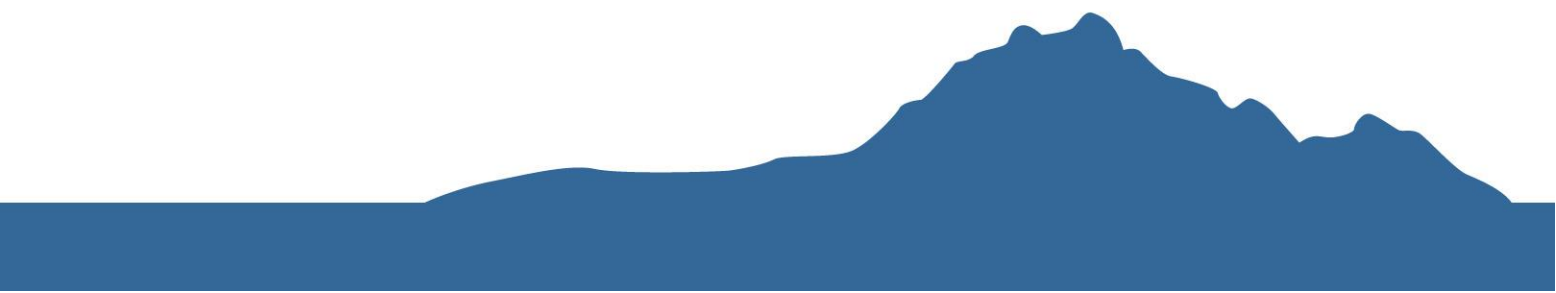




# Agenda Ordinary Council Meeting 17<sup>th</sup> November 2016



## 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 11<sup>th</sup> day of November 2016.



Sophie Pitchford  
**ACTING GENERAL MANAGER**

# FLINDERS COUNCIL ORDINARY MEETING

## AGENDA

**DATE:** Thursday 17<sup>th</sup> November 2016  
**VENUE:** Furneaux Arts and Entertainment Centre, Whitemark  
**COMMENCING:** 1.00 pm

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### PRESENT

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

### APOLOGIES

Cr Ken Stockton

### STAFF IN ATTENDANCE

Rolph Vos - Acting General Manager  
Vicki Warden - Executive Officer

### CONFIRMATION OF MINUTES

That the Minutes from the Ordinary Council Meeting and the Closed Council Meeting held on the 20<sup>th</sup> October 2016 and the Ordinary Special Council Meetings and the Closed Special Council Meetings held on the 4<sup>th</sup> and 9<sup>th</sup> November 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.*

## **RESPONSE TO PUBLIC QUESTIONS**

### **20<sup>th</sup> October 2016 Council Meeting**

#### **Question 1: Mary-Anne Roberts and Jude Cazaly**

Given the recent actions of sacking the General Manager by the majority of Councillors, are we (members of the community) being led to believe that a greater level of probity is the expected norm of this Council?

Can and will this be reflected in the activities undertaken by the elected body individually and collectively?

Will this extend to the treatment of all employees and committees?

#### **Mayor's Response:**

Flinders Council, like all councils, is required to work under the *Local Government Act 1993* (the Act) and other relative legislation. The Act requires registers of interests to be kept and defines "associated persons" and pecuniary interest. The council endeavours to work within the parameters set. At times perception and misinformation in a small community may make it seem otherwise. Anyone with clear and provable information of where councillors or staff have acted outside of legislation have the ability to use either the staff or the councillor's code of conduct to have the issues clearly investigated.

#### **Question 2: Mary-Anne Roberts and Jude Cazaly**

Given the Audit Panel of Flinders Council is Chaired by Mr John Dick, allegedly a known friend and travelling companion of Councillor Stockton and allegedly friend of Councillor Willis (both members of the Audit Panel), can the Mayor confirm the following?

- 1) Councillor Stockton played no role in soliciting a nomination from Mr Dick to apply for the position of independent Chair?
- 2) The Audit Panel has a current work plan that has been approved by Council as required under the Act?
- 3) That the Audit Panel has a meeting schedule that has also been approved by Council?
- 4) That the Audit Panel is in compliance with its meeting schedule and work plan?

- 5) That the Audit Panel is independent and free from bias either perceived or actual?
- 6) Could the Mayor describe the objective qualifications that render the Chairperson of the Audit Panel suitable for the role including his most recent work with public agencies and published works?

**Mayor's response:**

- 1) This question is not one that anyone but Cr Stockton or Mr John Dick can answer. I can say that the position was advertised and the chair selected through due process.
- 2) and 3) The Work plan and schedule of meetings for 2016/17 was presented to Council as a part of the Unconfirmed Minutes of the Audit Panel meeting of the 23<sup>rd</sup> February 2016.
- 4) The Audit Panel is currently outside of its work plan and meeting schedule with the last meeting being postponed.
- 5) The Audit Panel minutes have not indicated any bias. How any member of the community perceives the Audit Panel is not something Council can control.
- 6) No, the qualifications of the applicant(s) was considered by the full Council when considering the appointment to the position.

**Question 3: John Holloway**

Does Council have documented evidence that "Round-Up" is not appropriate to use around Whitemark Township? The Steamer seems ineffective and inefficient with the result that the grassed areas are looking shabby.

**Mayor's Response:**

Council does not have documented evidence that Round-Up is not appropriate. It was a decision of Council some time ago to purchase the weed steamer so that we could limit the amount of round-up used in town environs. The reason why it has not been so effective this year is due to the fact that the works crew has had other priorities due to the extreme weather conditions.

**Question 4: John Holloway**

Has the process to transfer Crown Land, or lease Crown Land to Council at the Badger Corner boat ramp site been actioned yet? If not when will this occur?

**Mayor's Response:**

The process has not been actioned yet. I will have Council discuss the intent and any progress for the Badger Corner boat ramp at a workshop. Council has capacity in its annual plan to upgrade boating facilities but I have not found any record that it has formally agreed that the Badger Corner boat ramp is to be a council facility. Could you please provide Council with information as to the infrastructure you would expect Council to have and maintain at Badger Corner as a boat launching facility? Previous community ramps upgraded by Council, such as the Palana and Port Davey boat ramps,

have been done so with a lot of input and support from community members in the area, justifying both capital and ongoing maintenance expenditure for Council.

**Question 5: John Holloway**

When will Council commence charging commercial users an additional amount to use the Whitemark Tip?

**Mayor's Response:**

Council has recently adopted a Waste Management Plan to deal with the management of solid waste on the Islands including the Whitemark landfill site. The scope of works will be looking at all options to deal with solid waste in an economically and sustainable way that complies with Environmental Protection Agency regulations. A review of waste fees and charges will be included in the process.

**COUNCILLOR'S QUESTIONS ON NOTICE**

Nil

**COUNCILLOR'S QUESTIONS WITHOUT NOTICE**

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

**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

## **POLICIES**

No submissions on the Provision of Electronic Services – Elected Members Policy were received throughout the 28 day public consultation period, therefore, as per the Flinders Council Policy Manual Policy, the policy can now be considered as adopted.

## **WORKSHOPS & INFORMATION FORUMS**

**File No: COU/0205**

### **Interviews held on 18<sup>th</sup> and 19<sup>th</sup> October 2016**

Council interviewed two candidates for the General Manager's position on the 18<sup>th</sup> October and three candidates for the General Manager's position on the 19<sup>th</sup> October.

#### **Councillors Present:**

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

#### **Apologies:**

Nil

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

Jason Vuddamalay - Searchlight Group

### **Council Workshop held on 2<sup>nd</sup> November 2016**

Council held a Workshop on the following subjects:

- Item 1: Road Stabilisation and Roads to Recovery
- Item 2: LGAT General Meeting Agenda
- Item 3: Whitemark Wharf
- Item 4: Furneaux Festival Update
- Item 5: Integrity Commission Training
- Item 6: Definition of "Day to Day" and Annexure 16 – List of functions
- Item 7: General Manager Recruitment

#### **Councillors Present:**

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

#### **Apologies:**

Nil

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

Sophie Pitchford (Acting General Manager), Butch Barnewall (Works & Services Manager) (Item 1), Jo Youl (A Taste of Flinders) (Item 3), Stacey Wheatley (Community Development Officer) (Item 4), Nic D'Alessandro (Manager of Misconduct Prevention Education and Research, Integrity Commission) (Item 5), Jenny McQuilkin (Misconduct Prevention (Research & Education) Officer, Integrity Commission) (Item 5) and Greg Brown (Acting Director, Department of Premier and Cabinet) (Item 5).



## Interviews held on 4<sup>th</sup> November 2016

Council interviewed two candidates for the General Manager's position.

### **Councillors Present:**

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

### **Apologies:**

Cr Ken Stockton

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

Jason Vuddamalay - Searchlight Group

*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 interviews held 18<sup>th</sup> and 19<sup>th</sup> October and 4<sup>th</sup> November and the Council Workshop held on 2<sup>nd</sup> November 2016 be noted.

### **DECISION:**

### **PUBLIC MEETINGS**

Nil

### **PUBLICATIONS/REPORTS TABLED FOR COUNCIL INFORMATION**

Nil

## REPORTS TO BE RECEIVED

### Ideas and Innovations Committee

File No: CSV/2600

**Annexure 1:** *Ideas and Innovations Committee Meeting 17<sup>th</sup> October 2016  
Unconfirmed Minutes*

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

The unconfirmed minutes of the Ideas and Innovations Committee meeting held on Monday 17<sup>th</sup> October 2016 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 unconfirmed minutes of the Ideas and Innovations Committee meeting held Monday 17<sup>th</sup> October 2016 be noted.

### DECISION:

## COUNCILLORS' REPORTS

Deputy Mayor Marc Cobham's Report  
October - November 2016  
File No: COU/0600

### ACTIVITIES:

DATE	ITEM
04.10.16	Council Workshop
06.10.16	Council Workshop
07.10.16	Phone call re ongoing and worsening telecommunications issues
11.10.16	Meeting with NBN
12.10.16	General Manager Interviews
12.10.16	Phone call re ongoing and worsening telecommunications issues
13.10.16	Civic Reception
14.10.16	Flinders Island Show
14.10.16	3 discussions re ongoing and worsening telecommunications issues
18.10.16	General Manager Interviews
19.10.16	General Manager Interviews
20.10.16	Council Meeting
26.10.16	Phone call with community member re federal funding for cat eradication on Bruny, King and Kangaroo Islands
02.11.16	Council Workshop including training session with Integrity Commission and Department of Premier and Cabinet staff
04.11.16	General Manager Interviews
09.11.16	Visit to quarry site - Blue Rocks
09.11.16	Visit to Richmond Park
09.11.16	Special Meeting of Council

### RECOMMENDATION:

That the report of Deputy Mayor Marc Cobham report be received.

### DECISION:

**Report from Councillor Gerald Willis as the Flinders Council Representative on  
TasWater Owners' Committee  
File No: COU/0312**

**CORRESPONDENCE IN:**

<b>DATE</b>	<b>WHO</b>	<b>SUBJECT</b>
12.10.16	Email from Ailsa Sypkes, General Manager Legal and Governance for Taswater	Meeting on 6 October 2016; Chairman's speech in full, Chairman's speech in dotpoint and presentation provided to OWG (Owners' Representative Group).
14.10.16	Email from Ailsa Sypkes, General Manager Legal and Governance for Taswater	Meeting at 10.30am, Thursday 10 November 2016 at Riverside. I confirmed my intention to attend.
24.10.16	Email from Ailsa Sypkes, General Manager Legal and Governance for Taswater	Draft minutes of a General Meeting held 6 October 2016 as confirmed by the Chef Representative.
24.10.16	Email from Ailsa Sypkes, General Manager Legal and Governance for Taswater	Requesting availability to attend a Board Selection Committee meeting following the General Meeting on 10 November 2016. I responded as a yes.
27.10.16	Email from Ailsa Sypkes, General Manager Legal and Governance for Taswater	Providing a shorter version of papers for a General Meeting on 10 November 2016.
02.11.16	Email from Kimbra Constantine, Executive Assistant to Ailsa Sypkes, General Manager Legal and Governance for Taswater	Advising that the Annual Report, auditor's report and directors' report for the year ended 30 June 2016 are now available online.
02.11.16	Email from Ailsa Sypkes, General Manager Legal and Governance for Taswater	Papers for a meeting of the Board Selection Committee to be held Thursday 10 November.
07.11.16	Email from Ailsa Sypkes, General Manager Legal and Governance for Taswater	Revised draft minutes (previously received on 24 October) of a General Meeting held 6 October 2016 incorporating feedback and with changes endorsed by the Chef Representative.

**RECOMMENDATION:**

That the report from Councillor Gerald Willis as the Flinders Council Representative on TasWater Owners' Committee be received.

**DECISION:**

**MAYOR'S REPORT:**

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

**REPORT:****APPOINTMENTS:**

13.10.16	Hosted Her Excellency Professor The Honourable Kate Warner, AM, Governor of Tasmania and Mr Warner to an Island tour and a Civic Reception
14.10.16	Flinders Island Show Lunch and escorted Her Excellency Governor of Tasmania and Mr Warner about the show with the Show President Mrs Sophie Pitchford
15.10.16	Cabaret at Sports Club
18.10.16	General Manager Position – 1 <sup>st</sup> interviews
19.10.16	General Manager Position – 1 <sup>st</sup> interviews
20.10.16	Ordinary Council Meeting
20.10.16	Telephone conference – Clyde & Co Lawyers
24.10.16	Telephone conference – Fair Work Commission
31.10.16	Met with Councillor Willis to undertake formulating draft Communications Policy
01.11.16	Melbourne Cup day at the Tavern
02.11.16	Council Workshop
02.11.16	Councillors Integrity Commission Training
03.11.16	Lady Barron Hall & Recreation Special Committee – Kitchen Group Meeting (as community member)
04.11.16	General Manager Position – 2 <sup>nd</sup> interviews
04.11.16	Special Council Meeting
05.11.16	Lady Barron Hall & Recreation Special Committee Meeting (as community member)
06.11.16	Lions Club of Flinders Island - Le Tour de Flinders BBQ
09.11.16	Gums quarry development - Councillors and staff
09.11.16	Richmond Park re quarry development – Councillors and staff
09.11.16	Hydro video introduction taping
09.11.16	Special Council Meeting

**Governor's Visit:**

Her Excellency Professor the Honourable Kate Warner, AM, Governor of Tasmania and Mr Warner visited the Island for a municipal visit and to open the Flinders Island Show. I had the pleasure of escorting Her Excellency and Mr Warner on a day tour of

the Island that included the school, the Multipurpose Centre, lunch at the Tavern and then to the Museum, of which her Excellency is a Patron. The afternoon culminated in afternoon tea at Kentdale, the home of Pip and Peter Frost. Her Excellency and Mr Warner are extremely interested in agriculture and the future it can have in the Tasmanian arena.

**General Manager Recruitment:**

Council is progressing smoothly through the process of recruiting a General Manager. I sincerely thank Mrs Sophie Pitchford for her commitment as Acting General Manager through this process.

**Lady Barron Hall:**

Work has begun on the addition of a fitness annex and upgrade to the kitchen and toilets of the Lady Barron Hall.

**“The Gums” proposed Quarry Development:**

Councillors, with staff in attendance, visited the site of the proposed quarry and also visited the farm directly next door to the proposed quarry site. Issues that Councillors require more information on have been conveyed to the planning section of Council and through them to the Environmental Protection Agency.

**CORRESPONDENCE IN:**

DATE	WHO	SUBJECT
12.10.16	A Sypkes, TasWater	Owners Representatives Group General Meeting - 6 October 2016 - Chairman's notes and presentation
13.10.16	L Wooldrage	Parliamentary debate on lowering the school age
13.10.16	HydroTas	Flinders Island Hybrid Energy Hub Official Opening – acceptance sent
14.10.16	P Nugent	Congratulations on show day
14.10.16	Biosecurity Tasmania	Biosecurity Advisory 27/2016 - Influx of beneficial Melangnya hoverfly
16.10.16	Peter Guichelaar	Invite to Councillors to visit Richmond Park
20.10.16	J Vuddamalay	Travel expenses for Searchlight
21.10.16	P Guichelaar	Request for all information regarding Markarna Grazing quarry application
24.10.16	S Robinson	Invite to be part of Neighbour Day 2017
25.10.16	L Mason	Tasmanian Community Fund's Emerging Community leaders program
26.10.16	K Stephenson, Local Government Association of Tasmania (LGAT)	Appointment of new Director of Local Government
26.10.16	S Commons	Invite to attend Tasmanian Community

		Achievement Awards Gala Presentation Dinner
27.10.16	D Scott, Tasmania Audit Office	Final Management Letter – Audit of Financial Statements for the Year ended 30 June 2016
27 and 31.10.16	K Northwood	Devonport City Council's Keep me Posted campaign
01.11.16	A Stephens	Minutes from Tourism Northern Tasmania AGM
02.11.16	M Negnevitsky	Briefing for official opening of Connect2016 conference
02.11.16	L Adams	Invite to launch of Human Rights Week 2016
02.11.16	TasWater	General Meeting - 10 November - Annual Financial Report, Directors' Report and Auditor's Report
02.11.16	S Gamble	Flinders Island Hybrid Energy Hub opening has been deferred
03.11.16	Hon P Gutwein MP	Update on the statewide planning reforms and Council's preparation of its Local Provisions Schedule (LPS)
04.11.16	D Cooper	Hangar plans at Whitemark
06.11.16	M Roach	Young Achiever Awards now open
06.11.16	L Oakey	Local Government Professionals Australia Congress 2017
07.11.16	R Wise	Submission on DA012/2016
08.11.16	C Agortinelli	LGAT 2017 Meeting Dates
09.11.16	Ten Days on the Island	Invite to the launch of the Ten Days on the Island Festival 2017
09.11.16	Governor of Tasmania	Thank you for letter and appreciation of visit to Island

#### **CORRESPONDENCE OUT:**

<b>DATE</b>	<b>WHO</b>	<b>SUBJECT</b>
16.10.16	Peter Guichelaar	Markarna Grazing's quarry development
16.10.16	P Nugent	Appreciation for email re show day
19.10.16	R Pree, Department of Premier and Cabinet	Furneaux Group Telecommunications
19.10.16	Peter Guichelaar	Arrangements for visit to Richmond Park
20.10.16	J Vuddamalay	Authorising payment of travel expenses for Searchlight
23.10.16	M Grimshaw	Introduction to Flinders Island Tourism and Business Association Prospectus
24.10.16	B Hodge, Bendigo Bank	Authority to open bank accounts for Council
31.10.16	Governor of Tasmania	Thank you for visiting Flinders Island
31.10.16	S Pitchford	Thank you for the Show lunch



01.11.16	10 Community Members	Thank you for assisting with the Governor's visit
02.11.16	M Negnevitsky	Thank you for briefing information for official opening of Connect2016 conference
07.11.16	R Wise	Submission on DA012/2016
11.11.16	J Holloway	Response to public question
11.11.16	MA Roberts and J Cazaly	Response to public question

**VOTING REQUIREMENTS:**

Simple Majority

**RECOMMENDATION:**

That the Mayor's report be received.

**DECISION:**

## OPERATIONAL BUSINESS OF COUNCIL

### A. CORPORATE SERVICES

**Item A1:** Quarterly Financial Report for July – September 2016  
**File No:** FIN/0100, ADM/0600  
*Annexure 2:* Quarterly Financial Report July – September 2016

**Item A2:** Variation to the 2015/16 Budget Review  
**File No:** FIN/0701  
*Annexure 3:* Capital Works Program Budget  
*Annexure 4:* Stabilisation Budget

**Item A3:** Northern Tasmania Economic Stimulus Package Loan Scheme  
**File No:** FIN/0701  
*Annexure 5:* Capital Works Funding Opportunity

### B. DEVELOPMENT SERVICES AND PLANNING APPLICATIONS

**Item B1:** Development Application – (North East River Pty. Ltd.)  
**File No:** DA2016/030  
*Annexure 6:* Title  
*Annexure 7:* Site and Elevation Plans  
*Annexure 8:* Representation

**Item B2:** Development Application Report  
**File No:** DSV/0300  
*Annexure 9:* Planner's Information Report – November 2016

### C. NOTICE OF MOTIONS

**Item C1:** Notice of Motion from Deputy Mayor Marc Cobham – Bass Strait Equalisation Scheme  
**File No:** COM/0401

### D. GOVERNANCE

**Item D1:** Office Closure – Christmas Season 2016/2017  
**File No:** COU/0600

**Item D2:** Ordinary Council Meetings - Times and Dates 2017  
**File No:** COU/0203

Item D3: Councillor Resolution Report  
File No: COU/0600  
*Annexure 10: Councillor Resolution Report November 2016*

**E. CLOSED COUNCIL**

Item E1: Closed Council Item  
File No: PER/0602

**Meeting Closed**

## A. CORPORATE SERVICES

### Item A1: Quarterly Financial Report for July – September 2016

ACTION	Information
PROPONENT	Council Officer
OFFICER	Sophie Pitchford, Acting General Manager
FILE REFERENCE	FIN/0100, ADM/0600
ASSOCIATED PAPERS	<i>Annexure 2: Quarterly Financial Report July – September 2016</i>

#### **INTRODUCTION:**

Presented to Council is the first Quarterly Financial Report for the period commencing 1<sup>st</sup> July 2016 and ending 30<sup>th</sup> September 2016.

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

Council considers the Quarterly Financial Report on a quarterly basis.

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

The report structure provides a summary of income and expenditure for the first quarter across all departmental divisions as individual finance reports. The Statement of Comprehensive Income includes actuals from the previous financial year, for comparison against current actuals, as well as the 2016/17 Annual Budget.

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

#### **STATUTORY REQUIREMENT:**

*Local Government Act 1993*

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

4.0 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:**

Annual Plan – all areas

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

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

#### **VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

That the Quarterly Financial Report for the period commencing 1<sup>st</sup> July 2016 and ending 30<sup>th</sup> September 2016 be received and accepted.

**Item A2: Variation to the 2015/16 Budget Review**

<b>ACTION</b>	<b>Information</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Sophie Pitchford, Acting General Manager
<b>FILE REFERENCE</b>	FIN/0701
<b>ASSOCIATED PAPERS</b>	<i>Annexure 3: Capital Works Program Budget Annexure 4: Stabilisation Budget</i>

**INTRODUCTION:**

A variation to the 2016/17 Capital Works Program.

**PREVIOUS COUNCIL CONSIDERATION:**

99.05.2016                      13<sup>th</sup> May 2016

**OFFICER'S REPORT:**

Council is in receipt of Roads to Recovery funds to assist with the upgrade and maintenance of Council owned roads. To be compliant with the funding Council is required to spend a set amount of its own source expenditure.

The Roads to Recovery funding was significantly increased in 2015/16 and 2016/17 which has been problematic as the level of works planned in Council's Long Term Asset Management Plan do not cover the amount in receipt, nor does it cover the level of own source funds Council is required to spend.

To be compliant with the funding requirements, the Works & Services Manager has revised the resealing schedule and also included a costing for the stablisation of a number of gravels roads which will reduce wear and tear and ultimately reduce the level of maintenance required on these roads.

The proposed budget will stablise 5,500 metres and seal 3,500 metres of road.

**STATUTORY REQUIREMENT:**

*Local Government Act 1993*

*Environmental Management Pollutions Control Act 1993*

**POLICY/STRATEGIC IMPLICATIONS:**

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

**BUDGET AND FINANCIAL IMPLICATIONS:**

A budget allocation of an additional \$162,048 for the resealing program and \$446,031 for stablisation.

**RISK/LIABILITY:**

Not spending the required level of our own source expenditure would place Council in breach of the Roads to Recovery funding guidelines and potentially jeopardise ongoing funding.

**VOTING REQUIREMENTS:**

Absolute Majority

**OFFICER'S RECOMMENDATION:**

That Council agrees to an additional allocation of \$608,079 to the 2016/17 Capital Works Program.

**DECISION:**

### Item A3: Northern Tasmania Economic Stimulus Package Loan Scheme

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Sophie Pitchford, Acting General Manager
<b>FILE REFERENCE</b>	FIN/0701
<b>ASSOCIATED PAPERS</b>	<i>Annexure 5: Capital Works Funding Opportunity</i>

#### **INTRODUCTION:**

On the 27<sup>th</sup> September 2016 the State Government launched its Accelerated Local Government Capital Program (ALGCP) as a part of the Northern Economic Stimulus Package.

Under the ALGCP, the Government will enter into partnerships with participating councils to bring forward up to \$60 million of infrastructure investments, which will be financed by new borrowings at no cost to participating councils.

Council has an opportunity to present a Business Case identifying key projects in Council's Long Term Asset Management Plan that may be eligible under the stimulus package.

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

6<sup>th</sup> October 2016 Council Workshop  
27.10.2016 and 27.10.2016 20<sup>th</sup> October 2016 Council Meeting

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

In line with Council's Strategic Plan, a number of projects have been identified that meet the Northern Tasmania Economic Stimulus Package criteria; these projects are:

- A putrescible cell for waste management at the landfill site (Whitemark);
- BBQ and Public Toilets at the North East River;
- BBQ and Public Toilets at Cameron's Inlet;
- The development of the Lagoon Road block (access and amenities);
- The 'stabilisation' of Council gravel roads;
- Bridge Railing Replacement Program; and
- Township Footpaths Program.

A Business Case will be developed that will as a minimum:

- Provide a detailed description of each project;
- Detail expected capital costs and the timing of cash outflows;
- Detail the planned original project delivery timing and proposed new delivery timing;



- Provide a summary of expected employment opportunities and the anticipated economic impacts;
- Detail the planned procurement process and timing, including the commencement date of construction;
- Provide information regarding the period for which interest support is being requested and the amount of that assistance (based on the loan repayment schedule); and
- Any other relevant information that supports the funding application.

Council has been provided with a unique opportunity to fund projects on an interest free basis which will accelerate investment returns as the funding will not need to be allocated from Council's reserves until the loan falls due.

#### **STATUTORY REQUIREMENT:**

*Local Government Act 1993*

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

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

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

4.3.21 An integrated and strategic approach to financial and asset management.

4.3.21.1. Maintain a long-term financial plan in accordance with the *Local Government Act 1993*.

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

Preservation of Council's reserves until loans fall due which will provide greater returns in the short-term.

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

Nil

#### **VOTING REQUIREMENTS:**

Absolute Majority

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

That Council makes application to the Accelerated Local Government Capital Program for the loan to undertake the projects identified in the report.

#### **DECISION:**

## B. 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 B1: Development Application – (North East River Pty. Ltd.)

<b>ACTION</b>	Decision
<b>APPLICANT</b>	North East River Pty. Ltd.
<b>OFFICER</b>	James Ireland (consultant town planner)
<b>APPROVED BY</b>	Karin Van Straten (senior consultant town planner)
<b>FILE REFERENCE</b>	DA2016/030
<b>ASSOCIATED PAPERS</b>	<i>Annexure 6: Title Annexure 7: Site and Elevation Plans Annexure 8: Representation</i>

Proposal: Private landing ground (hangar)

Location: North East River Road, Palana (CT: 115104/1)

Zoning: Rural Zone

Special Areas: None

Representations: One

Statutory Timeframes: Date Received: 20/9/16  
Advertised: 29/9/16  
Closing date for representations: 13/10/16  
Request for further information: not required  
Decision due: 18/11/16 (extended)

### INTRODUCTION:

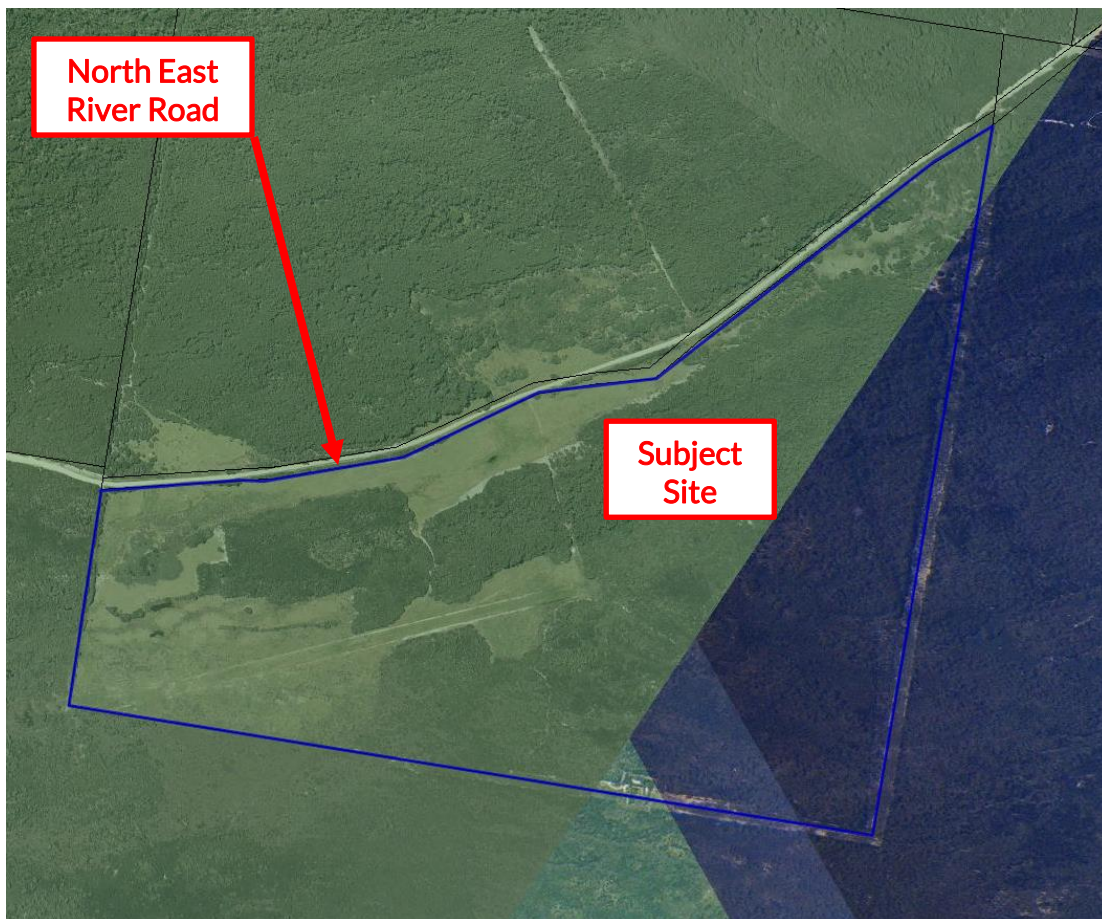
#### **Subject Site**

The subject site is a 99.41 ha lot on the south side of North East River Road in Palana. It has frontage of 1730.31m and a depth of 1261.77m. The site is generally flat, and part cleared, part scrub and part forest. No further clearing is required for the proposal. To the east, west and south is Parks and Wildlife land. To the north across the road is a similar sized vacant lot, privately owned.

## The Proposal

A 300m<sup>2</sup> gable roof shed is proposed (20m by 15m and 5.5m high), to be used as a hangar for the existing private landing ground on the site. The hangar is 220m from the North East River Road frontage and 305m from the rear boundary. It has sliding doors in one side and a bathroom inside.

The landing ground has existing use rights. When the property changed hands in 2002, the standard 337 issued stated that a permit had been issued for the site, but Council has no further details. The landowner has made a statutory declaration that the permit in question was for a landing ground and dwelling (the dwelling was obviously not built) and that the landing ground use has been continuing since then until the present day.





## OFFICER'S REPORT:

### Assessment Against the Planning Scheme

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

- Part 3 – Consideration of Applications for Planning Permits (3.10). This includes consideration of Part 5 – Zoning.
- Part 6 – Use and Development Principles

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

Council shall take into consideration the following:

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

**An assessment is provided below. Note that there is no applicable development plan.**

### **5.8.1 Zone Intent**

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

**COMMENT:** The subject site is characterised in part by ‘*open farmland*’ and in part by ‘*irregular areas of native vegetation and substantial unspoiled landform*’. The proposed building is within this open farmland area and maintains its character.

### **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), and in addition to the discussion under the zone intent section, the building is a substantial distance from the

road frontage (220m). In relation to (c) the proposal is environmentally appropriate and is designed to avoid contamination and/or despoliation of the land via an appropriately designed on-site wastewater disposal system. All buildings are located at least 4km from the shoreline. Wastewater disposal is via an onsite wastewater disposal system. Water supply will be via rainwater collection. Criteria (d) is not applicable.

#### **5.8.4 Development Standards**

- (a) The maximum height of buildings is 8.0 metres unless it can be satisfactorily demonstrated that a higher structure is required for operational, topographic or other justified purposes.*
- (b) Habitable buildings should be sited and designed to achieve the best solar gain or orientation that the site can provide. Where such design or orientation is not feasible other energy efficient practices, such as insulation, heat pumps or double glazing, should be considered.*
- (c) Buildings shall be setback a minimum distance of 20 metres from all boundaries.*
- (d) Regardless of the foregoing minimum setbacks, buildings shall be set back not less than a horizontal distance of 100m from high water mark and 40 m from a perennial watercourse.*
- (e) Council may relax the setback requirement of the above clause pursuant to the provisions of Clause 3.5 of this Scheme and after giving consideration to:
  - i. The particular size, shape, contours or slope of the land and the adjoining land;*
  - ii. The adjoining land and uses and zones*
  - iii. The position of existing buildings and setbacks in the immediate area;*
  - iv. Consideration of any representations received as a result of the notification under Section 57 of the Act.**
- (f) The external walls, roof, paving and other large surface areas of buildings shall be finished with non-reflective materials and colours that harmonise with the natural landscape or shall be substantially screened by landscaping.*
- (g) A house on any lot which contains only class 4, 5, 6 or 7 land is discretionary and may only be approved if any existing or potential development and use of agricultural land in the vicinity is likely to receive no impact, or only minor impact from the establishment of the residence taking into account:*



- (a) *The topography of the land;*
- (b) *The location of water catchments;*
- (c) *The location of neighbouring agricultural pursuits;*
- (d) *Buffers created by natural features;*
- (e) *Resource sustainability given the objective of the State Protection of Agricultural Land Policy.*

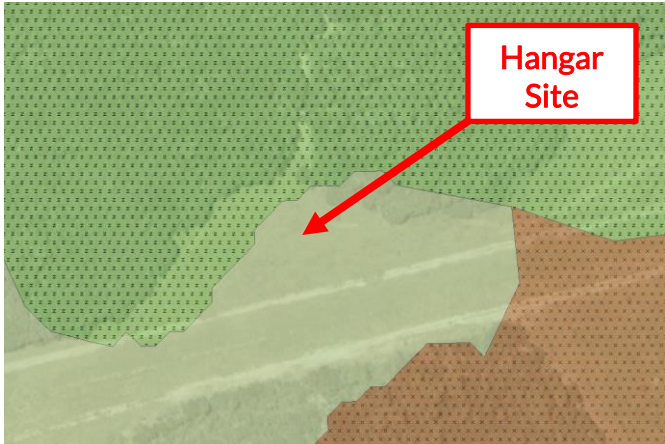
**COMMENT:** The proposal meets requirements a), c) and d). As requirement c) is met, e) is not applicable. In relation to f), the application specifies pale eucalypt and surf mist (standard Colorbond colours) which meets this requirement. Criteria b) and g) are not applicable.

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

Not applicable. None were received by Council.

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

One representation was received. Council must consider representations to discretionary applications under both the Act and the Scheme. The representation is assessed in the table below. A full copy of the representation is provided as part of the Council agenda.

Issue	Comment
<p><i>Site plan shows shed to be located on cleared ground in close proximity to what is E.nitida Furneaux Forest (not shown on site plan). It is submitted that any approval should be conditioned to avoid clearance of this vegetation community, particularly since there is sufficient cleared area to accommodate the proposed development.</i></p>	<p>The site plan shows the vegetation, but describes it as 'tea tree scrub'. The Tas Veg 3.0 mapping shows that it is in fact <i>eucalyptus nitida</i> Furneaux forest as the representor states (shown with green shading below, note the slight misalignment with the aerial photo). The hangar site in the cleared area is also shown:</p> 

	<p>The application does not propose clearance of this vegetation. This is clearly shown on the site plan – the vegetation is in place and the proposed building is in a cleared area. It is not a threatened community.</p> <p>There is no justification for a condition that prohibits an action that is not proposed in the application. Furthermore, planning permission is not required to clear this vegetation – it could be cleared tomorrow (although there is no known intent to do so).</p>
<p><i>Existing building/structure on the site should be included on site plan.</i></p>	<p>The building in question is understood to be a shed, located approximately 260m east of the proposal. Clause 3.8 of the planning scheme provides that an application: <i>'shall contain such information as is necessary for Council to determine compliance with the scheme, and shall include, where applicable, the following:'</i> [one of which is a site plan, showing existing buildings].</p> <p>Whilst it is usual for a site plan to show all existing buildings, if Clause 3.8 is strictly followed, the building in question does not affect Council's ability to determine compliance of this proposal with the scheme and is therefore not applicable information that <i>must</i> be on the site plan.</p>

While the concerns of the representor are noted, they did not raise any matters that alter assessment of the application against the Scheme.

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

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

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

(b) *excessive slope;*

**Not applicable.**

(c) *ponding or flooding;*

**None known at the sites of the proposal.**

(d) *bush fire hazard;*

**Not applicable.**

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

**No.**



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

**Not applicable.**

(g) *pollution; and*

**None known.**

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

**None known.**

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

(a) *existing site features;*

**Existing site features where the proposal is located are limited to the topography.**

(b) *adjoining land;*

**The proposal is setback 220m from the nearest boundary and is located amongst tall scrub which further shields it. On this basis it is satisfactory in terms of its siting. The relatively small scale of development (a 300m<sup>2</sup> shed, 20m by 15m and 5.5m high) is satisfactory in its siting and appearance. No emissions will be generated.**

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

**The proposal is setback from the road 220m and shielded by tall scrub. It has a very limited impact in the streetscape.**

(d) *the natural environment;*

**The natural environment is taken here as the flora and fauna on the site. The proposal will not affect any threatened communities. Vegetation removal is not proposed.**

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

**None known**

(f) *buffer zones, attenuation areas*

**None applicable.**

(g) *easements;*

**None applicable.**

(h) *a water supply for firefighting purposes;*

**Not applicable.**

(i) *any received pollution;*

None known.

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

**The proposal will not generate pollution.**

(k) *isolation, separation from other lands.*

**Please refer to (b).**

6. *whether the proposed use or development will be supplied with an adequate level of infrastructure and services, and if there is any necessity to improve deficient access, roads or road junctions, water, sewerage, electricity or transport services and the like, without detriment to existing users;*

No improvement needs to be made to any roads, road junctions or water, sewerage, electricity or transportation services. This part of the island is not supplied with water or sewerage infrastructure and the proposal is designed to be self-sufficient. It is therefore concluded that the proposal will be supplied with an adequate level of infrastructure and services.

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

**The proposal will not have an adverse effect on the use of the adjacent land.  
The landing ground has existing use rights.**

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

It is the intent of the proposal to sit within the existing natural vegetation and its removal is not required. No additional landscaping is proposed. Illumination is not specified, but it is assumed it will be limited to lighting typical of a farm or domestic use.

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

Access will be via North East River Road, which has a speed limit of 80km/h. The existing access will be used. Based on a desktop review only, it is understood that sight distances are suitable.

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

No specific effort has been made to reduce energy use, but that said, it is expected that energy use will be very low.

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

The proposal is a private undertaking - it does not pose a risk to the safety or well-being of the public.

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

None stated.

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

### **Part 6 – Use and Development Principles**

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

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

#### **6.1 Use**

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

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

#### **6.2 Character**

(a) *Use and development shall adequately respect the character of, and future intentions for the area in which it is to be located.*

(c) *Use or development (including public facilities and services) should adequately respect the surrounding streetscape and neighbouring use or development, particularly in relation to scale, setbacks, form (including roof shape), landscaping, materials, colours and fencing.*

(e) *Where trees are an important element in the character of an area they should be retained.*

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

#### 6.4 Environment

- (a) Use or development shall not be allowed to detrimentally affect the environment. All areas, and sensitive ecological and/or visual areas in particular, shall be developed in a manner and to an extent which is consistent with the protection of the values of the area.*
- (b) Use or Development and land management practices shall be directed towards achieving environmental sustainability, biodiversity and ecological balance, and avoiding environmental damage such as soil erosion, coastal dune erosion, loss of important animal and plant species and increases in vermin populations.*
- (c) Use or Development shall not be located in areas of unacceptable risk (eg. from fire, flood or landslide). In situations where risk may exist, use and development shall be appropriately sited and designed to provide an acceptable level of protection and safety for future users. In particular.*
  - i. Lands subject to flood risk are those subject to a greater than one in a 100 year flood interval (1% probability), and land, the natural surface level of which is below 3 metres Australian Height Datum (AHD); and*
  - ii. Land which comprises soils of known or suspected instability, has a slope greater than 1 in 4, or is filled or reclaimed land, are deemed to constitute an unstable land hazard; and*
  - iii. Use and development in bushfire prone areas will comply with the provisions of Schedule 7 Development in Bushfire Prone Areas or some other provisions acceptable to Council and the Tasmania Fire Service.*
- (f) Use or development shall be of a suitable form and siting to avoid any adverse impact on any watercourse and vice versa. Use or development (including the siting of effluent disposal systems) shall be setback a minimum of 40 metres, or such distance as is required, from a watercourse to avoid degradation of water quality.*

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

#### 6.6 Access and Parking

- (b) All Use or Development shall provide satisfactory pedestrian and vehicular access which is suited to the volume and needs of future users.*

- (c) *Buildings and spaces intended for public access shall provide for satisfactory use and access by the disabled; the requirements of the Building Regulations in relation to AS1428.1-1988 shall be met.*
- (d) *Road widths shall be appropriate to the road function, expected traffic type and volume, and future subdivision potential of the subject and surrounding land.*
- (h) *New Use or Development shall provide a suitably constructed driveway of a width to provide for the safe ingress and egress of the anticipated volume of traffic associated with the Use or Development*
- (i) *New Use or Development shall provide adequate car parking to provide for the demand it generates and shall be capable of being safely accessed.*
- (k) *New Use or Development in Bushfire Prone Areas will require access that complies with the provisions of Schedule 7, Development in Bushfire Prone Areas.*

**COMMENT: Complies. The existing access is to be used. Ample car parking is available on the site for the use.**

## 6.7 Services

- (a) *Use or Development shall be provided with adequate and appropriate services which are suited to the lifestyle requirements of people, the nature of the location, and the ability of the community to provide.*
- (c) *In areas not serviced with water use or development shall provide adequate water supply and effluent disposal systems. Each dwelling shall provide a potable water storage facility (minimum capacity of 40kl) to provide for the anticipated number of occupants, and a wastewater disposal system approved by the Council's Environmental Health Officer*
- (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.*
- (g) *Servicing systems shall use adequate and appropriate design methods and materials to ensure an acceptable life span and allow for adequate maintenance requirements.*

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

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

#### 6.8 Social Interest

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

**COMMENT:** In relation to part 1, this is a private undertaking and has no direct affect on the community interest. In relation to part 2, the proposal does not involve residential accommodation so the servicing level is appropriate.

#### 6.9 Administration.

- (b) *Use or Development proposals should only be approved where the cost to the public of providing and maintaining services is not exceeded by the economic benefit of the use or development to the community.*
- (c) *In considering any proposal, Council shall obtain the advice and opinion of other relevant group(s), individual(s) or organisation(s) with direct interest in the proposal.*

**COMMENT:** In relation to (b), this is a privately financed undertaking, with no cost to the public. In relation to (c), the application was notified under the statutory process.

#### **STATUTORY REQUIREMENT:**

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

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

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

**COMMENT:** The proposal is consistent with this focus area. The proposal is a project that supports the community and investment attraction.

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

Financial impacts are normally limited to the application process and any appeal that may be lodged against the planning authority's decision, provided statutory obligations are met.

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

That the application for a private landing ground (hangar) in the rural zone by North East River Pty. Ltd. at North East River Road, Palana (CT: 115104/1) be **APPROVED** generally in accordance with the endorsed plans and subject to the following conditions:

### **ENDORSED PLANS**

1. The use and/or development must be carried out as shown on the endorsed plans by MSJB dated 4/9/16 to the satisfaction of the Council. Any other proposed development and/or use will require a separate application to and assessment by the Council.

### **NO HUMAN HABITATION**

2. The building must not be used for human habitation.

### **Permit Notes**

- A. This permit was issued based on the proposal documents submitted for DA2016/030. 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 within 6 months after the expiration date.

### **Other Approvals**

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

- b) Plumbing permit

### **Restrictive Covenants**

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

### **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](http://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.

### **DECISION:**

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



**Item B2: Development Application Report**

<b>ACTION</b>	<b>Information</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Jacci Viney, Development Services Coordinator
<b>FILE REFERENCE</b>	DSV/0300
<b>ASSOCIATED PAPERS</b>	<i>Annexure 9: Planner's Information Report - October 2016</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 as per the council motion 249.09.2015, passed at the 24<sup>th</sup> 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 9 - Planner's Information Report - October 2016, provided by West Tamar Council.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

That the Planner's Information Report - October 2016 be received.

**DECISION:**

## C. NOTICE OF MOTIONS

### Item C1: Notice of Motion from Deputy Mayor Marc Cobham – Bass Strait Equalisation Scheme

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Councillor Marc Cobham
<b>OFFICER</b>	Sophie Pitchford, Acting General Manager
<b>FILE REFERENCE</b>	COM/0401
<b>ASSOCIATED PAPERS</b>	Nil

#### NOTICE OF MOTION:

1. That Flinders Council lobbies the relevant government agencies and Ministers to amend the Bass Strait Equalisation Scheme (BSPVES) to include an **intrastate** component i.e. between 'mainland' Tasmania and the Furneaux Group. The aim of this Notice of Motion is to benefit residents of the Furneaux Islands.

2. That if deemed appropriate, depending on current shipping arrangements, the General Manager liaises with King Island Council re their possible involvement in changing the BSPVES to include an intrastate component.

#### COUNCILLOR'S REPORT:

The BSPVES was introduced in September 1996 with the aim of reducing the cost of transporting vehicles across Bass Strait from mainland Australia. From 1<sup>st</sup> July 2009 the rebate is up to \$ 183 per car (other vehicles are eligible i.e. motor cycles, bicycles, motor homes, towed caravans etc). Vehicles travelling between mainland Australia and the Furneaux Group are eligible.

The current situation means that the benefits of the scheme are NOT available for **intrastate** vehicular transportation with the direct result that local residents, in particular, are substantially financially penalised when shipping vehicles between Tasmania and the Furneaux Islands. It should be noted that the final report of the 2011 Tasmanian Legislative Select Committee "Island Transport Services" recommended that "The Bass Strait Vehicle Equalisation Scheme (BSPVES) be applied to the shipping of motor vehicles between the Furneaux Group and the Tasmanian mainland".

As an example of the inequalities of the current system I can be highlighted by my own experiences of several years ago. In 2012 I brought a vehicle from Melbourne to Devonport on the Spirit of Tasmania at a cost of \$79. To ship the vehicle from Bridport to Lady Barron port incurred a cost of \$520. Several years earlier I was charged \$820 for a larger vehicle with a different operator. Current charges are slightly less, but the inequality remains.

I previously raised this issue as Notices of Motions in March 2010 and March 2012 for all intrastate vehicle movements, but was unsuccessful. At the time of those motions Furneaux Freight was constructing a new vessel that promised more capacity and faster travelling times. It was felt, by at least one Councillor that this, together with a reduction in the cost of transporting vehicles, would result in a much larger number of tourist vehicles travelling to the Islands with corresponding increases and pressures on our coastal environments. That vessel was subsequently sold; the existing vessel "Matthew Flinders" has limited vehicular capacity so, for the time being at least, those "threats" are not an issue.

Subsequent discussion indicated that a resident only subsidy may be a more appropriate way forward.

Current research via internet (October 2016) indicated the following costs i.e. Furneaux Freight (intrastate) and Spirit of Tasmania (subsidised interstate).

### **Furneaux Freight**

#### **Motor Vehicles**

All Motor vehicles are priced Bridport – Lady Barron.

Length	One Way	Return
<b>Under 4.5m</b>	\$280.00	\$500.00
<b>4.51 up to 4.8m</b>	\$345.00	\$640.00
<b>4.81 up to 5.9m</b>	\$415.00	\$770.00

#### **Passengers**

Age	One Way	Return
<b>Adult</b>	\$65.00	\$115.00
<b>Children 3-15 Yrs</b>	\$40.00	\$60.00

### **Spirit of Tasmania**

Melbourne- Devonport return

Vehicle from \$89 one way/ \$178 return (after BSPVES subsidy)

Passenger from \$75 (day sailing) one way/ \$150 return.

Passenger from \$96 (night sailing) one way/ \$192return.

Other Tasmanian residents in Kingsborough Municipality, i.e. Bruny Island residents, have the advantage of subsidised sea ferry rates, albeit a much shorter distance/ journey time.

One constant issue that is continually raised by local community residents is the high cost of travelling to/from off-island destinations. Airfares are comparatively expensive i.e. Flinders – Launceston is \$370 return for an adult. Any further travel in Tasmania i.e. car hire etc. can increase the financial burden. Some residents are able to keep a vehicle at Launceston Airport, and whilst this is on a reduced rate of \$559pa, is another cost

burden, not to mention additional registration/running costs.

For many of our residents, having the ability to transport their vehicle intrastate at a similar cost to those Tasmanian residents and tourists who utilise the Spirit of Tasmania, would make a significant difference to general living costs. For families, being able to pack up their vehicle for an annual “off island” holiday and have it to use elsewhere at a reasonable cost would make a considerable difference financially and to general convenience. Even if one adult and vehicle went via sea it would contribute to a significant financial saving i.e. vehicle and 1 adult return for \$293. Additionally, simple tasks such as being able to use vehicles to transport goods purchased “away” would save on freight costs without adversely affecting the shipping provider, i.e. increase in vehicular “cargo” but with a subsidy attached.

I consider that Council should pursue this issue on behalf of our Community because of the inequity in the current situation and as a step to encouraging more new residents to relocate to the Furneaux Islands.

This particular aspect is directly compatible with Council’s Strategic Plan and general long-term vision of attracting new residents and retaining existing residents. Additionally, if Flinders Council were able to lobby for the change to the BSPVES with King Island Council our case would be strengthened i.e. a change for the Bass Strait Islands.

**PREVIOUS COUNCIL CONSIDERATION:**

61.03.10 25<sup>th</sup> March 2010  
79.03.2012 15<sup>th</sup> March 2012

**OFFICER’S REPORT:**

The motion is self-explanatory and if Council is supportive then the process of lobbying for such an inclusion can be undertaken.

Cr Cobham has regularly outlined that an extension of the BSPVES is a goal of the constituents he represents. To that end, Council should consider the matter and provide staff with direction.

**STATUTORY REQUIREMENTS:**

*Local Government Act 1993*

**POLICY/STRATEGIC IMPLICATIONS:**

*1.Population Growth - Focusing on strategies, projects and policy initiatives that support the community, economic development, innovation and investment attraction.3. Access and Connectivity - Work with service providers and other relevant stakeholders to improve security, reliability and cost effectiveness.*

**BUDGET AND FINANCIAL IMPLICATIONS:**

Nil

**RISK/LIABILITY:**

Nil

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

The motion as written.

**DECISION:**

## D. GOVERNANCE

### Item D1: Office Closure – Christmas Season 2016/2017

<b>ACTION</b>	<b>Information</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Sophie Pitchford, Acting General Manager
<b>FILE REFERENCE</b>	COU/0600
<b>ASSOCIATED PAPERS</b>	Nil

#### INTRODUCTION

The festive season associated with Christmas and the New Year's celebrations commences on Sunday 25<sup>th</sup> December 2016 and progresses to Sunday 1<sup>st</sup> January 2017. 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 Monday 26<sup>th</sup> December (Boxing Day), Tuesday 27<sup>th</sup> December 2016 (Christmas Day holiday) and Monday 2<sup>nd</sup> January 2017 (New Year's Day holiday).

Council will close its offices for the Christmas and the New Year season from 23<sup>rd</sup> December 2016 to 2<sup>nd</sup> January inclusive, reopening the office on 3<sup>rd</sup> January 2017. Staff members have expressed a desire to close the Friday before Christmas to allow for arrangements to be made prior to the holiday season. Arrangements are in place to ensure that appropriate leave and/or accrued rostered days off are taken for this purpose. The newly adopted 2016-2019 Enterprise Bargaining Agreement provides the three work days between the Christmas and New Year public holidays as paid grace days to all ongoing and fixed-term employees that would normally attend on those days. Employees who may be required to attend to duties in this period will have an additional rostered day off or annual leave day added to their balance for each day worked.

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 from close of business 22<sup>nd</sup> December 2016 and will reopen on the 3<sup>rd</sup> January 2017.

**DECISION:**

## Item D2: Ordinary Council Meetings - Times and Dates 2017

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Sophie Pitchford, Acting General Manager
<b>FILE REFERENCE</b>	COU/0203
<b>ASSOCIATED PAPERS</b>	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 have been factored in and dates changed to accommodate the Mayor and General Manager's attendance.

In past years the May Council Meeting has been held in Lady Barron.

### **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 19<sup>th</sup> January 2017
  - Thursday 16<sup>th</sup> February 2017
  - Thursday 23<sup>rd</sup> March 2017
  - Thursday 20<sup>th</sup> April 2017
  - Thursday 18<sup>th</sup> May 2017
  - Thursday 15<sup>th</sup> June 2017
  - Thursday 20<sup>th</sup> July 2017
  - Thursday 17<sup>th</sup> August 2017
  - Thursday 14<sup>th</sup> September 2017
  - Thursday 12<sup>th</sup> October 2017
  - Thursday 16<sup>th</sup> November 2017
  - Thursday 14<sup>th</sup> December 2017
  
2. That the May 2017 Ordinary Council Meeting be held in Lady Barron at a venue to be decided.

**DECISION:**

**Item D3: Councillor Resolution Report**

<b>ACTION</b>	<b>Information</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Sophie Pitchford, Acting General Manager
<b>FILE REFERENCE</b>	COU/0600
<b>ASSOCIATED PAPERS</b>	<i>Annexure 10: Councillor Resolution Report November 2016</i>

**INTRODUCTION:**

This report identifies the actions taken and actual costs associated with implementing resolutions passed by elected members up to November 2016.

**PREVIOUS COUNCIL CONSIDERATION:**

The report is presented on a monthly basis.

**OFFICER'S REPORT:**

Please read Annexure 10 – Councillor Resolution Report November 2016.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

That the Councillor Resolution Report November 2016 be noted.

**DECISION:**

<b>E. CLOSED COUNCIL</b>
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**Item E1: Closed Council Items**

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Sophie Pitchford, Acting General Manager
<b>FILE REFERENCE</b>	PER/0602
<b>ASSOCIATED PAPERS</b>	<i>Nil</i>

**PREVIOUS COUNCIL CONSIDERATION:**

Special Council Meeting	1 <sup>st</sup> & 4 <sup>th</sup> of August 2016
193 - 197.08.2016	18 <sup>th</sup> August 2016
218 - 221 .09.2016	22 <sup>nd</sup> September 2016
283.11.2016	9 <sup>th</sup> November 2016

**REASON FOR CLOSED COUNCIL:**

Item D1, General Manager Appointment is **CONFIDENTIAL** in accordance with Section 15(2) (g) of the Local Government (Meeting Procedures) Regulations 2015.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER'S RECOMMENDATION:**

That Council move into Closed Council.

**DECISION:**

**Meeting Closed**