



Agenda
Ordinary Council Meeting
24th November 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 19th day of November 2015.



Raoul Harper
GENERAL MANAGER

FLINDERS COUNCIL ORDINARY MEETING

AGENDA

DATE: Tuesday 24th November 2015
VENUE: Flinders Art and Entertainment Centre, Whitemark
COMMENCING: 1.00 pm

PRESENT

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

APOLOGIES

Nil

STAFF IN ATTENDANCE

Raoul Harper - General Manager
Sophie Pitchford - Corporate services Manager
Lauren Moraitis - Services Coordinator
Vicki Warden - Executive Officer

CONFIRMATION OF MINUTES

That the Minutes from the Ordinary Council Meeting held on the 22nd October 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 11th November 2015

Council held a Workshop on the following subjects:

- Item 1: Flinders and West Tamar Council - Permit Authority Role
- Item 2: Code of Tender and Contracts Policy
- Item 3: Investment Policy Review
- Item 4: Banking
- Item 5: Update on Runway Developments
- Item 6: Flinders Island Meat
- Item 7: Update on Telecommunications projects
- Item 8: Foreshore BBQ area
- Item 9: Proposal to Rename a Beach
- Item 10: Intrastate Vehicle Shipping Assistance Subsidy (for residents)
- Item 11: Policies
- Item 12: Furneaux Festival – January

Councillors Present:

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

Apologies:

Cr David Williams

Staff and Consultants Present:

Sophie Pitchford	Acting General Manager
Jacci Viney	Development Services Coordinator (Item 1 only)
Rolf Voss	Development Services Manager, West Tamar Council (Item 1 only) (via phone)
Lauren Moraitis	Services Coordinator (Item 1 only)
Brian Barnewall	Works & Services Manager (Item 5 only)
Ben Foot	Airport Operations Officer (Item 5 only)
Peter Harris	Telstra (Item 7 only)
Ramesh Perera	Telstra (Item 7 only)
Rodney Rochford	Telstra (Item 7 only)
Senior Sergeant Russell Judges	Tasmania Police (Item 8 only)
Andrew Killengray	Community Development Officer (Item 12 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 11th November 2015 be noted.

DECISION:

PUBLIC MEETINGS

Nil

COUNCILLOR'S QUESTIONS ON NOTICE

Question 1: Cr Gerald Willis

I ask, given the increasing motor vehicle traffic along Logan Lagoon Road by community members engaged in fishing, surfing or simply sightseeing activities, whether a culvert can be installed in the area where the road is located between Logan Lagoon and an adjacent farm to reduce the risk of flooding and hence reduce the risk of vehicles becoming bogged.

Response from General Manager

Council maintains Logan Lagoon to the point where the gravel road surface ceases (near the hay shed). The track from that point on is Crown land and as such is the responsibility of the Parks and Wildlife Service to manage and maintain. The area in question is on Crown land and as such any improvements desired in this area should be directed to the local ranger. No formal position exists directing Council staff to engage with the Parks and Wildlife Service to seek improvements to this track. No budget allocation is in place to purchase a culvert for the site proposed.

Question 2: Cr Gerald Willis

I ask, given the increasing motor vehicle traffic along Logan Lagoon Road by community members engaged in fishing, surfing or simply sightseeing activities, whether improvements to the road can be made to reduce the risk of becoming bogged in the sand in some areas where the road is situated between the lagoon and the coast.

Response from General Manager

Council maintains Logan Lagoon to the point where the gravel road surface ceases (near the hay shed). The track from that point on is Crown land and as such is the responsibility of the Parks and Wildlife Service to maintain. Many in the Community value the track to the coast in the Logan Lagoon area and it is a key fire break track highlighted in the Furneaux Islands Fire Management Plan. The area of track in question is on Crown land and as such any improvements in this area should be directed to the local ranger. No formal position exists in relation to Council seeking transfer of this track into Council ownership and no budget allocation is in place for its maintenance or upgrade at this time.

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

Furneaux Community Health Special Committee

File No: CSV/0912

Annexure 1: *Furneaux Community Health Special Committee 12th August 2015 Confirmed Minutes*

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

The confirmed minutes of the Furneaux Community Health Special Committee meeting held on Wednesday 12th August 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 Furneaux Community Health Special Committee meeting held on Wednesday 12th August 2015 be accepted.

DECISION:

Furneaux Community Health Special Committee

File No: CSV/0912

Annexure 2: *Furneaux Community Health Special Committee 13th October 2015 Unconfirmed Minutes*

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

The unconfirmed minutes of the Furneaux Community Health Special Committee meeting held on Tuesday 13th 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 Furneaux Community Health Special Committee meeting held on Tuesday 13th October 2015 be noted.

DECISION:

Furneaux (Emita) Hall Special Committee

File No: AME/0502

Annexure 3: *Furneaux (Emita) Hall Special Committee 19th October 2015
Confirmed Minutes*

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

The confirmed minutes of the Furneaux (Emita) Special Committee meeting held on Thursday 19th 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 Furneaux (Emita) Special Committee meeting held on Thursday 19th October 2015 be accepted.

DECISION:

Furneaux (Emita) Hall Special Committee

File No: AME/0502

Annexure 4: *Furneaux (Emita) Hall Special Committee 9th November 2015
Unconfirmed Minutes*

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

The unconfirmed minutes of the Furneaux (Emita) Special Committee meeting held on Thursday 9th November 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 (Emita) Special Committee meeting held on Thursday 9th November 2015 be noted.

DECISION:

General Manager's Performance Review Committee

File No: PER/1500

Annexure 5: *General Manager's Performance Review Committee 13th October 2015 Unconfirmed Minutes (For Elected Members only)*

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

The unconfirmed minutes of the General Manager's Performance Review Committee meeting held Tuesday 13th 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 General Manager's Performance Review Committee meeting held Tuesday 13th October 2015 be noted.

DECISION:

COUNCILLORS' REPORTS

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

File No: COU/0312

CORRESPONDENCE IN:

DATE	WHO	SUBJECT
13/10/15	Ailsa Sypkes, General Manager Legal and Governance	Email advising that there will be a meeting of the Board Selection Committee at 9:00 am on Friday 13 November 2015 at 41 Frankland Street, Launceston.
14/10/15	Ailsa Sypkes, General Manager Legal and Governance	Email with: - Notice of General Meeting (to be held at 10.30 am on Thursday 12 November 2015 at Windsor Community Precinct, Riverside), agenda and proxy form; and - Notice of a meeting of the Board Selection Committee at 2:30 pm on Thursday 12 November 2015 at 41 Frankland Street, Launceston.
20/10/15	Ailsa Sypkes, General Manager Legal and Governance	Email with: - Notice of General Meeting (to be held at 10.30 am on Thursday 12 November 2015 at Windsor Community Precinct, Riverside), agenda and proxy form; and - Papers for the meeting.
27/10/15	Ailsa Sypkes, General Manager Legal and Governance	Email requesting advice on delivery address for applications for director positions.
27/10/15	Ailsa Sypkes, General Manager Legal and Governance	Email with the Quarterly Report to 30 September 2015 attached.
3/11/15	Kimbra Constantine, Executive Assistant to General Manager Legal and Governance	Email advising that a quarterly briefing for northern shareholders will be held Wednesday 3 February 2016 from 2:00 pm to 4:00 pm at West Tamar Room, Charles Street, Launceston.
3/11/15	Kimbra Constantine, Executive Assistant to General Manager	Email advising that a quarterly briefing for northern shareholders will be held Thursday 11 August 2016 from 2:00 pm

	Legal and Governance	to 4:00 pm at West Tamar Room, Charles Street, Launceston.
6/11/15	Ailsa Sypkes, General Manager Legal and Governance	Email advising that there will be a meeting of the Board Selection Committee at 12 noon on Monday 23 November 2015 at Clarence Council offices, Hobart.
9/11/15	Ailsa Sypkes, General Manager Legal and Governance	Email with attached draft minutes of the Board Selection Committee meeting held Friday 6 November 2015 which included notice that the next meeting of the committee will be on Thursday 12 November 2015 at 41 Frankland Street, Launceston.
10/11/15	Ailsa Sypkes, General Manager Legal and Governance,	Email with: <ul style="list-style-type: none"> - Schedule of interviews of candidates for director positions; and - A list of interview questions.

RECOMMENDATION:

That Cr Gerald Willis's report be received.

DECISION:

Deputy Mayor Marc Cobham

File No: COU/0600

ACTIVITIES:

DATE	ITEM
15/10/15	Meeting with Telstra Staff
16/10/15	Attended Flinders Island Show
22/10/15	Monthly Council Meeting
23/10/15 - 01/11/15	Acting Mayor
28/10/15	Meeting with A/General Manager
28/10/15	Meeting with A/ General Manager and Westpac State Manager
28/10/15	Travel to Hobart with A/General Manager
29/10/15	Radio interview re Westpac intention to close local branch in 2016
29/10/15	Attended Local Government Association of Tasmania meeting in Brighton
30/10/15	Return to Flinders Island
03/11/15	Meeting with Mayor
09/11/15	Furneaux (Emita) Hall Special Committee meeting
11/11/15	Council Workshop
13/11/15	2 phone calls with residents re proposal to rename Emita Beach
14/11/15	3 phone calls with residents re proposal to rename Emita Beach
15/11/15	3 phone calls with residents re proposal to rename Emita Beach
16/11/15	Furneaux (Emita) Hall Special Committee meeting

CORRESPONDENCE IN:

DATE	WHO	SUBJECT
21/10/15	B. Watson	Quoin Development
21/10/15	J. O'Dell	Quoin Development
21/10/15	S. Donati	Quoin Development
21/10/15	J. Jacques	Quoin Development
22/10/15	H and B Ridgeway	Quoin Development
01/11/15	I. Bayley	Quoin Development
05/11/15	B. Godbehere	Quoin Development
09/11/15	B. Godbehere	Quoin Development

CORRESPONDENCE OUT:

DATE	WHO	SUBJECT
As above	As above	Quoin Development

RECOMMENDATION:

That Deputy Mayor Marc Cobham's report be received.

DECISION:

MAYOR'S REPORT:

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

REPORT:

APPOINTMENTS:

16.10.15	Flinders Island Show
22.10.15	Council Meeting
23.10 – 01.11.15	Deputy Mayor, Cr Cobham as Acting Mayor
03.11.15	Melbourne Cup gathering at the Tavern
07.11.15	Anglican Church Fair
10.11.15	Met with Leanne & John Clifford re Banking
10.11.15	Met with Michael Buck, Chair of Flinders Island Tourism and Business Association (FITBA)
11.11.15	Council Workshop
17.11.15	Attended a King Island Council Ordinary Meeting
17.11.15	Dined with Zoe Behrendt, Manager of Corporate Services, King Island Council

Banking:

Westpac, after a drawn out period of suggesting they would upgrade the local Instore to a sub-branch, has finally confirmed it will close the Whitemark Instore in September of 2016. A letter confirming this was received from the Tasmanian State Manager, Lester Wynn-Jones, subsequent to his visit to the Island when he met with Acting Mayor and Acting General Manager, subsequent to meeting with the operators of the Westpac Instore Agency.

It is considered that the services to be provided by Australia Post on behalf of Westpac go nowhere near providing for the needs of a community with no other direct bank presence. The State Manager of Bendigo Bank has been in contact and will meet with Council in early December.

Emita Beach Renaming Proposal:

A reference to this proposal was made in the Mayor's Column of the Island News due out on the 19th and it was requested that rate payers contact Councillors with their views on the proposal.

CORRESPONDENCE IN:

DATE	WHO	SUBJECT
15.10.15	T Clark, Northern Tasmania Development (NTD)	Auditor's Independent Report for NTD
15.10.15	A Eadie, Tourism Northern Tasmania	Tourism Awards and Skills Workshops reminder
15 & 16.10.15	F Madigan, Local Government Association of Tasmania (LGAT)	General Meeting 29 th October – Agenda available
15 & 22.10.15	S Rogers, Westpac	Meeting invitation – State Manager Lester Wynne Jones to visit Flinders on 28 th October
16.10.15	S Watson, LGAT	Formalising collaboration between Local Government peak bodies
16.10.15	S McDonald, NBN Co	NBN 3 year roll-out construction update
16.10.15	Ms B Worsley	Thank you re information on time capsule
16.10.15	TasEvent Exchange	Invitation to 10 th Tasmanian Event Exchange
19.10.15	Denise Colvin, NTD	Invitation to farewell function for James McKee
19.10.15	Bruce Robertson	Re Banking on Finders Island and Australia Post
20.10.15	J Cazaly	Re Quoin Development Application
20.10.15	C Agostinelli, LGAT	LGAT General Meeting Minutes
21.10.15	J O'Dell	Re Quoin Development Application
21.10.15	I James	Killiecrankie Café Update
21.10.15	B & H Ridgeway	Re Quoin Development Application
22.10.15	J Briant	Media release Launceston Airport – recognition in Tourism Awards
22.10.15	Tasmanian Audit Office	Flinders Council – Report of the Auditor General for Mayor's Comment
27.10.15	A Sypkes, TasWater	Quarterly Report to Owners' Representatives
27.10.15	S Whitely, Forestry Tasmania	Release of Annual Report
27.10.15	Biosecurity Tasmania	Advisory – removal of imported fish products
28.10.15	S Osborne, Strategic Partnerships Australia, Australian Bureau of Statistics	Invite to Information Session on the upcoming 2016 census

28.10.15	Royal Flying Doctor Service, Tasmania	2014/15 Annual Report is available on website: www.flyingdoctor.org.au/about-the-rfds/annual-reports
29.10.15	Tasmanian Audit Office	Flinders Council – Report of the Auditor General – additional commentary for Mayor’s comment
30.10.15	Tourism Northern Tasmania	Annual Report 2014-15
30.10.15	Government News	Government News – October/November 2015
01.11.15	I Bayly	Re Quoin Development Application
03.11.15	Lester Wynn Jones, Westpac	Follow up letter to island visit
03.11.15	F Madigan, LGAT	LGAT Christmas Function
05 & 14.11.15	B Godbehere	Re Quoin Development Application
05.11.15	L Taverner, Norfolk Island	Australian Small Islands Forum information
07.11.15	Australian Local Government Association	Local Government Focus
07.11.15	Alan Robinson & Liz Robinson	Re proposal to rename Emita Beach
10.11.15	L Mason, Chair, Tasmanian Community Fund	Advice of Annual Report 2014/15
10.11.15	Tasmanian Young Achievers Award	Awards are now open and promotion appreciated
11.11.15	B Marquis, NTD	Tasmania Northern Tasmania Natural Resource Management North review of draft terms of reference
11.11.15	P Holmes, CONNECT 2015 Manager	Connect 2015 Program details
12.11.15	A Freidersdorf	Age friendly
12.11.15	K Stephenson, LGAT	State Budget Submission
12.11.15	Biosecurity Tasmania	Advisory – Newly declared pest – aquarium item
15.11.15	Mayor Steve Martin	Suggestion to fly flags at half-mast in respect of people killed in Paris attacks
16.11.15	Stephnie Watson, LGAT	Councils to fly flags at half-mast in respect of people killed in Paris attacks

CORRESPONDENCE OUT:

DATE	WHO	SUBJECT
13.10.15	Government House	Apology to invitation
14.05.15	A Round, Department of Premier and Cabinet	Apology to invitation to Tasmanian Australian of the Year Awards
17 & 22.10.15	S Rogers, Westpac	Re meeting invitation
20.10.15	J Cazaly	Re Quoin Development Application
22.10.15	P Hodgen, Launceston Airport	Congratulations on Launceston Airport's recognition in the Tourism Awards
22.10.15	I James	Re Killiecrankie Café
24.10.15	P Holmes, CONNECT 15	Re arrangements and travel arrangements to King Island 24.10.15
24.10.15	E Roberts	Re Auditors - General Local Government reports
05.11.15	I Bayly	Re Quoin Development Application
10.11.15	B Godbehere	Re Quoin Development Application
12.11.15	M Buck, FITBA	Long runway temporary closure
16.11.15	K Stephenson and Mayors	Re Flag Advice - Paris terrorist attacks

VOTING REQUIREMENTS:

Simple Majority

RECOMMENDATION:

That the Mayor's report be received.

DECISION:

OPERATIONAL BUSINESS OF COUNCIL

A. DEVELOPMENT SERVICES AND PLANNING APPLICATIONS

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

File No: DA2015/043

Annexure 6: *Plan of subdivision*

Annexure 7: *Bushfire response*

Item A2: Development Application Report

File No: DSV/0300

Annexure 8: *Development Application Report – October 2015*

B. NOTICE OF MOTIONS

Item B1: Notice of Motion from Deputy Mayor Marc Cobham – Renaming of Emita Beach

File No: WOR/0900

Annexure 9: *Huitfeldt Beach Proposal*

Annexure 10: *Huitfeldt Beach Appendices*

C. CORPORATE SERVICES

Item C1: Local Government Association of Tasmania Policy Suite Stage 1 – Operational Behavioral Policies

File No: ADM/0900

Annexure 11: *Policies to rescind*

Annexure 12: *LGAT Policies and Procedures*

Item C2: Code of Tender and Contracts Policy

File No: WOR/0300, ADM/0900

Annexure 13: *DRAFT Code of Tender and Contracts Policy*

Item C3: Investment Policy

File No: FIN/0501, ADM/0900

Annexure 14: *DRAFT Investment Policy*

Item C4: Office Closure – Festive Christmas Season 2015/2016

File No: COU/0600

Item C5: Whitemark Foreshore Barbeque Area

File No: AME/0705

D. GOVERNANCE

Item D1: Council Policy Manual Policy

File No: ADM/0600

Annexure 15: DRAFT Council Policy Manual Policy

Item D2: Ordinary Council Meetings - Times and Dates 2016

File No: COU/0203

Item D3: Permit Authority: proposal to outsource functions

File No: DSV/0300

Annexure 16: Proposed Permit Authority Outsourcing Flowchart

Item D4: Councillor Resolution Report

File No: COU/0600

Annexure 17: Councillor Resolution Report November 2015

E. CLOSED COUNCIL

Item E1: Closed Council Item

File No: PER/1500

Meeting Closed

A. DEVELOPMENT SERVICES AND PLANNING APPLICATIONS

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

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

ACTION	Decision
PROPONENT	Nick Griggs & Co.
OFFICER	James Ireland (Consultant Town Planner)
APPROVED BY	Karin van Straten (Senior Consultant Town Planner)
FILE REFERENCE	DA2015/043
ASSOCIATED PAPERS	<i>Annexure 6: Plan of subdivision Annexure 7: Bushfire response</i>

Proposal: Three Lot Subdivision

Location: Palana Road, Palana (CT: 197698/1)

Applicant: Nick Griggs & Co

Zoning: Rural Zone

Special Areas: Visually Sensitive Area
Ecologically Sensitive Area (approx. 1.7% of the site)
Shorelines, Water Bodies and Watercourses

Buffer Attenuation
Area: None

Schedules: Schedule 7 Development in Bushfire Prone Areas

Representations: One

INTRODUCTION:

This report considers an application for a three lot subdivision of land located at Palana Road, Palana (CT: 197698/1).

Subject Site

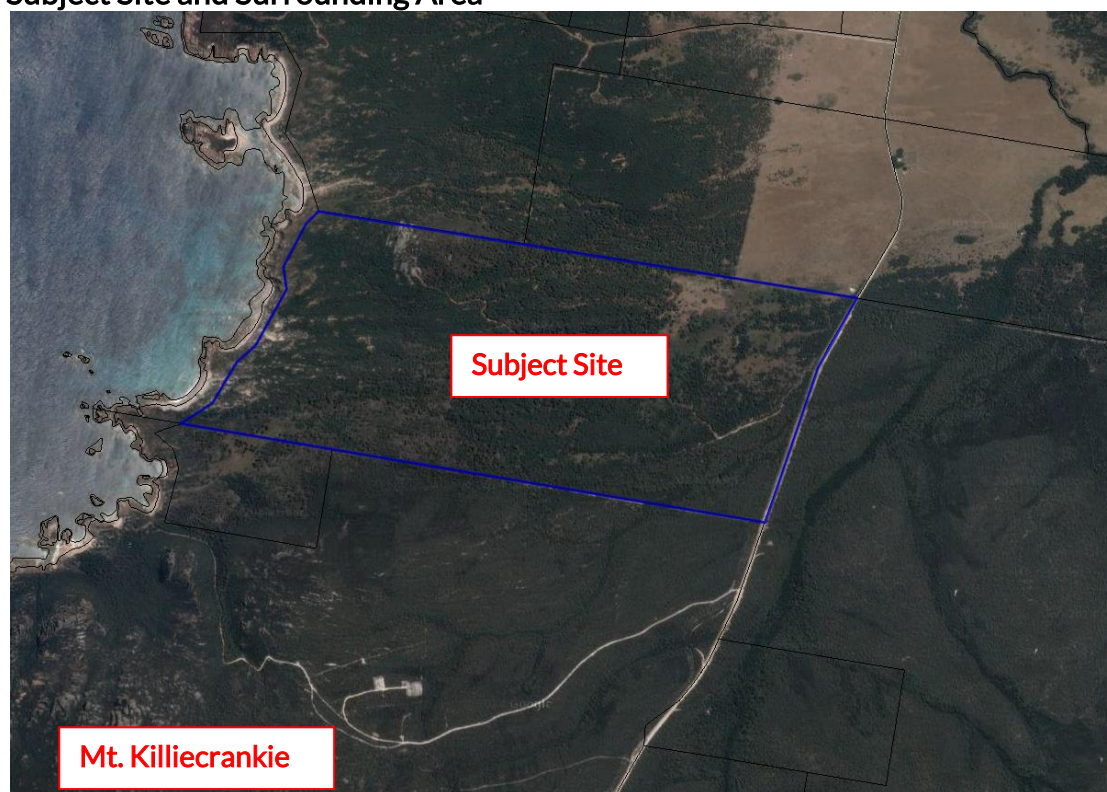
The subject site is a 201.6ha roughly rectangular lot located between Palana Road and the Crown coastal reserve, just north of Mount Killiecrankie. It has frontage to Palana Road of 981.09m and a depth of 2279.43m. There is a 4m

wide right of way along part of the south side boundary. The site rises from the road at 50m above sea level up to a high point near the north side boundary of 110m before falling to 10m near the coastal reserve. The site is mostly covered in coastal scrub and heathland with an area of the threatened community *eucalyptus viminalis*. The lot is vacant of development. To the north and south west are vacant privately owned lots. To the east and direct south is Parks and Wildlife Service land. To the west is the coastal reserve.

Zoning

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

Subject Site and Surrounding Area



Statutory Timeframes

Date Received:	1/10/15
Advertised:	7/10/15
Closing date for representations:	22/10/15
Request for further information:	21/10/15
Information received:	3/11/15
Extension of time granted:	NA
Extension of time expires:	NA
Decision due:	25/11/15

OFFICER'S REPORT:

General

It is proposed to subdivide the 201.6ha vacant subject site into three roughly rectangular lots, with all three lots running from Palana Road to the coast. Lots 1 and 2 are both 67ha and Lot 3 is 67.59ha. All lots have frontage to Palana Road of 324-325m.

Assessment

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

Clause 3.10 Consideration of Applications for Planning Permits

Council shall take into consideration the following:

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

An assessment is made below:

5.8.1 **Zone Intent**

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

COMMENT: The proposal is consistent with the zone intent. The site has native vegetation and substantial unspoiled landform. Although no use or development except for subdivision is proposed, the large lots proposed allow the rural character to be maintained. Criteria (b) is only relevant when a use and development application is made.

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) is not applicable. In relation to (b), although no buildings are proposed, the proposed lot dimensions mean that future buildings can be: *"...substantial distances from the road frontage and apart."* Although the subdivision itself does not require vegetation clearance, there will be a requirement to clear bushfire hazard management areas for future buildings. The lots are sufficiently large for this to not have an unreasonable visual impact. Most likely future uses of the land, including a house, will require a discretionary application and will have to meet (c). Criterion (d) is not applicable.

5.8.3 Subdivision Standards

- (a) *The minimum lot size is 40 ha*
- (b) *A lot less than 40 hectares may be approved at Council's discretion for the following purposes;*
 - (i) *For an intensive agricultural use;*
 - (ii) *For a use, other than agriculture, that is consistent with the zone intent, desired zone character and zone guidelines;*
 - (iii) *For an aquaculture use;*

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

COMMENT: The proposal meets (a) as each lot is larger than 40ha. On this basis, (b) to (d) are not applicable.

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

None were received.

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

One representation was received, from a landowner to the north. Matters raised in the representation are addressed below:

Issue:	Comment:
The development application fails to satisfy the visually sensitive area criteria in the planning scheme.	As no use or development except for subdivision is proposed in this application, the assessment criteria under the visually sensitive area have limited application. The matters listed at 7.2.4 cannot be assessed as they only relate to development. The objectives at 7.2.2 are applicable and the proposal meets them (see assessment elsewhere in this report).
The development application does not carry sufficient information for it to be assessed under the planning scheme.	It is Council, not those notified, that decides if there is sufficient information, under Clause 3.8 of the scheme: “[an application] <i>shall contain such information as is necessary for Council to determine compliance with the Scheme</i> ”. Council decided that there was sufficient information to determine compliance with the scheme.

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

- (a) *landslip, soil instability, or erosion;*
- (b) *excessive slope;*
- (c) *ponding or flooding;*
- (d) *bush fire hazard;*
- (e) *a Protected Catchment District under Water Management Act 1999;*
- (f) *any Special Area Provisions in Part 7;*
- (g) *pollution; and*
- (h) *other hazards to safety or health.*

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

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

- (a) *existing site features;*
- (b) *adjoining land;*
- (c) *the streetscape and/or landscape;*
- (d) *the natural environment;*

- (e) *items of historic, architectural or scientific interest;*
- (f) *buffer zones, attenuation areas,*
- (g) *easements;*
- (h) *a water supply for firefighting purposes;*
- (i) *any received pollution;*
- (j) *the escape of pollutants into storm drains and watercourses: and*
- (k) *isolation, separation from other lands.*

As far as the above apply to subdivision, the proposal is satisfactory. The size of the lots meets the zone standards and enables future development without threatening the existing site features, landscape, natural environment or items of scientific interest. Most likely future uses will require a discretionary permit (including a house) where the above can be more accurately assessed. The subdivision is to be provided with a water supply for firefighting purposes.

- 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;*

A permit condition will require a mains power connect. It is understood that the road network has sufficient capacity to serve the new lots.

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

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

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

Not applicable.

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

Complies. Long (200m+) site distances are available on Palana Road which has an 80km/h speed limit.

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

Not applicable. Any future house would have to meet this.

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

Complies.

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

None stated.

4.1 Plans of Subdivision

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

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

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

Part 6 – Use and Development Principles

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

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

6.1 Use

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

COMMENT: An assessment against is made elsewhere in this report.

6.2 Character

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

COMMENT: In relation to (a), the subject site is zoned rural and has a rural character, even if it does not necessarily have agricultural potential. The large lots proposed enable this character to be maintained. In relation to (b), no roads are proposed as part of the subdivision.

6.3 Amenity

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

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

6.4 Environment

- (a) Use or development shall not be allowed to detrimentally affect the environment. All areas, and sensitive ecological and/or visual

areas in particular, shall be developed in a manner and to an extent which is consistent with the protection of the values of the area.

- (b) Use or Development and land management practices shall be directed towards achieving environmental sustainability, biodiversity and ecological balance, and avoiding environmental damage such as soil erosion, coastal dune erosion, loss of important animal and plant species and increases in vermin populations.
- (c) Use or Development shall not be located in areas of unacceptable risk (e.g. from fire, flood or landslip). In situations where risk may exist, use and development shall be appropriately sited and designed to provide an acceptable level of protection and safety for future users. In particular.
 - i. Lands subject to flood risk are those subject to a greater than one in a 100 year flood interval (1% probability), and land, the natural surface level of which is below 3 metres Australian Height Datum (AHD); and
 - ii. Land which comprises soils of known or suspected instability, has a slope greater than 1 in 4, or is filled or reclaimed land, are deemed to constitute an unstable land hazard; and
 - iii. Use and development in bushfire prone areas will comply with the provisions of Schedule 7 Development in Bushfire Prone Areas or some other provisions acceptable to Council and the Tasmania Fire Service.

COMMENT: In relation to (a), part of the subject site is in visually sensitive area. A detailed assessment is made at Part 7 of this report. In relation to (b), the subdivision itself has no direct environmental impact. Any future development of houses will require a discretionary application and will have to address (b). In relation to (c), i) and ii) are not applicable. In relation to iii), the site is prone to bushfire, so Schedule 7 applies.

6.5 Heritage

COMMENT: The subject site is not heritage listed.

6.6 Access and Parking

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

COMMENT: All new lots will be able to be provided with suitable access from Palana Road.

6.7 Services

- (a) Use or Development shall be provided with adequate and appropriate services which are suited to the lifestyle requirements of people, the nature of the location, and the ability of the community to provide.
- (b) Lot size and arrangement shall be adequate and appropriate to ensure an acceptable level of servicing, particularly in relation to waste disposal.
- (c) In areas not serviced with water use or development shall provide adequate water supply and effluent disposal systems. Each house 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 (i.e. one area is substantially developed before the next is subdivided), common trenching should be used for different services where appropriate, and solar access maximised.

COMMENT: The proposed lots are to be serviced to meet (a) and (c). The lots are sufficiently large to comply with (b), subject to environmental health approval of wastewater disposal for any future house or other building. Criterion (d) is addressed elsewhere in this report as it relates to bushfire. Criteria (e) to (f) will be addressed when development is proposed. In relation to (g), this proposal is consistent with the subdivision of land on a sequential basis as it is one of the last large coastal lots in Palana.

6.8 Social Interest

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

COMMENT: The proposal provides additional possible housing lots on Flinders Island which anecdotally is considered to be in the community interest. The proposed location of the housing lots cannot be considered to have adequate and appropriate access to services as the subdivision is a 40km drive from the closest social facilities and services in Whitemark. Notwithstanding, this may in fact be an attraction for this type of buyer.

6.9 Administration

- (a) In considering subdivision and/or rezoning proposals, an appropriate balance shall be maintained between current demand and stock available for use or development, and the number of new lots that would be created.
- (b) Use or Development proposals should only be approved where the cost to the public of providing and maintaining services is not exceeded by the economic benefit of the use or development to the community.

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

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

Part 7 – Special Area Provisions

7.2 Visually Sensitive Areas

This area affects approximately 60% of the subject site.
The objectives of the Visually Significant Areas overlay are:

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

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

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

COMMENT: Approximately 60% of the subject site is affected by the special area. In relation to the objectives of the visually sensitive area, the subdivision itself does not have a visual impact. However, the subdivision allows the future construction of houses on the three lots created, subject to a discretionary planning application. They may be sited outside the special area but could also be sited within it.

In relation to the objectives of the special area, due to the large size of the lots created, it will be possible to retain the natural appearance of the area and to minimise the impact of future development.

In relation to (b) to (e), no buildings are proposed so these cannot be applied. Again, all future houses will require a discretionary planning application which will have to address these criteria.

7.3 Ecologically Sensitive Areas

This area affects approximately 1.7% of the site, in a strip 640m long along part of the Palana Road frontage. It is uncertain what it is based on, as it doesn't correspond with the Tas Veg or threatened communities mapping. Notwithstanding, an assessment is made below:

The objectives of the Ecologically Significant Areas are:

- (a) to promote the maintenance of ecological processes and genetic diversity;*
- (b) to protect and enhance ecosystems, habitats and biological communities which enable the survival of indigenous flora and fauna and assist to maintain biodiversity;*
- (c) to identify and protect habitats which support threatened, rare or endangered species;*
- (d) to ensure that planning decisions incorporate consideration of the ecological impacts of Use or Development.*
- (e) to encourage land management practices, based on expert advice, that will sustain the natural and ecological values of the land.*

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

- (a) The objectives listed in Clause 7.3.2;*
- (b) The effect of the proposed Use on the natural values of the land;*
- (c) The siting of buildings, structures, works and effluent disposal systems in relation to natural vegetation, watercourses and wetlands*
- (d) The likely ecological impact of the building, clearing, excavation, drainage works, access construction, vehicular traffic, fences, firebreaks or the deposition of fill;*
- (e) The adequacy of proposed management and whether any special works or practices are required to protect the ecological values of the site;*

- (f) *Whether access to particular sites should be restricted on a seasonal or more frequent basis in order to conserve the reproductive potential of species;*
- (g) *The identification of natural values, including the presence of any rare. Threatened or endangered species and what management requirements may be necessary;*
- (h) *The need for management approaches to prevent the importation of weeds, soil diseases or toxic substances that may contaminate the land.*

COMMENT: As the subdivision does not propose any buildings, most of the above matters are not relevant. Although it is highly unlikely that a future house would be located in the strip of this special area (it is a maximum of 100m from Palana Road when there is over 2km of more desirable lot depth towards the coast), it may be prudent, at the time of a future application, to ensure a house is not located here. A discretionary planning application will be needed for house.

7.5 Shorelines, Water Bodies and Watercourses

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

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

- (a) *The siting, orientation, setback, bulk, form, height, scale, materials and external finishes of buildings and structures*
- (b) *The impact upon water quality, foreshore or streamside vegetation and wildlife habitat of building, clearing, excavation, effluent disposal, access construction, fences, firebreaks or the deposition of fill;*
- (c) *Whether land should be acquired by Council as a condition of subdivision or otherwise, to protect the items listed in Schedule 3;*
- (d) *Whether additional fencing or any other special works or practices are required to protect the items listed in Schedule 3;*
- (e) *The design, content and location of signage and interpretative displays.*

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

Schedule 7 – Development in Bushfire Prone Areas

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

<p>S7.1.0 ISSUE Subdivision design and layout</p>	<p>INTENT - The design, siting and layout of subdivisions in bushfire prone areas should minimise fire risks and the potential for loss of life.</p>	
<p>ACCEPTABLE SOLUTIONS</p>		<p>PERFORMANCE CRITERIA</p>
<p>S7.1.1a Subdivisions are designed so that buildings are separated from the bushfire hazard by Building Protection Zones (BPZ) and Fuel Modified Buffer Zones (FMBZ) and</p> <p>S7.1.1b A BPZ surrounds a building and is separated from the fire hazard by a FMBZ and</p> <p>S7.1.1c BPZ and FMBZ can be constructed to the width measured along the ground as shown in Table 7.1 and</p> <p>S7.1.1d If the required width of the BPZ is exceeded, the width of the FMBZ may be reduced by that additional width, thus maintaining the same total width of fuel reduced areas. (Note the width of the BPZ cannot be reduced).</p>		<p>Subdivisions are designed to have lots of sufficient size and appropriate shapes to provide building envelopes located within sufficient fuel reduced areas so buildings are not subject to threatening levels of flames and radiation during a bushfire.</p>
<p>COMMENT: BPZs and FMBZs are not referred to in the application so the performance criteria must be met. The size of the proposed lots is sufficient (67ha+ with a minimum dimension of 320m+) to ensure that future buildings are not subject to threatening levels of flames and radiation during a bushfire.</p>		
<p>S7.1.2a FMBZ are within the boundaries of the subdivision and BPZ are within the boundaries of each lot or</p> <p>S7.1.2b In reticulated water supply areas, the width of the FMBZ may be reduced if it can be shown that other fire protection measures acceptable to the Tasmania Fire Service and Council are to be incorporated into the development or</p> <p>S7.1.2c Where the subdivision does not</p>		<p>Subdivisions provide all lots with sufficient fuel reduced areas around building envelopes so buildings are not subject to threatening levels of flames and radiation during a bushfire.</p>

provide either sufficient BPZ or FMBZ for individual lots, a multi-lot solution may be proposed which may be acceptable to the Tasmania Fire Service and Council.	
COMMENT: FMBZs and BPZs are not referred to in the application so the performance criteria must be met. The size of the proposed lots is sufficient (67ha+ with a minimum dimension of 320m+) to ensure that future FMBZs and BPZs can be accommodated within the lots.	

S7.2.0 ISSUE Access in subdivisions	INTENT – Subdivisions are designed to provide safe access for emergency and other vehicles to all lots and buildings.
ACCEPTABLE SOLUTIONS	PERFORMANCE CRITERIA
<p>S7.2.1a Subdivisions have two access roads to low bushfire hazard areas or</p> <p>7.2.1b Dead end roads must not exceed 200 metres in length or service more than 8 lots or</p> <p>S7.2.1c Where only one road is available, the Tasmania Fire Service and Council may approve a local area development plan which provides for the eventual linking of a dead end road to a connective road network or</p> <p>S7.2.1d The Tasmania Fire Service and Council may approve a non through road provided it is linked to a formed fire trail to the requirements of the Tasmania Fire Service and Council.</p>	Subdivisions should have safe alternative routes to low bushfire hazard areas for emergency and other vehicles.
COMMENT: Palana Road is a through road, meeting the acceptable solution S7.2.1a.	
<p>S7.2.2a Access must be of all-weather construction and</p> <p>S7.2.2b Road structures (including bridges) must have a minimum load limit of 20 tonnes and</p> <p>S7.2.2c There must be vertical clearance to a height of 4 metres above the trafficable width</p>	Safe access roads shall be provided at all times.

<p>of the access and</p> <p>S7.2.2d There must be horizontal clearance from 4 metres of the centre line of any trafficable road for a height of 4 metres above the trafficable width.</p>	
<p>COMMENT: Complies with the acceptable solution. It is understood that Palana Road meets the acceptable solution.</p>	
<p>S7.2.3a A maximum gradient of 1 in 8 (12.5%) is specified. However, where a topographic difficulty occurs, an absolute maximum grade of 1 in 5 (20%) for a distance no greater than 50 metres may be approved by the Tasmania Fire Service and Council. The average maximum grade must therefore not exceed 1 in 7 (14.4%) and</p> <p>S7.2.3b Curves must have a minimum inner radius of 10 metres and</p> <p>S7.2.3c Dips must have no more than a 1 in 8 (12.5%) entry and exit angle and</p> <p>S7.2.3d All roads must have a maximum cross fall alignment of 1 in 33 (3%).</p>	<p>The horizontal and vertical alignments, crossfall and turning areas reflect physical characteristics and major drainage functions for the site as well as satisfying design requirements for emergency vehicles.</p>
<p>COMMENT: Palana Road is existing. It is understood that it meets the acceptable solution.</p>	
<p>S7.2.4a At the end of all roads or access ways there must be a court bowl or cul de sac of a minimum trafficable radius of 10 metres (shoulders, seal or other consolidated edges may be acceptable) or</p> <p>S7.2.4b At the end of all roads or access ways there must be hammerhead "T" or "Y" turnarounds with minimum 4 metres width and total length of 16 metres.</p>	<p>Suitable turning areas for fire suppression and other vehicles must be provided at the end of all roads and access ways.</p>
<p>COMMENT: As Palana Road is a through road and no cul de sac are proposed, this is not applicable.</p>	

<p>S7.2.5a The minimum trafficable width for access is 6 metres which may include consolidated, formed, surfaced and drained shoulders or</p> <p>S7.2.5b Where 8 or less lots are being serviced, an access with trafficable width of 4 metres for a maximum of 90 metres length may be provided or</p> <p>S7.2.5c Where the access is less than 6 metres trafficable width, passing bays of a minimum length of 20 metres must be provided every 200 metres along the access. The combined width of the access and the passing bay must be a minimum 6 metres. fire suppression and other vehicles.</p>	<p>Access should be of sufficient width to allow simultaneous access and egress for emergency and other vehicles.</p>
<p>COMMENT: Palana Road is existing. It is understood that it meets the acceptable solution.</p>	
<p>S7.2.6a An access road forms the perimeter of the development or</p> <p>S7.2.6b A fire trail connected to an access road forms the perimeter of the development.</p>	<p>Access to the perimeter of the development must be provided.</p>
<p>COMMENT: Palana Road provides access to all lots.</p>	
<p>S7.2.7a Fire trails are constructed to 4WD standard and</p> <p>S7.2.7b Fire trails have a formed width of 4 metres and</p> <p>S7.2.7c Fire trails must have vertical clearance to a height of 4 metres above the trafficable and</p> <p>S7.2.7d Fire trails must have horizontal clearance from 3 metres of the centre line for a height of 4 metres above the trafficable width and</p> <p>S7.2.7e Fire trails will have a maximum gradient of 1 in 6 (17%).</p>	<p>Fire trails must be safe for use fire suppression.</p>
<p>COMMENT: NA. No fire trails are proposed.</p>	

<p>S7.3.0 ISSUE Water supplies for fire suppression in subdivisions</p>	<p>INTENT – To ensure adequate water supplies are available in a subdivision for landowners or emergency services to defend properties from bushfire</p>	
<p>ACCEPTABLE SOLUTIONS</p>		<p>PERFORMANCE CRITERIA</p>
<p>S7.3.1a Subdivisions have a reticulated water supply with a minimum flow rate as specified by Australian Standard AS 2419 for the intended class of development as required under the Building Code of Australia or 600 litres per minute (whichever is greater) or</p> <p>S7.3.1b Subdivisions have a static water supply to comply with AS 2419 for the intended class of development as required under the Building Code of Australia for fire suppression or</p> <p>S7.3.1c For developments not specified in the Building Code of Australia in S7.3.1 b), subdivisions for lots less than 2500 square metres will have 10 000 litres of stored water for fire suppression and for lots 2500 square metres or larger, 20 000 litres of stored water for fire suppression.</p>		<p>Subdivisions have an adequate size of water supply.</p>
<p>COMMENT: Water supply will be provided in accordance with S7.3.1b.</p>		
<p>S7.3.2a In areas where the water supply complies with S7.3.1 a), the building envelope must not be more than 130 metres from the nearest fire hydrant. The hydrant must comply with Tasmania Fire Service and Council requirements or</p> <p>S7.3.2b In areas where the water supply does not comply with S7.3.1 a), a static supply complying with S7.3.1 b) or c) will be located within the subdivision to be accessible by emergency vehicles at all times. The supply may be from a single source or a combination of storages for either individual lots or for the entire subdivision. Storages must be accessible from all the lots they are intended to serve.</p>		<p>The water supply for fire suppression will be available at all times.</p>

<p>S7.3.3a All water storage tanks are constructed of non-combustible and non-rust materials such as galvanised steel and concrete and</p> <p>S7.3.3b All above ground pipelines and fittings are either constructed of non-combustible and non-rust materials such as galvanised steel and copper, or protected from the effects of heat and flame by lagging or other means and</p> <p>S7.3.3c All below-ground water pipelines are installed to a depth as specified in the National Plumbing Code AS 3500 (generally 300 mm).</p>	<p>The water supply pipelines, fittings and storages are designed, located and fitted to ensure reliability of the water supply during a fire.</p>
<p>COMMENT: Not applicable. Will apply to future development applications.</p>	
<p>S7.3.4a If the storage is accessible and above ground, a male 64 mm 5V thread coupling to Tasmania Fire Service specifications must be installed on the storage to supply water or</p> <p>S7.3.4b If the storage is accessible and below ground, there must be sufficient hard standing beside or adjacent to the storage to allow an emergency vehicle access for draughting from the storage or</p> <p>S7.3.4c If the storage is not directly accessible, a remote access point may be provided which must deliver water at a minimum flow rate of 270 litres per minute at the delivery point through a male 64 mm 5V thread coupling to Tasmania Fire Service specifications.</p>	<p>Access to static supplies will be suitable for emergency vehicles.</p>
<p>COMMENT: Not applicable. Will apply to future development applications.</p>	

Referrals

The application did not require referrals.

STATUTORY REQUIREMENT:

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

POLICY/STRATEGIC IMPLICATIONS:

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

The strategic outcome is identified as:

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

COMMENT: The proposal is consistent with this strategic outcome. The environmental characteristics of the rural zone and the special areas are able to be protected if an application for a house is made on the newly created lots.

BUDGET AND FINANCIAL IMPLICATIONS:

Not applicable.

OFFICER’S RECOMMENDATION:

That the application for a three lot subdivision in the rural zone, by Nick Griggs & Co. for land located at Palana Road, Palana (CT: 197698/1) be **APPROVED** subject to the following conditions:

APPROVED PLAN

1. The use and/or development must be carried out as shown on the plan by Nick Griggs & Co. (File no. 4120/01) dated 21/9/15 to the satisfaction of the Council. Any other proposed development and/or use will require a separate application to and assessment by the Council.

WATER SUPPLY FOR FIRE FIGHTING

2. Prior to the sealing of the final plan, each lot must be provided with a water tank exclusively for firefighting purposes with a minimum capacity of 10,000 litres and with connections for firefighting purposes included.

FINAL SURVEY DIAGRAM

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

PUBLIC OPEN SPACE CONTRIBUTION

4. When the Final Survey Diagram is submitted for sealing, payment of \$15 000 must be provided as cash in lieu of the provision of land for Public Open Space.

RETICULATED SERVICES

5. Power mains must be provided to each lot in accordance with a design approved by Hydro Tasmania. A copy of the approved design must be submitted to Council upon approval by Hydro Tasmania.

EASEMENTS

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

VEHICULAR CROSSING APPLICATION

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

COVENANTS ON SUBDIVISIONS

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

PERMIT NOTES

- A. This permit was issued based on the proposal documents submitted for DA2014/043. You should contact Council with any other use or developments, as they may require the separate approval of Council.
- B. This permit takes effect after:
 - a) the 14 day appeal period expires; or
 - b) any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined; or.
 - c) any agreement that is required by this permit pursuant to Part V of the *Land Use Planning and Approvals Act 1993* is executed; or

- d) any other required approvals under this or any other Act are granted.
- C. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. A once only extension may be granted if a request is received at least 6 weeks prior to the expiration date.

Restrictive Covenants

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

Access for People with a Disability

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

Appeal Provisions

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

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

For more information see the Resource Management and Planning Appeal Tribunal website www.rmpat.tas.gov.au

Permit Commencement.

- G. If an applicant is the only person with a right of appeal pursuant to section 61 of the Land Use Planning and Approvals Act 1993 and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing. A copy of Council's Notice to Waive Right of Appeal is attached.

Aboriginal Heritage

- H. If any Aboriginal relics are uncovered during works;

- a) All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,
- b) The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania) Fax: (03) 6233 5555 email: aboriginal@heritage.tas.gov.au (and the relevant approval processes will apply with state and federal government agencies.

DECISION:

The Council will now conclude its meeting as a Planning Authority under Section 25 of the Local Government (Meeting Procedures) Regulations 2015.

Item A2: Development Application Report

ACTION	Information
PROPONENT	Council Officer
OFFICER	Jacci Viney, Development Services Coordinator
FILE REFERENCE	DSV/0300
ASSOCIATED PAPERS	<i>Annexure 8: Development Application Report - October 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 October 2015, 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 8. Development Application Report - October 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 October 2015.

B. NOTICE OF MOTIONS

Item B1: Notice of Motion from Deputy Mayor Marc Cobham – Renaming of Emita Beach

ACTION	Decision
PROPONENT	Councillor Marc Cobham
OFFICER	Raoul Harper, General Manager
FILE REFERENCE	WOR/0900
ASSOCIATED PAPERS	<i>Annexure 9: Huitfeldt Beach Proposal</i> <i>Annexure 10: Huitfeldt Beach Appendices</i>

NOTICE OF MOTION:

That at this meeting, Council makes a decision regarding the proposed re-naming of Emita Beach (Old Jetty Beach) to Huitfeldt Beach. Additionally, once the decision has been made, the Mayor to convey Council's decision to the Tasmanian Nomenclature Board prior to the Board's December meeting.

COUNCILLOR'S REPORT:

Descendants of the Huitfeldt family have asked me to present this Notice of Motion to gain Council's support for the proposed re-naming of Emita Beach in recognition of Mr Valentine Huitfeldt who emigrated from Trondheim, Norway and arrived on Flinders Island with his Norwegian wife Tilly, in 1890. He was a pioneer of the Emita area, building his first home near Emita Beach in 1891. He later became the first Warden of Flinders Island Council. His name and contribution to date have not been recognised (see attachment for background information).

PREVIOUS COUNCIL CONSIDERATION:

Nil

OFFICER'S REPORT:

The renaming (or not) of a beach is a matter for elected members to deliberate upon. Council has no formal powers in relation to the request to rename and can only provide a recommendation and/or letter of support (or not) to the Tasmanian Nomenclature Board.

STATUTORY REQUIREMENTS:

Survey Co-ordination Act 1944

POLICY/STRATEGIC IMPLICATIONS:

Nil

BUDGET AND FINANCIAL IMPLICATIONS:

Council will need to allocate funds for the purchase of a new sign if the name changes.

RISK/LIABILITY:

Minimal community consultation on the matter has taken place and as such making an informed decision on the desire of the community for such a change is mostly unknown. Renaming a known landmark and well used area should not be taken lightly and Council should consider if sufficient information has been provided to support such a change and whether sufficient community consultation on the matter has taken place to genuinely inform a decision.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That Council discusses this item under Section 22 (9) of the Local Government (Meeting Procedures) Regulations 2015.

DECISION:

C. CORPORATE SERVICES

Item C1: Local Government Association of Tasmania Policy Suite Stage 1 – Operational Behavioral Policies

ACTION	Decision
PROPONENT	Council Officer
OFFICER	Lauren Moraitis, Services Coordinator
FILE REFERENCE	ADM/0900
ASSOCIATED PAPERS	<i>Annexure 11: Policies to rescind</i> <i>Annexure 12: LGAT Policies and procedures</i>

INTRODUCTION:

The Local Government Association of Tasmania (LGAT) has engaged legal experts to provide a suite of best practice policies and procedures for Tasmanian Councils. One of the aims and benefits of developing and adopting the policy suite is to support consistent and best practice policies across local Tasmanian Councils.

PREVIOUS COUNCIL CONSIDERATION:

Nil

OFFICER'S REPORT:

Councils have a legal duty to take all reasonable steps to provide a safe workplace including one that is free from bullying, discrimination, harassment, victimisation and other inappropriate workplace behaviour. LGAT promotes workplace practices that treat all persons with dignity, courtesy and respect, and all policies and procedures have been developed based on current case law and regulations.

The aim of the LGAT Policy Suite is to assist Councils with:

- a) continuous compliance with their legal obligations arising out of workplace behaviours;
- b) best practices for understanding and applying expected standards of workplace behaviour in a constantly changing environment; and
- c) effectively dealing with expected standards of workplace behaviours.

Some of the benefits of adopting the LGAT Policy Suite are that the Policy Suite:

- a) has been prepared to ensure that Council complies with legal requirements;
- b) provides very clear instructions for employees so that they can fully understand their obligations as an employee of Council;
- c) provides for a system of review so that we can continually update the suite in accordance with issues we identify or best practice;

- d) is set out in the same way using the same definitions so that once we get used to using this format they will be easy to use; and
- e) it is currently adopted by Hobart City Council and Northern Midlands Council and likely to be adopted across the State by other Councils and will therefore become industry standard and best practice.

STATUTORY REQUIREMENT:

All laws in connection with the carrying out of work or the Workplace including:

- *Age Discrimination Act 2004*(Cth)
- *Anti-Discrimination Act 1998*(TAS)
- *Australian Human Rights Commission Act 1986*(Cth)
- *Disability Discrimination Act 1992*(Cth)
- *Fair Work Act 2009*(Cth)
- *Local Government Act 1993*(TAS)
- *Racial Discrimination Act 1975*(Cth)
- *Sex Discrimination Act 1984*(Cth)
- *Work Health & Safety Act 2012*(TAS)
- *Workers Rehabilitation & Compensation Act 1988*(TAS)

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.

4.3.9 Maintain Council's Policy Manual and Instrument of Delegation.

4.4 Drive continuous improvement through a focus on customer service, community engagement, efficient systems and processes, innovation, capacity building and workforce development.

4.4.4 Compliance with the requirements of the *Work Health and Safety Act 2012*. A safe working environment where staff, volunteers and contractors understand safety issues, are supported and take individual responsibility for safety.

BUDGET AND FINANCIAL IMPLICATIONS:

Nil

RISK/LIABILITY:

High. *Workplace Health and Safety Act 2012* now enforces workplaces to show due diligence for workers and others who should be given the highest level of protection against harm to their health, safety and welfare from hazards and risks arising from work, as is **reasonably practicable**. The LGAT Policy Suite has been developed based on current laws and regulations, and case law to ensure that Councils comply with legal requirements.

All reasonable steps must be taken to ensure that policies and procedures are kept up to date with current legislative requirements, reviewed on a regular basis and implemented to employees with sufficient training provided. If this requirement is not met, Council is left exposed to vicarious liability and the possibility of being sued.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

1. That Flinders Council rescinds the following existing Council Behavioral Policies and allows them to lay on the table for 28 days for public comment:
 - a) W2 Personal Protective Equipment Policy;
 - b) W5 Smoke Free Environment Policy;
 - c) W6 Staff – Sun Protection Policy;
 - d) W7 Workplace Health and Safety Policy;
 - e) HR8 Equal Employment Opportunity Policy;
 - f) HR5 Employee Personal Development Appraisal Policy;
 - g) HR12 Staff Development Policy;
 - h) HR1 Antidiscrimination, Harassment and Bullying Policy;
 - i) HR11 Staff Code of Conduct Policy;
 - j) HR3 Disciplinary Policy;
 - k) W3 Rehabilitation Policy; and
 - l) HR2 Computer and Telephone Usage Policy.

2. That Council adopts the following Local Government Association of Tasmania Policy Suite – Stage 1 – Operational Behavioral Policies and allows them to lay on the table for 28 days for public comment:
 - a) Code of Conduct;
 - b) Performance Management Policy;
 - c) Performance Management Procedure;
 - d) Fitness for Work Policy;
 - e) Fitness for Work Procedure;
 - f) Discipline Policy;
 - g) Discipline Procedure;
 - h) Communication Policy;
 - i) Work Health and Safety Policy;
 - j) Issues Resolution Policy;
 - k) Issues Resolution Procedure; and
 - l) Workplace Behaviour Policy.

DECISION:

Item C2: Code of Tender and Contracts Policy

ACTION	Decision
PROPONENT	Council Officer
OFFICER	Sophie Pitchford, Corporate Services Manager
FILE REFERENCE	WOR/0300, ADM/0900
ASSOCIATED PAPERS	<i>Annexure 13: DRAFT Code of Tender and Contracts Policy</i>

INTRODUCTION:

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

PREVIOUS COUNCIL CONSIDERATION:

16th July 2009 263.07.09
Councillor Workshops 10th September, 8th October and 11th November 2015

OFFICER'S REPORT:

The Code of Tender and Contracts Policy has been reviewed and updated to reflect changes in legislation and work practices for Councillors' consideration.

The code aims to achieve the purchasing principles of:

- open and effective competition;
- value for money;
- enhancement of the capabilities of local business and industry; and
- ethical behaviour and fair dealing.

STATUTORY REQUIREMENT:

Local Government Act 1993

Local Government (General) Regulations 2015

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.

4.3.9 Maintain Council's Policy Manual and Instrument of Delegation.

RISK/LIABILITY:

Adoption of this policy and ensuring that management, staff and Councillors are aware of and follow this policy will help to reduce Council's exposure to risk in this area.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That Council adopts the Code of Tender and Contracts Policy with the proposed changes and allows it to lay on the table for 28 days for public comment.

DECISION:

Item C3: Investment Policy

ACTION	Decision
PROPONENT	Council Officer
OFFICER	Sophie Pitchford, Corporate Services Manager
FILE REFERENCE	FIN/0501, ADM/0900
ASSOCIATED PAPERS	<i>Annexure 14: DRAFT Investment Policy</i>

INTRODUCTION:

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

PREVIOUS COUNCIL CONSIDERATION:

21st May 2009 170.05.09
18th December 2014 952.12.2014
Councillor Workshops 10th September and 11th November 2015

OFFICER'S REPORT:

The Investment Policy has been reviewed and updated to reflect changes in legislation and work practices for Councillors' consideration.

The key short-coming identified in the Investment Policy was the inability to consider all asset classes. Asset allocation and diversification are central to the goal of achieving superior long-term, risk-weighted returns. The simple reason for this is that markets do not remain constant and certain asset classes will perform better than others, depending on the prevailing market conditions. The ability to strategically and tactically move from one asset class to another is critical to maintaining the appropriate balance between risk management and investment returns.

The revised investment policy will allow Council to invest uncommitted funds in an 'all-weather' portfolio; one that can deliver a smooth return in most market conditions and through various market cycles.

STATUTORY REQUIREMENT:

Trustee Amendment (Investment Powers) Act 1997

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.

4.3.9 Maintain Council's Policy Manual and Instrument of Delegation.

RISK/LIABILITY:

Adoption of this policy and ensuring that management, staff and Councillors are aware of and follow this policy will help to reduce Council's exposure to risk in this area.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

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

DECISION:

Item C4: Office Closure – Festive Christmas Season 2015/2016

ACTION	Information
PROPONENT	Council Officer
OFFICER	Sophie Pitchford, Corporate Services Manager
FILE REFERENCE	COU/0600
ASSOCIATED PAPERS	Nil

INTRODUCTION

The festive season associated with Christmas and the New Year's celebrations commences on Friday 25th December 2015 and progresses to Friday 1st January 2016. In the past, Council has closed its offices over the period between Christmas and the New Year as only limited (if any) transactions occur. Staff are available if any emergency situations arise. This is a common practice for Tasmanian Councils.

PREVIOUS COUNCIL CONSIDERATION:

Annually

OFFICER'S REPORT:

Public holidays are scheduled on Friday 25th December (Christmas Day), Monday 28th December 2015 (Boxing Day) and Friday 1st January 2016 (New Year's Day).

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

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

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That Council notes that the Council offices will be closed 24th December 2015 and will reopen on the 4th January 2016.

DECISION:

Item C5: Whitemark Foreshore Barbeque Area

ACTION	Information
PROPONENT	Council Officer
OFFICER	Sophie Pitchford, Corporate Services Manager
FILE REFERENCE	AME/0705
ASSOCIATED PAPERS	<i>Nil</i>

INTRODUCTION:

Council has been made aware of a potential issue arising with the consumption of alcohol at the new barbeque area on the Whitemark Foreshore.

There have been a number of complaints from the public and it has been identified as an issue by the police when they are carrying out their general patrol.

PREVIOUS COUNCIL CONSIDERATION:

Nil

OFFICER'S REPORT:

Flinders Council's new barbeques at the Whitemark Foreshore have been a fantastic success and are used frequently by the Community and visitors to the Island.

Whilst it is not illegal for persons to gather at the barbeque area and consume alcohol, we do not want to encourage the misuse of the area, nor do we want to impact on the residents who live close by. There have been a number of general complaints from residents about loud voices, hollering and radio playing at excessive levels, due to excess alcohol consumption. This is commonly happening on Friday and Saturday nights once the Interstate Hotel closes. It has been suggested that a By-Law be put in place to alleviate the problem. Council would prefer not to follow this path, but would rather inform the public that recent behavior will not be tolerated.

It is not Council's intention to limit the use of the barbeque area, however if the reported behavior continues, Council will be forced to look at other means to deal with the problem, such as making it a prescribed area, meaning a rule, law or direction will be put in place for the identified area.

STATUTORY REQUIREMENT:

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS:

2. Infrastructure and Services - An Islands' specific approach to planning and delivery to ensure community and environmental values are maintained.

2.1 Plan, deliver and operate community infrastructure to provide levels of service that align with community needs and demands.

BUDGET AND FINANCIAL IMPLICATIONS:

Nil

RISK/LIABILITY:

No foreseen risks identified.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That the Whitemark Foreshore barbeque area report be noted.

DECISION:

D. GOVERNANCE

Item D1: Council Policy Manual Policy

ACTION	Decision
PROPONENT	Council Officer
OFFICER	Raoul Harper, General Manager
FILE REFERENCE	ADM/0600
ASSOCIATED PAPERS	<i>Annexure 15: DRAFT Council Policy Manual Policy</i>

INTRODUCTION:

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

PREVIOUS COUNCIL CONSIDERATION:

14 th June 1994	123.06.94
13 th December 2001	301.12.01
23 rd September 2010	281.09.10
15 th November 2012	342.11.12

OFFICER'S REPORT:

The Council Policy Manual Policy, which was last reviewed in November 2012, has been reviewed by staff and a revised policy is presented for Council consideration.

The main revision to the policy is the removal of the requirement for policies that have been considered at Ordinary Meetings of Council to be advertised in the Island News, to lay on the table for a period of not less than 28 days for public comment and then to be subsequently reconsidered by Council. This requirement results in a substantial amount of additional work for staff and Councillors and cost to Council, the value of which is questionable when considering that in the past four years no submissions have been received on any policies during the public consultation period.

The reviewed Council Policy Manual Policy is now presented for Council consideration.

STATUTORY REQUIREMENT:

Local Government Act 1993

Local Government (General) Regulations 2015

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.

4.3.9 Maintain Council's Policy Manual and Instrument of Delegation.

RISK/LIABILITY:

The changes proposed to the policy will not expose Council to added risk or liability. Removing expenditure and processes that do not add value supports staff and Councillors to be more productive which in turn allows tasks and actions to be completed more efficiently.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

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

DECISION:

Item D2: Ordinary Council Meetings - Times and Dates 2016

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

INTRODUCTION:

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

PREVIOUS COUNCIL CONSIDERATION:

Annually

OFFICER'S REPORT:

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

Functions associated with the Local Government Association of Tasmania and Northern Tasmanian Development have been factored in and dates changed to accommodate the Mayor and General Manager's attendance.

STATUTORY REQUIREMENT:

Local Government Act 1993

Local Government (Meeting Procedures) Regulations 2015

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

Minimal

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION:

1. That Council resolves to endorse the following Council Meeting schedule, with all meetings commencing at 1.00pm:
 - Thursday 21st January 2016
 - Thursday 18th February 2016
 - Thursday 17th March 2016
 - Thursday 28th April 2016
 - Thursday 19th May 2016
 - Thursday 16th June 2016
 - Thursday 14th July 2016
 - Thursday 18th August 2016
 - Thursday 22nd September 2016
 - Thursday 20th October 2016
 - Thursday 17th November 2016
 - Thursday 15th December 2016

2. That the May 2016 Ordinary Council Meeting be held in Lady Barron at a venue to be decided.

DECISION:

Item D3: Permit Authority: proposal to outsource functions

ACTION	Decision
PROPONENT	Council Officer
OFFICER	Raoul Harper General Manager
FILE REFERENCE	DSV/0300
ASSOCIATED PAPERS	<i>Nil</i>

INTRODUCTION

To improve the quality, standard, cost and compliance of the permit authority functions of Flinders Council a proposal is presented for Council consideration for these functions to be outsourced (delegated) to the West Tamar Council (WTC).

PREVIOUS COUNCIL CONSIDERATION:

Nil

OFFICER'S REPORT:

The *Building Act 2000* defines a Permit Authority as follows: "a person or body authorised for that purpose by the council of the municipal area in which the relevant building work, building, plumbing work or plumbing installation is located or, if the council has not made such an authorisation, the general manager of the council".

Since the *Building Act 2000* became legislation, Flinders Council has delivered the permit authority functions under a range of different service provider and staffing models. As General Manager, my position is that some of these models have delivered value and good outcomes for Council and the Community we serve while others clearly have not. The Permit Authority function, if done to the level required by the legislation and regulatory bodies, requires expert staff and/or contractors. Council does not have the financial ability to employ such people on a permanent basis nor does the work load evident in this area on the islands justify full-time staff coverage. Outsourcing such functions is a cost effective and prudent approach to delivering a high standard service while minimising risk to Council.

The General Manager and the Manager of Development Services at West Tamar have discussed the proposal to outsource permit authority functions with the Director of Building Control within the Department of Justice and the concept has a high level of support. This model, once trialed and if proven successful, could well be a benchmark for others to follow and may facilitate the development of regional permit authority bodies of service delivery models. This has the potential to drive improved service standards and cost savings across the Local Government sector.

The proposal to outsource the permit authority function aligns with objectives and actions within the current Annual Plan:

- Ensure Council meets its statutory obligations and manages corporate and community risk.
- Regulatory building processes comply with Department of Justice requirements.
- Development undertaken in accordance with relevant development standards and legislative requirements.
- Streamlined and customer focused development application and assessment processes, including pre-lodgement information and advisory services.
- Improve access to accurate planning and building pre-lodgement advice for applicants.
- Develop pre-lodgement information packs for building and planning.
- Undertake a review of current processes and procedures with the existing service provider to identify and prioritise improvements.

If supported, the proposal would deliver the following service standard improvements:

- Qualified advice to applicants directly from West Tamar Council in preliminary discussions or after an application has been made.
- The use of existing WTC processes that ensure compliance with Department of Justice Audits of the permit authority function.
- Illegal building works will be regularly monitored and regulatory enforcement processes followed by independent and qualified staff that have no on-island connections or perceived and/or actual bias.
- Outsourcing regulatory functions has the potential to minimise operational costs and improve service standards.

The proposal to outsource permit authority function has been developed to mitigate known risks and deficiencies within the existing service delivery model. The risks of not proceeding with the project are as follows:

- Flinders Council has shown areas of substandard performance in the Department of Justice Audits of permit authority functions. Continued poor performance exposes Council to unacceptable risk.
- The Department of Justice intends to legislate for permit authorities to have minimum qualifications and standards. Flinders Council would likely not meet these standards and the cost of doing so would be unsustainable.

- If Flinders Council were not to meet the required standards of the Department of Justice then outsourcing of permit authority functions would be required.
- Unqualified advice to applicants continues to expose Flinders Council to unacceptable risk. The project has the potential to mitigate this.
- Flinders Council must deliver an underlying operational surplus in the near term. Outsourcing regulatory functions has the potential to minimise operational costs and improve service standards. Such an approach supports the delivery of a positive operating position in the near term and the sustainability of the organisation as a whole.
- Resource sharing arrangements such as that proposed with this project are a key directive of the State Government's Local Government reform goals.

Flinders Council was provided with a briefing on the proposal at the November workshop. A flow chart to highlight the manner in which services will be delivered has been provided as an attachment to this agenda item. To support the legal delivery of a revised services model the Instrument of Delegation will need to be altered to include West Tamar Council staff. If the proposal is supported in principle by Council, a revised Instrument of Delegation will be included in the December agenda as a separate item for Council consideration. The cost of service delivery under the revised model will not require variation to the existing and approved budget estimates for 2015/2016 and will be supported further by an organisational restructure.

If Council supports in principle the proposal to outsource the permit authority function the following will be required:

1. A revised Instrument of Delegation will need to be prepared for Council consideration.
2. An organisational restructure regarding the permit authority role will be required.
3. The General Manager will prepare, negotiate and sign a services agreement with West Tamar Council for the delivery of permit authority functions.
4. Once Council approval is gained for a revised Instrument of Delegation and a services agreement is finalised the project can be implemented.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That Council notes the report provided by the General Manager and resolves to:

- 1) Direct the General Manager to revise the Instrument of Delegation to support the provision of permit authority functions by West Tamar Council and present this to the December Ordinary Meeting of Council for ratification.
- 2) Direct the General Manager to prepare, negotiate and sign a services agreement with West Tamar Council for the delivery of permit authority functions to begin post the December Ordinary meeting.
- 3) Implement an organisational restructure to support the provision of permit authority functions under an outsourced model once a services agreement has been finalised.

DECISION:

Item D4: Councillor Resolution Report

ACTION	Information
PROPONENT	Council Officer
OFFICER	Raoul Harper, General Manager
FILE REFERENCE	COU/0600
ASSOCIATED PAPERS	<i>Annexure 18: Councillor Resolution Report November 2015</i>

INTRODUCTION:

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

PREVIOUS COUNCIL CONSIDERATION:

The report is presented on a monthly basis.

OFFICER'S REPORT:

Please read Annexure 18 – Councillor Resolution Report November 2015.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That the Councillor Resolution Report November 2015 be noted.

DECISION:

E. CLOSED COUNCIL

Item E1: Closed Council Item

ACTION	Decision
PROPONENT	Council Officer
OFFICER	Raoul Harper, General Manager
FILE REFERENCE	PER/1500
ASSOCIATED PAPERS	<i>Nil</i>

PREVIOUS COUNCIL CONSIDERATION:

936.11.2014	13th November 2014
Councillor Workshop	26th November 2014
Council Meeting (motion lost)	22 nd January 2015
40.02.2015	19 th February 2015
131.04.2015	30 th April 2015
183.06.2015, 184.06.2015 & 185.06.2015	18 th June 2015

REASON FOR CLOSED COUNCIL:

Item E1 is **CONFIDENTIAL** in accordance with Section 15(2)(a) of the Local Government (Meeting Procedures) Regulations 2015.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION:

That Council move into Closed Council.

DECISION:

Meeting Closed