is set lower again. Floor level approx. 4m below the dune peak, overall height 5.6m.

The wellness centre, which has a finished floor level of 24m above sea level (based on the contours on the application plans) is located with a backdrop of a dune 31m high. The sloping roof of the building is 2.2m to 5.1m higher than the floor level (overall height 7.7m). A slight rise in the dunes on the south side of the building also hides part of it. The orientation of the building is out towards the sea, so the façade facing the village is almost entirely closed, and clad in dark stained timber. The wellness centre is oriented to benefit from views of Killiecrankie Bay and Deal Island. The largest glazed area faces this direction and not towards the village. A sight line diagram provided in the second notification shows that the wellness centre will not be visible from the beach.

Villa Site 4 has four villas arranged one behind the other end to end (as viewed from the village) with floor levels at approx. 33m above sea level. The vegetation is around head height here. Due to this arrangement, the short, 4m high end of villa 4a is visible and the others hiding behind it. They will have a grey Colorbond finish. On site it was possible to see the northern end of Killiecrankie beach from this villa site, so it follows that the villas will be visible from this part of the beach, at least partially.

Villa Site 7 is located over 400m back from the coast. It comprises four villas with pitched roofs. They present closed facades to the village, with rock gabion and timber finishes. The closest villa has a floor level of approx. 55.5m above sea level and height of 5.6m while the three further villas have floor levels of 53-54m and a height of 6.5m.

Villa Sites 2, 3 and 6 are located on the north western corner of the site. They are 2.3km from the village, but closer to the focus of its outlook, Mount Killiecrankie. They are located in taller vegetation which further aids screening. The ten villas at Villa Site 2 are nestled into Diamond Gully and are intended to be 'tree house' style, raised on stilts to varying heights (albeit all below the 8m discretion). This site is perhaps the least visible. They are finished in grey Colorbond and timber.

Villa Sites 3 and 6 can be read as a group. Together they comprise two two bedroom villas (Site 3) and five single bedroom villas (Site 6). They are setback a minimum of 96m from the west side boundary and well separated from each other (25-40m). Villa 3a presents a closed short end and is on the far side of a dune, overall height 4.68m. Villa 3b has a floor level approx. 2m lower than a dune peak, overall height 7.1m. Villas at site 6 are low-slung (4.8m high) and hide behind solid, closed walls.

The two new staff accommodation buildings are 1.1km from the west boundary at a height of approx. 130m and obscured by the 160m hill and tall vegetation. Maximum height is 5.72m with wood finishes.

The maintenance shed is 1.05km from the west boundary at a height of 110m, behind a 120m ridge and obscured by tall vegetation. Height 4.96m with dark Colorbond cladding.

The new owner's house is located on a ridgeline running down to the west from the top of the 160m hill. It is obscured by tall vegetation with a closed south façade clad in wood. Height is 7.7m.

There will be a visual impact during construction as a result of clearing, excavation and fill, although this will be minimal as the design is particularly site responsive. Once buildings are built, they largely cover over these visual impacts. The remaining impact will be from the buildings and the access roads. The access road from Killiecrankie Road runs alongside the farm and will visually read as part of this, away from the coastal vegetation. After the road enters the vegetation, it splits to access the villa sites. These branches are generally oriented east-west. As viewed from the village, vegetation retained on the near side and far side of the roads will effectively hide these sections. Small sections of north-south oriented road serve Villa Site 2, one of the most distant sites and with the tallest vegetation, again minimising the impact.

Power lines will be buried west of the maintenance shed. A permit condition will require this.

No landscaping is proposed, except minor sections to re-vegetate cut areas. The existing vegetation is to be retained outside building and road footprints.

In relation to skylines and ridgelines, due to the shape of the site, they are limited to those on the 160m high hill in the centre of the farm. The only building located here is the owner's house (refer to assessment above).

In conclusion, the proposal is consistent with the consideration clauses of Part 7.

STATUTORY REQUIREMENT:

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

POLICY/STRATEGIC IMPLICATIONS:

In the *Flinders Council Strategic Plan 2015*, Strategic Focus Area 1: Population Growth is most relevant. It is summarised as: "*Focusing on strategies, projects and policy initiatives that support the community, economic development, innovation and investment attraction.*"

COMMENT: The proposal is consistent with this focus area. The proposal is a project initiative that supports the community, economic development, innovation and investment attraction

BUDGET AND FINANCIAL IMPLICATIONS:

Not applicable.

OFFICER'S RECOMMENDATION:

That the application for a Tourist Operation – 27 Single and 2 double holiday cabins; Wellness Centre with dining Area; Staff Accommodation; Owner's House; Two Sheds; Passive Recreation (walking tracks) in the Rural Zone and within Visually Sensitive Special Area **BY J. & T. Youl FOR LAND LOCATED AT 'Quoin' 3951 Palana Road and 322 Killiecrankie Road (CT:242997/1, 170037/1-8, 170038/1&2, 30983/1, 116032/2 and 112854/1), Killiecrankie be APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

ENDORSED PLANS

1. Except as modified by this permit, the use and/or development must be carried out as shown on the following endorsed documents:
 - a. Plans by S Group dated 21/7/15 (Project 14.27),
 - b. Development Application to Support a Tourism Development by Pitt & Sherry dated 29/7/15,
 - c. Bushfire Assessment to Support a Tourism Development by Pitt & Sherry dated 24/7/15,
 - d. Ecological Assessment by ECOtas dated 8/6/15 and supplementary memo re: updated villa locations by ECOtas dated 18/8/15,
 - e. Climate Change Impact and Coastal Vulnerability Assessment by Pitt & Sherry dated 6/7/15,
 - f. Aboriginal Heritage Assessment Final Report by Cultural Heritage Management Australia dated 12/6/15 and
 - g. Development Application Report (site civil & hydraulic infrastructure requirements) by Engineering Edge dated 30/7/15 (Ref: DAR 07915),

to the satisfaction of Council. Any other proposed development and/or use will require a separate application to and assessment by the Council.

APPROVED SITE

2. All works must be located within CT:242997/1, 170037/1-8, 170038/1&2, 30983/1, 116032/2 and 112854/1.
3. Diagram 3 of the Development Application Report (site civil & hydraulic infrastructure requirements) by Engineering Edge dated 30/7/15 (Ref: DAR 07915) must be modified to show the extent of development within the title boundaries.

STAGING PLAN

4. Prior to the commencement of works, a staging plan must be submitted for and approved by the General Manager. Once approved, the Staging Plan

will form part of this approval. The staging plan must address how the site will be managed for active workings and rehabilitation of previous stages.

5. The staging plan can be varied with the approval of the General Manager.

BUSHFIRE EVACUATION PLAN

6. Prior to the occupation of the villas a bushfire evacuation plan must be submitted for approval by the General Manager. Once approved, the plan will be endorsed to form part of the planning permit. The plan must include at least the following:
 - a) Sources of bushfire information,
 - b) Standard procedures in response to threat levels,
 - c) Location of safe areas,
 - d) Details of firefighting equipment on site and training in its use.
 - e) Standards of repair and maintenance of evacuation routes,
 - f) Requirements for staff training, and
 - g) Requirements of guest induction.

SOIL AND WATER MANAGEMENT CONTROL PLAN

7. Prior to the commencement of the works, a site management plan must be submitted detailing how soil (including sand) and water is to be managed on the site during the construction process to prevent the escape of soil and sediments beyond site boundaries. This plan must clearly set out the property owner's obligations for erection, inspection and maintenance of all control measures approved. The management plan must include the following:
 - a) Date and author
 - b) Property boundaries, location of adjoining roads, impervious surfaces, underground services and existing drainage , contours, approximate grades of slope, directions of fall, north point and scale.
 - c) General soil description.
 - d) Location and types of all existing natural vegetation, location and amount of the proposed ground disturbance, the limit of clearing, grading and filling and the proposed location of soil, sand, topsoil and other material stockpiles.
 - e) Critical natural areas such as drainage lines, cliffs, wetlands and unstable ground.
 - f) Initial and final contours, location of watercourses, surface drainage and existing stormwater infrastructure.
 - g) Location of all proposed temporary drainage control measures.
 - h) Location of vegetation to be retained and removed.
 - i) Location of stabilised site access.
 - j) Location and details of all proposed erosion control measures.

- k) Location and details of all proposed sediment control measures.
- l) A statement of who is responsible for establishing and maintaining erosion and sediment control measures.
- m) The estimated dates for the start and finish of the works – including the installation sequence of the different erosion and sediment controls
- n) Site rehabilitation or re-vegetation/landscaping program
- o) Programme for the erosion and sediment controls; this must include a weekly inspection as well as before and after every rain event.

Works must not commence prior to the approval of the Soil and Water Management Plan by the General Manager. The Plan must be implemented and maintained **during construction** to ensure that soil erosion is appropriately managed. A copy of the approved Soil and Water Management Plan must be on the site at all times. All on ground workers must be aware of and understand the plan. The Plan must be implemented and maintained during construction to ensure that soil erosion is appropriately managed.

WATER TANKS

- 8. Prior to the installation of any water tanks west of the maintenance shed, a plan showing the location, dimensions and colour of the tanks and the route of all piping is to be submitted for approval by the General Manager. Once approved, the plan will be endorsed to form part of the planning permit.

EXTERIOR LIGHTING

- 9. Prior to the occupation of the villas, a plan showing proposed exterior lighting must be submitted for approval by the General Manager. Lights are to be mounted lower than 1m above ground level and directed below this height.

SCHEDULE OF MATERIALS/COLOURS

- 10. Prior to the commencement of the works for each stage, a sample and schedule of external building materials, finishes and colours, including details of cladding and roofing materials, must be submitted for approval by the General Manager. All glass in new buildings is to be non-reflective. Once approved, the schedule will be endorsed to form part of the planning permit.

UNDERGROUND POWERLINES

- 11. All power lines located to the west of the maintenance shed must be buried below ground.

BEACH ACCESS

- 12. Prior to the occupation of the villas, a plan showing proposed access tracks from the subject site to Killiecrankie beach must be submitted for approval by the General Manager. The plan should have no more than four access tracks from the subject site to Killiecrankie beach. They must be located to

avoid any nesting sites of the hooded plover and provided with clear directional signage. Once approved, the schedule will be endorsed to form part of the planning permit.

Notes:

1. This permit was issued based on the proposal documents submitted for (DA2015/030). You should contact Council with any other use or developments, as they may require the separate approval of Council.
2. Council will undertake periodic reviews of approved developments to ensure compliance with Planning Permit conditions.
3. This permit is granted pursuant to the *Land Use Planning and Approvals Act 1993* and does not constitute any other approval required under any other Act or Regulation.
4. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced.
5. Where any other approvals under this Act or any other Act are required for the proposed use or development to which this permit relates, the permit does not take effect until those approvals have been granted.
6. This permit takes effect 14 days after the date of Council's notice of determination or at such time as any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined. If an applicant is the only person with a right of appeal pursuant to section 61 of the *Land Use Planning and Approvals Act 1993* and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing. A copy of Council's Notice to Waive Right of Appeal is attached.

DECISION:

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

Item A2: Development Application Report

ACTION	Information
PROPONENT	Council Officer
OFFICER	Development Services Coordinator
FILE REFERENCE	DSV/0300
ASSOCIATED PAPERS	<i>Annexure 34: Planner's Information Report - September 2015</i>

INTRODUCTION:

The purpose of this report is to provide Councillors with an update of the applications which have been dealt with by the Planning Department for the month of September as per the Council motion 249.09.2015, passed at the 24th September 2015 Council Meeting.

Council has requested that the planning consultancy service (West Tamar Council) provide this detail to Council on a monthly basis.

PREVIOUS COUNCIL CONSIDERATION:

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

OFFICER'S REPORT:

Refer to Annexure 34 - Planner's Information Report - September 2015, provided by West Tamar Council.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That the report be received.

DECISION:

That Council receives the Development Application Report for September 2015.

B. NOTICE OF MOTIONS

Item B1: Notice of Motion from Mayor Carol Cox – Nomination of Furneaux Group Aviation Special Committee Representative

ACTION	Decision
PROPONENT	Mayor Carol Cox (Chair of the Furneaux Group Aviation Special Committee)
OFFICER	Raoul Harper, General Manager
FILE REFERENCE	COM/0104
ASSOCIATED PAPERS	<i>Nil</i>

NOTICE OF MOTION:

That Mr Peter Barron be appointed forthwith as the Charter Aircraft Representative on the Furneaux Group Aviation Special Committee of Flinders Council.

COUNCILLOR'S REPORT:

On the 6th July 2015, Mr Gordon Rorison tendered his resignation from the position as the Charter Aircraft Representative on the Furneaux Group Aviation Special Committee.

On the 13th and 27th August 2015 the vacant position was advertised in Island News. One expression of interest for the position was received, that of Mr Peter Barron, which was presented to committee members for consideration at the 29th September meeting of the Committee where it was approved. It is hence recommended to Council, that Peter Barron be appointed to the Furneaux Group Aviation Special Committee.

PREVIOUS COUNCIL CONSIDERATION:

10th April 2014

OFFICER'S REPORT:

The motion is supported.

STATUTORY REQUIREMENTS:

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS:

4. Strategic, Efficient and Effective Organisation - Responding to risks and opportunities.

BUDGET AND FINANCIAL IMPLICATIONS:

Nil

RISK/LIABILITY:

Nil

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That Mr Peter Barron be appointed forthwith as the Charter Aircraft Representative on the Furneaux Group Aviation Special Committee of Flinders Council.

DECISION:

Item B2: Notice of Motion from Mayor Carol Cox - Shipping Container Maintenance

ACTION	Decision
PROPONENT	Mayor Carol Cox (Chair of the Furneaux Group Shipping Special Committee)
OFFICER	Raoul Harper, General Manager
FILE REFERENCE	COM/0403
ASSOCIATED PAPERS	<i>Nil</i>

NOTICE OF MOTION:

That Council note the motion passed at the 29th September 2015 Furneaux Group Shipping Special Committee meeting and resolve to undertake the following:

That Council engage a container repairer to assess the current state of Council's four refrigerated shipping containers and provide Council with a list of prioritised repairs and a cost estimate to consider.

COUNCILLOR'S REPORT:

At the 29th September 2015 Furneaux Group Shipping Special Committee meeting the following motion was passed:

Moved: Cr P Rhodes

Seconded: S Woods

That Council engage a container repairer to assess the current state of the four containers and provide Council with a list of prioritised repairs and a cost estimate to consider.

CARRIED

The four refrigerated shipping containers were purchased new for the community from the unexpended State Government Furneaux Shipping Contingency Fund in 2011 to mitigate the health and food quality issues that occurred with the transport of frozen and chilled goods in the old containers. The containers are owned by Council and used by Furneaux Freight for the purpose of moving chilled and frozen goods in a safe manner to and from the islands.

The four year old containers have sustained damage during transit operations and are now in poor condition. The rubber seals are starting to leak and the insulation is visible. The refrigeration systems are also overdue for a service. Once moisture is absorbed by the exposed insulation they will fail. There is potential risk in relation to food safety if action is not taken to fix the containers. These containers now need an assessment completed as to their serviceability and safety. Expectations are that they will require a major overhaul if they are to remain in service. This cost will be borne by the community via Council.

It is recommended that Council engage a container repairer to assess the current state of the four containers and provide Council with a prioritised schedule of works required and a cost estimate to return them to a serviceable condition. Once the estimate and schedule is provided to Council for consideration, a decision on whether to fund the maintenance will need to be made.

PREVIOUS COUNCIL CONSIDERATION:

785.04.2014 April 2014

OFFICER'S REPORTS:

The shipping containers require maintenance to the refrigeration units and at least two require physical repairs. The physical repairs required are a direct result of damage caused in their handling and movement.

Council ownership of these containers has been problematic on many levels. Council is exposed to insurance, annual maintenance, repair and electricity costs. The shipping company has clearly outlined over the period of ownership that they have no desire to enter into a formal lease agreement. With this in mind, Council engaging a container repairer to assess the current state of the four containers and provide Council with a prioritised schedule of works required and a cost estimate to return them to a serviceable condition is a reasonable directive. Once the estimate and schedule is provided to Council for consideration, a decision on whether to fund the maintenance will then need to be made. From an Officer perspective, any decision to expend funds on maintenance should also consider if the shipping service provider is willing to enter into a formal agreement for their use and maintenance.

STATUTORY REQUIREMENTS:

Nil

POLICY/STRATEGIC IMPLICATIONS:

3.0 Access and Connectivity - Work with service providers and other relevant stakeholders to improve security, reliability and cost effectiveness.

BUDGET AND FINANCIAL IMPLICATIONS:

Unknown at this stage

RISK/LIABILITY:

High

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That Council note the motion passed at the 29th September 2015 Furneaux Group Shipping Special Committee meeting and resolve to undertake the following:

That Council engage a container repairer to assess the current state of Council's four refrigerated shipping containers and provide Council with a list of prioritised repairs and a cost estimate to consider.

DECISION:

C. CORPORATE SERVICES

Item C1: Quarterly Financial Report for July – September 2015

ACTION	Information
PROPONENT	Corporate Services Manager
OFFICER	Sophie Pitchford
FILE REFERENCE	FIN/0100, ADM/0600
ASSOCIATED PAPERS	<i>Annexure 35: Quarterly Financial Report July- September 2015</i>

INTRODUCTION:

Presented to Council is the first Quarterly Financial Report for the period commencing 1st July 2015 and ending 30th September 2015.

PREVIOUS COUNCIL CONSIDERATION:

Council considers the Quarterly Financial Report on a quarterly basis.

OFFICER'S REPORT:

The report structure provides a summary of income and expenditure for the first quarter across all departmental divisions as individual finance reports. The Statement of Comprehensive Income includes actuals from the previous financial year, for comparison against current actuals, as well as the 2015/16 Annual Budget.

The Capital Works Report highlights each project and the expenditure incurred to date.

STATUTORY REQUIREMENT:

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS:

4. Strategic, Efficient and Effective Organisation - Responding to risks and opportunities.

BUDGET AND FINANCIAL IMPLICATIONS:

Annual Plan – all areas

RISK/LIABILITY:

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

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That the Quarterly Financial Report for the period commencing 1st July 2015 and ending 30th September 2015 be received and accepted.

DECISION:

D. GOVERNANCE

Item D1: Reschedule November Council Meeting

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

INTRODUCTION:

The Mayor and General Manager have been invited to attend the Connect 2015 Conference on King Island on 18th and 19th November therefore Council is requested to consider rescheduling the November 2015 Council Meeting.

PREVIOUS COUNCIL CONSIDERATION:

932.11.2014 13th November 2015

OFFICER'S REPORT:

The 2015 Council Meeting schedule was endorsed by Council at the 13th November 2014 Ordinary Meeting of Council. The November meeting was scheduled for the 19th.

The Connect 2015 (Isolated Power Grid) conference hosted by Hydro Tas is being held on King Island on 18th and 19th November. The Mayor and General Manager have been invited to attend. Hydro Tas intends to hold the Connect 2016 Conference on Flinders to launch the new renewable energy power system. This would be a fairly big event for Flinders and Hydro has requested Council assist with staff time in 2016 and attendance at this year's conference to get a clear idea of what will be needed next year.

Given the Mayor and General Manager's attendance at the conference, Council is requested to consider rescheduling the Council Meeting to Tuesday the 24th of November.

STATUTORY REQUIREMENT:

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS:

4. Strategic, Efficient and Effective Organisation - Responding to risks and opportunities.

4.3 Ensure Council meets its statutory obligations and manages corporate and community risk.

BUDGET AND FINANCIAL IMPLICATIONS:

Re-advertising costs will be incurred. These costs will be borne within the existing and approved operational budget.

RISK/LIABILITY:

No risk associated with this decision.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That Council resolves to reschedule the November Council Meeting from Thursday 19th to Tuesday the 24th of November.

DECISION:

Item D2: Local Government of Tasmania (LGAT) General Meeting

ACTION	Information
PROPONENT	Council Officer
OFFICER	Raoul Harper, General manager
FILE REFERENCE	COU/0303
ASSOCIATED PAPERS	<i>Nil</i>

INTRODUCTION:

The LGAT General Meeting will be held on the 29th October 2015. The meeting Agenda and attachments will be available on the LGAT website after the 15th October at <http://www.lgat.tas.gov.au/page.aspx?u=725#e951>.

PREVIOUS COUNCIL CONSIDERATION:

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

OFFICER'S REPORT:

A number of motions will be included in the LGAT General Meeting Agenda. Council provides direction to the Mayor in relation to voting. The LGAT General Meeting Agenda will not be released until after Council's Ordinary Meeting Agenda is published, but can be accessed at the LGAT website.

STATUTORY REQUIREMENT:

Nil

POLICY/STRATEGIC IMPLICATIONS:

4. Strategic, Efficient and Effective Organisation - Responding to risks and opportunities.

4.1 Remain actively engaged with internal and external stakeholders providing regional leadership.

BUDGET AND FINANCIAL IMPLICATIONS:

No known budget implications at this time.

RISK/LIABILITY:

Minimal

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

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

DECISION:

Item D3: Council's 1st Quarterly Report

ACTION	Information
PROPONENT	Council Officer
OFFICER	Raoul Harper, General Manager
FILE REFERENCE	COU/0600
ASSOCIATED PAPERS	<i>Annexure 36: Council's 1st Quarterly Report (July - September 2015)</i>

INTRODUCTION:

The purpose of this report is to provide Councillors with an update of the work undertaken by Council staff in relation to agreed actions contained within the Flinders Council Annual Plan 2015/2016 during the first quarter of the current financial year.

PREVIOUS COUNCIL CONSIDERATION:

Previously provided as a departmental monthly report then departmental quarterly reports.

OFFICER'S REPORT:

Please read Annexure 36 – Council's 1st Quarterly Report (July – September 2015).

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That the Council's 1st Quarterly Report (July – September 2015) be received and accepted by Council.

Item D4: Councillor Resolution Report

ACTION	Information
PROPONENT	Council Officer
OFFICER	Raoul Harper, General Manager
FILE REFERENCE	COU/0600
ASSOCIATED PAPERS	<i>Annexure 37: Councillor Resolution Report September 2015</i>

INTRODUCTION:

Council sets an Annual Plan that informs the work plans and actions of staff and the associated budget allocations required to deliver on these. This report identifies decisions made by elected members up to September 2015 that are not included in the current Annual Plan 2015/2016.

PREVIOUS COUNCIL CONSIDERATION:

The report is presented on a monthly basis.

OFFICER'S REPORT:

Please read Annexure 37 – Councillor Resolution Report September 2015.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That the Councillor Resolution Report September 2015 be noted.

DECISION:

Meeting Closed