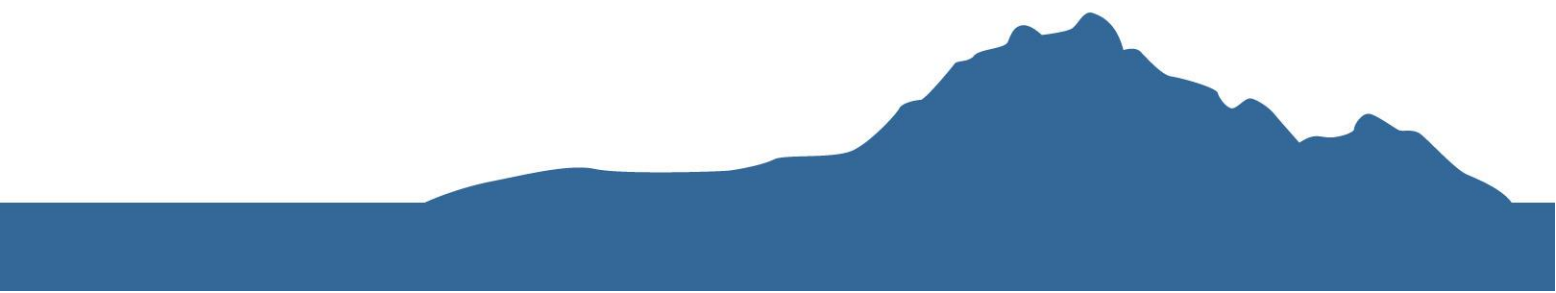




Agenda
Ordinary Council Meeting
15th June 2017



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 9th day of June 2017.



Bill Boehm
GENERAL MANAGER

FLINDERS COUNCIL ORDINARY MEETING

AGENDA

DATE: Thursday 15th June 2017
VENUE: Furneaux Arts 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

Bill Boehm - General Manager
Robyn Cox - Strategic Planner
Sophie Pitchford - Corporate Services Manager
Vicki Warden - Executive Officer (Minute Taker)

CONFIRMATION OF MINUTES

That the Minutes from the Ordinary Council Meeting and the Closed Council Meeting held on the 18th May 2017 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.*

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.

RESPONSE TO COUNCILLOR'S QUESTIONS WITHOUT NOTICE

18th May 2017 Council Meeting

Question 1: Deputy Mayor Marc Cobham

When will Council address the longstanding issue of replacing the 'crossovers' on Whitemark footpaths to a more 'wheelchair friendly' and disabled compliant type?

Mayor's Response:

This is a question that should be asked during the consideration of the Annual Plan and Budget Development Process and without the action and costs being incorporated into the 2017/18 budget, the crossovers will not be considered until the 2018/19 financial year.

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 1st June 2017

Council held a Workshop on the following subjects:

- Item 1 Van Diemen Project
- Item 2 Council Investments
- Item 3 Related Parties Disclosure Policy and Procedures
- Item 4 Corporate Credit Card Procedures
- Item 5 Councillor Expenses in the Annual Report
- Item 6 Destination Action Plan presentation
- Item 7 Airport Matters Update
- Item 8 Veterinary Services Update
- Item 9 Annual Plan
- Item 10 Update on Planning Matters
- Item 11 General Manager's Update

Councillors Present:

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

Apologies:

Mayor Carol Cox and Cr Chris Rhodes.

Staff and Consultants Present:

Bill Boehm	General Manager
Vicki Warden	Executive Officer
Chris Davis	Director of Operations, The Van Diemen Project (Item 1 only)
Talitha (Taz) Devadass,	Entrepreneur Facilitator, The Van Diemen Project (Item 1 only)
Derek Bennett	BT (Item 2 only)
Sophie Pitchford	Corporate Services Manager (Items 2 – 5 only)
Michael Buck	FITBI (Item 6 only)
Brian Barnewall	Works and Services Manager (Item 7)
Adrian Mythen	QC ³ Consulting (Item 7)
Jacci Viney	Development Services Coordinator (Item 7 & 8 only)
Robyn Cox	Strategic Planner (Item 10)

Information Session held on 2nd June 2017

The Valuer General presented to Council on the municipal revaluation.

Councillors Present:

Cr Peter Rhodes, Cr David Williams and Cr Gerald Willis.

Apologies:

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

Staff and Consultants Present:

Julie Avery	Senior Project Manager, Valuer General's Office
Bill Boehm	General Manager
Tim Grant	Valuer General
Sophie Pitchford	Corporate Services Manager
Dianne Walsh	Finance Officer

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 1st June 2017 and the information session held 2nd June 2017 be noted.

DECISION:

PUBLIC MEETINGS

Nil

PUBLICATIONS/REPORTS TABLED FOR COUNCIL INFORMATION

Flinders Island State Emergency Service Unit

File No: CSV/0400

Annexure 1: *Flinders Island State Emergency Service Unit Annual Report 1st April 2016 – 31st March 2017*

OFFICER'S REPORT (Bill Boehm, General Manager):

The Flinders Island State Emergency Service Unit Annual Report 1st April 2016 – 31st March 2017 has been provided for Council's information. The report outlines the achievements of the organisation throughout the year.

OFFICER'S RECOMMENDATION

That the Flinders Island State Emergency Service Unit Annual Report 1st April 2016 – 31st March 2017 be noted.

DECISION:

REPORTS TO BE RECEIVED

Furneaux Community Health Special Committee

File No: CSV/0912

Annexure 2: *Furneaux Community Health Special Committee 12th April 2017 Unconfirmed Minutes*

OFFICER'S REPORT (Bill Boehm, General Manager):

The unconfirmed minutes of the Furneaux Community Health Special Committee meeting held 12th April 2017 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 Furneaux Community Health Special Committee meeting held 12th April 2017 be noted.

DECISION:

COUNCILLORS' REPORTS

Deputy Mayor/ Acting Mayor Marc Cobham's Report

File No: COU/0600

ACTIVITIES:

DATE	ITEM
16.05.17	Meeting with community member re NRM activities
18.05.17	Council Meeting at Lady Barron
18.05.17	Attended Furneaux Landcare Annual General Meeting
23.05.17	Furneaux (Emita) Hall Special Committee meeting
24.05.17	Telephone call enquiry from resident re Blue Rocks Quarry
25.05.17	Interview with management consultant from Searchlight Group
25.05.17	Acting Mayor from 26.05.17 until 13.06.17
31.05.17	Human Resource matter
01.06.17	Council Workshop
01.06.17	Attended Flinders Regional Arts meeting re future of group
02.06.17	Phone discussion with Vanessa Grace re her letter to Councillors i.e. Lady Barron Cemetery disrepair, Whitemark Foreshore degradation and weeds
03.06.17	Meeting with community member re roadside slashing and weeds
09.06.17	On-site meeting with General Manager at Furneaux (Emita) Hall

CORRESPONDENCE IN:

DATE	WHO	SUBJECT
26.05.17	Tasmanian Electoral Commission	Local Government Association of Tasmania (LGAT) voting papers
26.05.17	Ian Flint	Dental practice issues (email)
27.05.17	Bill Boehm, General Manager	Airport matters
30.05.17	V Grace	Lady Barron Cemetery, Lady Barron tip site, Whitemark Foreshore degradation, weeds (email)
30.05.17	LGAT	General Management Committee elections
30.05.17	LGAT	Government takeover of TasWater
31.05.17	Peter Gutwein, Treasurer	Update on LPS (Local Provisions Schedules)
31.05.17	P Marriott, State Grants Commission	Advance payment of 2017-18 Financial Assistance Grants
31.05.17	Northern Tasmania Development Corporation	Request for subscription fees
31.05.17	P Guichelaar	Blue Rocks quarry (email)
01.06.17	G Barnett MP	Asbestos Awareness and Education Campaign
03.06.17	Bill Boehm, General Manager	Additional budget items to be considered
06.06.17	Peter Gutwein, Treasurer	Accelerated Local Government Capital Program
06.06.17	Tim Slade	Real-time data reporting to TasWater
06.06.17	Flinders Island District High	Invitation to Informing Our Future

DATE	WHO	SUBJECT
	School	
06.06.17	Sandra Anderson	Thank you for flowers for Knud Andersen
07.06.17	Australian Energy Market Operator	Reliability and Emergency Reserve Trader

CORRESPONDENCE OUT:

DATE	WHO	SUBJECT
27.05.17	Bill Boehm, General Manager	Airport matters
27.05.17	Ian Flint	Dental practice issues (email)
29.05.17	Liz Frankham	Congratulations on appointment to the Tourism Industry Council Tasmania Board
02.06.17	V Grace (via phone call)	Lady Barron Cemetery, Lady Barron tip site, Whitemark Foreshore Degradation, weeds
03.06.17	Bill Boehm, General Manager	Additional budget items to be considered
05.06.17	P Guichelaar	Blue Rocks quarry (email)

RECOMMENDATION:

That the Deputy Mayor/ Acting Mayor Marc Cobham's report be received.

DECISION:

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

File No: COU/0312

CORRESPONDENCE IN:

DATE	WHO	SUBJECT
09.05.2017	Carol Cox, Mayor, Flinders Council	Email with attached letter from Peter Gutwein, Treasurer.
10.05.2017	Stephanie Watson, Communications Manager, Local Government Association of Tasmania	Details (media release) about a special meeting on 11 May to determine a position on the TasWater takeover.
11.05.2017	Stephanie Watson, Communications Manager, Local Government Association of Tasmania	Media release following Special General Meeting
22.05.2017	Juliet Mercer, GM – Corporate and Community Resources	Email to Mayor Cox and me removing water restriction at Whitemark and removing Boiled Water Alert at Lady Barron.

Report on Special General Meeting of TasWater

TasWater held a Special General Meeting for Owners' Representatives at Riverside, Launceston on Thursday 11th May 2017. The Owners' Representatives attend meetings of TasWater as representatives of the 29 councils in Tasmania who own TasWater. The meeting was well attended by most, if not all, councils.

It was resolved to receive the draft Corporate Plan for the years ended 30th June 2018 to 30th June 2020.

Report on meeting of members of Local Government Association of Tasmania

Following the TasWater meeting on Thursday 11th May 2017, as reported above, a meeting of members of the Local Government Association of Tasmania was held. I attended as an observer. The Mayor represented Flinders Council.

The meeting resolved:

"That Members confirm there is no water and sewerage crisis, reject the proposed State Government ownership of TasWater and, through LGAT, urge the State Government to work cooperatively with LGAT, councils and TasWater on the optimal water and sewerage infrastructure upgrade program to achieve the best outcome for Councils and consumers."

The resolution was passed by a significant number of councils with around 6 councils out of 29 in total voting against the motion.

RECOMMENDATION:

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

DECISION:

Report from Councillor Gerald Willis on meetings with Michael Ferguson MP and John Kirwan and Nicole Grose of the Royal Flying Doctor Service
File No: COU/0204

Meeting with Michael Ferguson MP

In my capacity as chairman of the Furneaux Community Health Special Committee, I met Michael Ferguson MP, Tasmanian Minister of Health, along with Deputy Mayor Cobham, on Friday 12th May 2017. We discussed a number of matters relating to the Community in general and other matters specifically related to health issues.

Matters discussed included problems associated with late night discharge from Launceston General Hospital, evacuation procedures for serious burns, difficulties in securing permanent doctors for Flinders Island, subsidies for air travel for patients undergoing a course of treatment and contributions for air travel payable by patients travelling to Launceston for treatment. The minister showed an interest in matters discussed and will respond in due course to those matters for which he could not provide immediate responses.

Meeting with John Kirwan and Nicole Grose, Royal Flying Doctor Service (RFDS)

In my capacity as chairman of the Furneaux Community Health Special Committee, I, along with Bill Boehm, General Manager, met John Kirwan, Chief Executive Officer and Nicole Grose, Manager, Primary Health Care of Royal Flying Doctor Service on Tuesday 16th May.

We discussed a number of matters including, but not limited to, the status of Primary Health Care, that the current contract for Primary Health Care (for which RFDS made submissions last year on behalf of the Furneaux community) expires in 12 months' time, decisions relating to transfer of patients suffering from burn related injuries from the Furneaux Group and transfers of patients back to the community following treatment.

The meeting was informative for me and I trust Mr Boehm gained an insight into the operations of the Tasmanian operation of the Royal Flying Doctor Service. I believe Mr Kirwan and Ms Grose also gained a further appreciation of the health issues which face this community.

RECOMMENDATION:

That the report from Councillor Gerald Willis on meetings with Michael Ferguson MP and John Kirwan and Nicole Grose of the Royal Flying Doctor Service be received.

DECISION:

MAYOR'S REPORT:

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

REPORT:**APPOINTMENTS:**

11.05.17	TasWater General Meeting of Owners' Representatives
11.05.17	Local Government Association of Tasmania Special Meeting re TasWater
12.05.17	Met with the Director of Local Government, Alex Tay
12.05.17	Attended Government House and the Investiture of Robyn Dilger, OAM
13.05.17	Junior Football
16.05.17	Lady Barron Hall & Recreation Special Committee Meeting (as community member)
18.05.17	May Ordinary Meeting of Council
19.05.17 - 25.05.17	Off island - working remotely
26-05-17-14.06.17	On leave. The Deputy Mayor in role of Acting Mayor

Meeting with DPaC

On behalf of the Council I met with the Director of Local Government, Alex Tay, whilst in Hobart. The Director has been visiting all Tasmanian Councils, talking to elected members and will also visit Flinders at some time in the future, to discuss with elected members the role of the Local Government Division of the Department of Premier and Cabinet.

CORRESPONDENCE IN:

Note: The following correspondence was omitted from the Mayor's Report in the Agenda for the 20th April 2017 Ordinary Meeting of Council.

DATE	WHO	SUBJECT
28.03.17	Heart Foundation	Apply now for the 2017 Heart Foundation Local Government Awards
28.03.17	Tasmanian Young Achiever Awards	Last chance to book
05.05.2017 & 07.04.17	Northern Tasmania Development Corporation (NTDC)	Inaugural Briefing by NTDC to Council
06.04.17	Minister for Indigenous Affairs	Grant Funding available open 7 -21 April for Funding for National Reconciliation Week events beginning 27 th May
07.04.17	Indigenous Advancement Strategy Grants,	National Reconciliation Week - Indigenous Advancement Strategy Funding

DATE	WHO	SUBJECT
	Department of Prime Minister and Cabinet	
12.04.17	Local Government Association of Tasmania (LGAT) President Mayor Doug Chipman	Noting shortness of notice for grants for Reconciliation Week events and noting the work of the Tasmanian Reconciliation Council
12.04.17	Primary health Tasmania CEO	Commissioning update for Primary Health
12.04.17	LGAT	Nominations invited for 2017 Local Government Awards

CORRESPONDENCE IN:

DATE	WHO	SUBJECT
11.05.17	LGAT	Media Release - Local Government Votes Overwhelmingly to Oppose State Government Takeover of TasWater
12.05.17	LGAT	Nominations Invited for Meritorious Service Award
16.05.17	Senator Jacqui Lambie	New rural Primary Health Services Program
17.05.17	J O'Dell	Biosecurity plan for the Furneaux Group
18.05.17	Alderman Sue Hickey, Lord Mayor City of Hobart	Motion to change Australia Day
22.05.17	Julie Mercer, TasWater	Removal of water restrictions - Whitemark and an update on Lady Barron
23.05.17	R Dallas	Funding request for Natural Resource Management officer
23.05.17	Cr G Willis	Copy of letter sent to Michael Ferguson
25.05.17	Local Government Association of Tasmania (LGAT)	Media Release - Expansion of the Economic Stimulus Loans Package Welcomed
29.05.17	Senator Fiona Nash	Indexation of Financial Assistance Grant program
31.05.17	S Kilpatrick	NTDC Limited Membership Subscription fees 2017-18

CORRESPONDENCE OUT:

DATE	WHO	SUBJECT
17.05.17	K Ives-Heap	Acquittal of 2016 Community Grant
17.05.17	R Dilger	Acquittal of 2016 Gunn Bequest
23.05.17	11 x Community Organisations	Results of 2017 Community Grant and Gunn Bequest applications
25.05.17	Deputy Mayor, Cr Marc Cobham	Response to Question on Notice – footpath crossovers
25.05.17	R Dallas,	Response to letter re employing an NRM Officer.
25.05.17	Deputy Mayor, Cr Marc	Appointment as Acting Mayor 25/5 to 14/6

DATE	WHO	SUBJECT
	Cobham	inclusive.
26.05.17	L Frankham	Congratulations on your appointment to the Tourism Industry Council Tasmania Board
29.05.17	Flinders Island Aboriginal Association Inc.	Rescinding of policy
29.05.17	Cape Barren Island Aboriginal Association Inc.	Rescinding of Policy
29.05.17	Biosecurity Tasmania	Submission on draft Biosecurity Bill

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 – (S. Sainsbury)

File No: DA2017/016

Annexure 3: Statement of Environmental Effects

Annexure 4: Survey Plan

Item A2: Planning Scheme Amendment and Development Application – (Commercial Project Delivery)

File No: AMD01/17 and DA2017/010

Annexure 5: Whitemark Wharf Shed – Site Amendment

Item A3: Development Application Report

File No: DSV/0300

Annexure 6: Planner's Information Report – May 2017

B. NOTICES OF MOTIONS

Item B1: Notice of Motion – Appointment of a Community Member to the Furneaux Community Health Special Committee

File No: CSV/0912

Item B2: Notice of Motion – Local Government Association of Tasmania (LGAT) – 2017 elections

File No: COU/0303

Annexure 7: Ballot Papers

Annexure 8: Statement for President

Annexure 9: Statement from nominees for the Northern Councils, population less than 20,000

C. GOVERNANCE

Item C1: Related Party Disclosure Policy

File No: ADM/0900, GOV/1000

Annexure 10: DRAFT Related Party Disclosure Policy

Annexure 11: DRAFT Related Party Disclosure Procedure

Item C2: Waste Management - Early Contractor Involvement (ECI)

File No: WAS/0400

Annexure 12: Request for Tenders ECI – Waste Management

Annexure 13: Tender Evaluation Report (For Elected Members only)

Item C3: Councillor Resolution Report

File No: COU/0600

Annexure 14: Councillor Resolution Report June 2017

D. CLOSED COUNCIL

Item D1: 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 2015 the Council will now act as a Planning Authority under the Land Use Planning and Approvals Act 1993.

Item A1: Development Application – (*S. Sainsbury*)

ACTION	Decision
PROPONENT	S. Sainsbury
OFFICER	James Ireland (consultant town planner)
APPROVED BY	Karin Van Straten (senior consultant town planner)
FILE REFERENCE	DA2017/016
ASSOCIATED PAPERS	<i>Annexure 3: Statement of Environmental Effects Annexure 4: Survey Plan</i>

Proposal: Holiday cabin in the Rural Zone and Visually Sensitive Special Area

Location: 849 West End Road, Leeka (CT:133491/3)

Applicant: S. Sainsbury

Zoning: Rural Zone

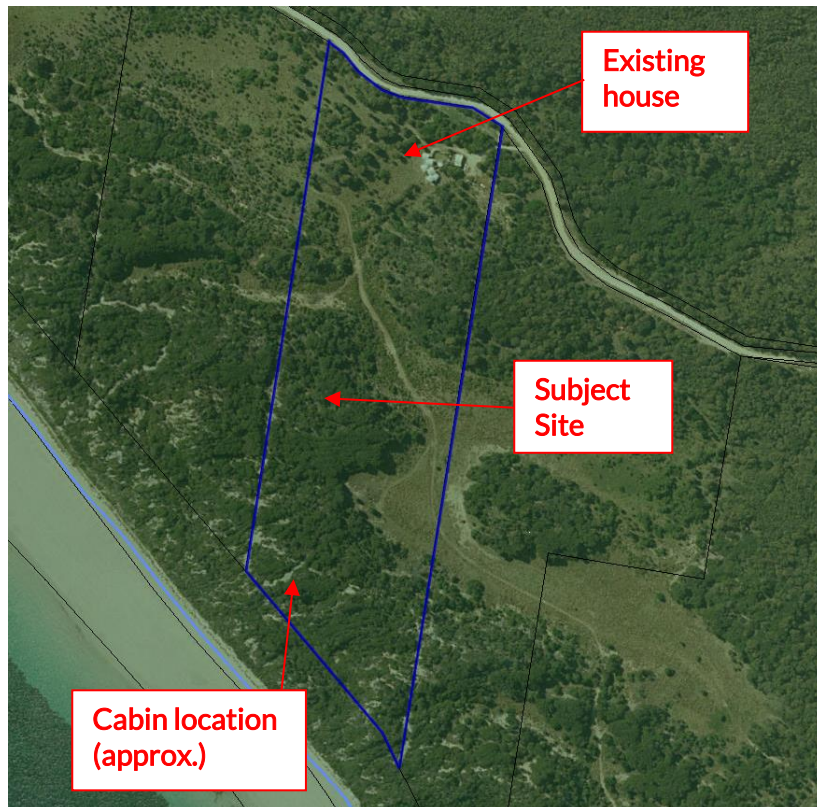
Special Areas: Visually Sensitive Area and Shorelines, Waterbodies and Watercourses Special Area (latter not at site of proposal)

Representations: None (Councillor call-in)

INTRODUCTION:

Subject Site

The subject site is a roughly rectangular 10.2 ha lot that runs south from West End Road to the coast in Leeka. The site drops approximately 30m to the coastal boundary. It is part cleared and part scrub, with an existing house in the northern part.

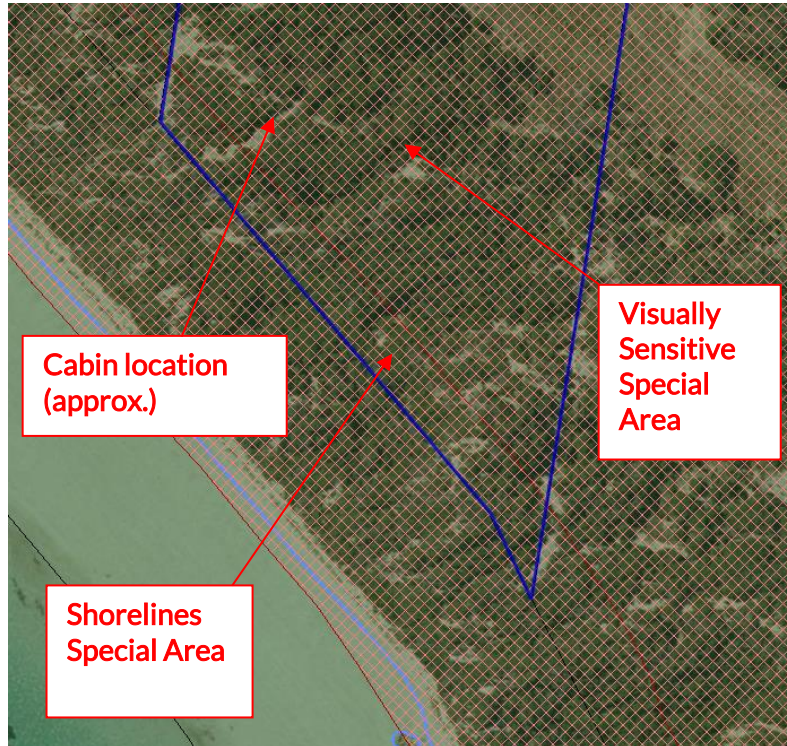


Zoning

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

Special Areas

The whole site is affected by the visually sensitive special area. The southernmost part is affected by the shorelines, waterbodies and watercourses special area. The proposal is outside this area.



Statutory Timeframes

Date Received: 28/4/17

Request for further information: not required

Advertised: 17/5/15

Closing date for representations: 31/5/15

Extension of time granted: 1/6/17

Decision due: 16/6/17 (extended)

OFFICER'S REPORT:

The Proposal

It is proposed to locate a holiday cabin in the southern part of the site. It will be setback 25m from the southern (coastal) boundary and 46m from the west side boundary. The building has an internal floor area of 66m² and measures 16.4m by 6m and is 3.4m high. It is arranged with the kitchen and living at one end, linked by a screened verandah and hallway from the bedroom and en suite at the other end. It is an 'Ecoshelta', a part pre-fabricated modular building constructed from aluminium and timber, with zincalume cladding and has a curved zincalume roof.

Access to the cabin is via an existing track from West End Road and already used to access the existing house on the site. The cabin relies on tank water (22,000lt tank located adjacent to it), solar/battery power and its own on-site waste water disposal system.

Assessment Against the Planning Scheme

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

- Part 3 – Consideration of Applications for Planning Permits (3.10)
- Part 6 – Use and Development Principles
- Part 7 – Special Areas

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 by '*irregular areas of native vegetation and substantial unspoiled landform*'. Maintaining this character does not require the prohibition of development. It does require that development retains sufficient areas of native vegetation and unspoiled landform to maintain the character. The intent of the development is to capitalise on its natural setting and it does not require the removal of native vegetation. The building sits within existing vegetation and is screened by it. In relation to (b), tourist operation is listed as a compatible non-agricultural use that can be accommodated in appropriate circumstances. Strictly speaking, holiday cabin is a different tourism use from tourism operation. However, as a holiday cabin can be part of a tourism operation, holiday cabin is considered consistent with this. 'Appropriate circumstances' are not explicitly stated but are related to the impact on agricultural use. In order to use the site of the proposal for agriculture, wholesale clearance of native vegetation would be required. Primarily for environmental reasons, the use of this land for agriculture is not desirable and it is considered these are appropriate circumstances for this non-agricultural use.

5.8.2 Desired Zone Character and Zone Guidelines

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

COMMENT: Criteria (a) and (d) are not applicable. In relation to (b), and in addition to the discussion under the zone intent section, the building is a substantial distance from West End Road – 185m. In relation to (c) the proposal is environmentally appropriate and is designed to avoid contamination and/or despoliation of the land. The building is located 100m from a shoreline or watercourse. A septic tank serves the proposal, subject to a separate statutory approval process. Water supply will be via rainwater collection.

5.8.4 Development Standards

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

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

COMMENT: The proposal complies with (a), (b), (c) and (d). Criteria (e) and (g) are not applicable. In relation to (f), the building is proposed to be clad in zincalume, consistent with the existing house on the site (also in the visually sensitive special area). When new, this material technically has a matt finish, although it can be bright. In a relatively short period of time, particularly in this coastal location, it will weather to a flat grey.

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;*

None were received.

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

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

No mapped landslip, stability or erosion issues at the site of the proposal. No landslip or coastal erosion hazard bands at the site of the proposal.

(b) *excessive slope;*

Not at the site of the proposal.

(c) *ponding or flooding;*

None known at the site of the proposal.

(d) *bush fire hazard;*

The planning scheme only sets standards for bushfire hazard in relation to subdivision applications.

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

No.

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

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

(g) *pollution; and*

None known.

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

None known.

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

(a) *existing site features;*

Existing site features where the proposal is located are the topography, the coastline and vegetation. The proposal is satisfactory in terms of its size and appearance. The only emission is wastewater. A septic tank serves the proposal, subject to a separate statutory approval process.

(b) *adjoining land;*

The closest adjoining land is the coastal reserve (setback 25m from here). The building is located on the land side of a rise 20m above sea level. When viewed from the beach, the full height (a modest 3.5m as it is) of the cabin is unlikely to be visible.

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

The building is a substantial distance from West End Road – 185m. The landscape is taken as being the site as viewed from adjoining land, including the beach. An assessment of this is made under Part 7 Visually Sensitive Areas of this report.

(d) *the natural environment;*

Aspects of the natural environment such as landscape views, erosion and pollution are addressed in other more specific sections of this report.

(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 fire-fighting purposes;*

Not applicable.

(i) *any received pollution;*

None known.

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

Stormwater is collected and used. A septic tank serves the proposal, subject to a separate statutory approval process.

(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;*

An existing track will be used to gain access from West End Road. 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 small, low impact scale of the proposal and the large setbacks ensures there will be no adverse effect on the use of adjacent land.

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 not require removal of it. No additional landscaping is proposed. Illumination will be limited to normal indoor lighting and way finding light which will be bollard and/or ground mounted lights. This will be required via a permit condition.

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

The existing access to the property will be used.

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

The proposal is a modern, energy efficient design. It is oriented for solar gain. All new buildings are required to achieve a six star energy rating by the National Construction Code.

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

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

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

None stated.

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

Part 6 – Use and Development Principles

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

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

6.1 Use

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

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

6.2 Character

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

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

6.4 Environment

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

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

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

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

6.6 Access and Parking

- (b) All Use or Development shall provide satisfactory pedestrian and vehicular access which is suited to the volume and needs of future users.*
- (c) Buildings and spaces intended for public access shall provide for satisfactory use and access by the disabled; the requirements of the Building Regulations in relation to AS1428.1-1988 shall be met.*
- (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.*

COMMENT: Complies.

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.*
- (f) *Servicing systems shall use adequate and appropriate design methods and materials to ensure an acceptable life span and allow for adequate maintenance requirements.*
- (g) *Use or Development shall optimise efficiency in the use of energy and resources. In particular, land should be subdivided on a generally sequential basis (ie. one area is substantially developed before the next is subdivided), common trenching should be used for different services where appropriate, and solar access maximised.*

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

6.8 Social Interest

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

COMMENT: This is a privately funded addition to the municipality's tourism infrastructure so can be said to be in the community's interest. In relation to 2, the proposal is intended to be located distant from social services. However, services such as health services are clearly vital in emergency situations. The proposal is approximately 40km from Whitemark by road which is considered appropriate.

6.9 Administration.

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

COMMENT: In relation to (b), this is a privately financed undertaking, with no cost to the public. In relation to (c), the application was notified under the statutory process. Council did not require further advice or opinion.

Part 7 Special Area Provisions

7.2 Visually Sensitive Special Area

The objectives of the Visually Significant Areas are:

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

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

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

COMMENTS: In relation to the objectives, the natural appearance of the area is retained as the proposal is a small, low impact insertion into a large natural area and the natural appearance will remain dominant. The location amongst undulating land and scrub minimizes the visual impact of the proposal. The small size (66m²) and low height (3.5m) of the proposal also minimize the visual impact. The natural vegetation cover will be retained. No clearing, excavation, new access, fences, firebreaks or fill is proposed. No landscaping is proposed as the proposal will be located amongst existing scrub. No special works or practices are required to protect the scenic values of the site, beyond those in the application documents. The proposal is not located on a skyline or ridgeline. In conclusion, the proposal is consistent with the consideration clauses of Part 7.

STATUTORY REQUIREMENT:

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

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 an addition to the tourism infrastructure on the island.

BUDGET AND FINANCIAL IMPLICATIONS:

Not applicable.

OFFICER'S RECOMMENDATION:

That the application for a holiday cabin in the rural zone and within the visually sensitive special area **BY S. Sainsbury FOR LAND LOCATED AT 849 West End Road, Leeka (CT:133491/3)** be **APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

ENDORSED PLANS

1. Except as modified by this permit, the use and/or development must be in accordance with the endorsed plans by S. Sainsbury dated 14/4/17 (Dwg. No. 17041000) and the Statement of Environmental Effects by S. Sainsbury dated 14/4/17 to the satisfaction of Council. Any other proposed development and/or use will require a separate application to and assessment by the Council.

WATER TANKS

2. Prior to the installation of any water tanks, specifications of the dimensions and colour of the tanks are to be submitted for approval by the General Manager. Once approved, the specifications will be endorsed to form part of the planning permit.

EXTERIOR LIGHTING

3. Prior to the occupation of the cabin, a plan showing any exterior lighting must be submitted for approval by the General Manager. External lights are to be mounted lower than 1m above ground level and directed below this height.

UNDERGROUND POWERLINES

4. Any power lines associated with the proposal must be buried below ground.

Notes:

1. This permit was issued based on the proposal documents submitted for (DA2017/016). You should contact Council with any other use or developments, as they may require the separate approval of Council.
2. Council will undertake periodic reviews of approved developments to ensure compliance with Planning Permit conditions.

3. This permit is granted pursuant to the Land Use Planning and Approvals Act 1993 and does not constitute any other approval required under any other Act or Regulation.
4. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. A once only extension may be granted if a request is received within 6 months after the expiration date.
5. Where any other approvals under this Act or any other Act are required for the proposed use or development to which this permit relates, the permit does not take effect until those approvals have been granted.
6. This permit takes effect 14 days after the date of Council's notice of determination or at such time as any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined. If an applicant is the only person with a right of appeal pursuant to section 61 of the Land Use Planning and Approvals Act 1993 and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing. A copy of Council's Notice to Waive Right of Appeal is attached.

DECISION:

Item A2: Planning Scheme Amendment and Development Application – (Commercial Project Delivery)

ACTION	Decision
PROPONENT	Commercial Project Delivery
OFFICER	James Ireland (consultant town planner)
APPROVED BY	Karin Van Straten (senior consultant town planner)
FILE REFERENCE	AMD01/17 and DA2017/010
ASSOCIATED PAPERS	<i>Annexure 5: Whitemark Wharf Shed – Site Amendment</i>

Proposal: To amend the Flinders Planning Scheme 2000 to make tourist operation, restaurant, community building and local shop discretionary uses in the port zone on a specific part of land at Whitemark Wharf (CT: 129006/1) and as described in DA2017010. These are all currently prohibited uses. To amend the planning scheme to add to the zone intent statement for the port zone. These amendments will enable an existing shed adjacent to the Whitemark wharf to be refurbished and used for a multi-purpose commercial centre.

Location: 16 Esplanade. Whitemark (CT:129006/1)

Applicant: Commercial Project Delivery

Zoning: Port Zone

Special Areas: Shorelines, Waterbodies and Watercourses Special Area

Representations: Not applicable at this stage

INTRODUCTION:

Subject Site

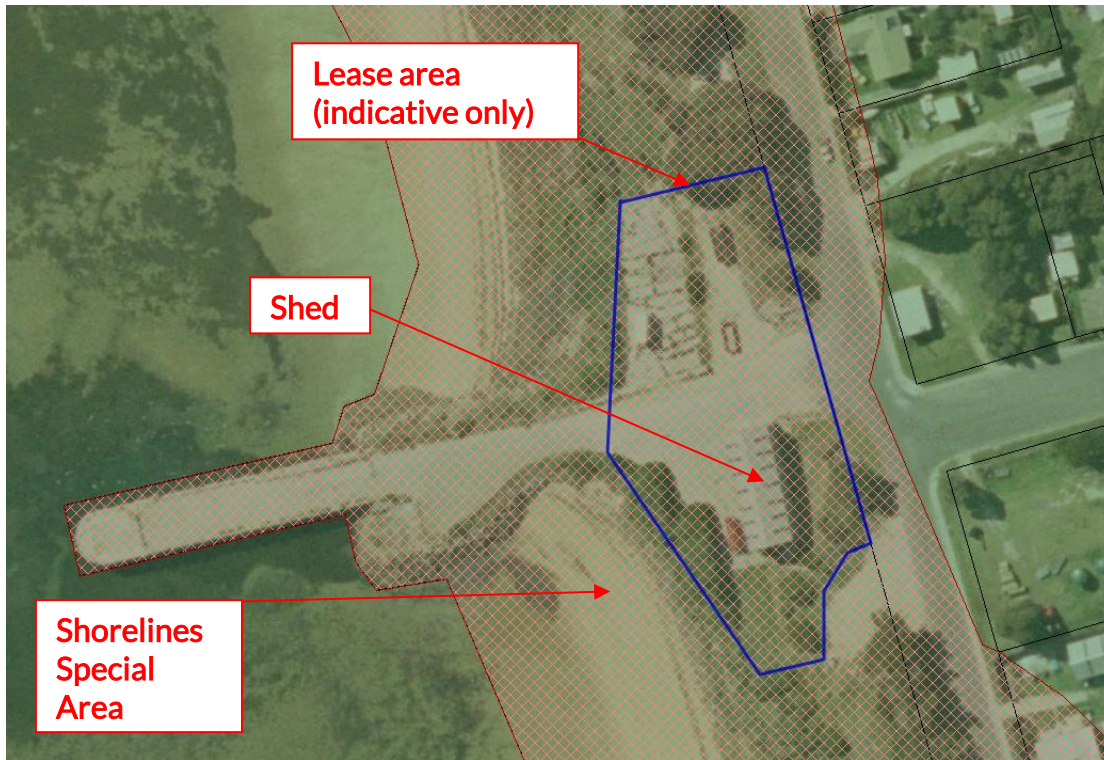
The subject site is part of a larger property (16 Esplanade) and is shown on the application plans as 'Lease Area'. The exact coordinates of this area are provided on page 3 of the applicant's submission. This area includes the existing shed and a curtilage around it for access, parking and wastewater and stormwater disposal. The lease area is surrounded on three sides by the remainder of the 16 Esplanade title, which includes the wharf itself, but no other development. To the east across Esplanade are houses, in both the residential and commercial zones.

Zoning

The subject site is located within the Port Zone.

Special Areas

The whole of the lease area is affected by the shorelines, waterbodies and watercourses special area.



Statutory Timeframes

Date Received: 12/5/17

Decision due: 23/6/17

OFFICER'S REPORT:

The Proposal

It is proposed to refurbish an existing shed adjacent to the Whitemark wharf and use it for a multi-purpose commercial centre. A number of uses are proposed. Office is currently a permitted use in the zone and distillery (light/rural industry) is a discretionary use in the zone. These uses are able to be approved under the current scheme. However, the proposed uses tourist operation (tourism information desk), café/restaurant (restaurant), community building (conference room) and local shop (provedore) are all currently prohibited uses. A planning permit application cannot be made without an amendment to the planning scheme. The existing shed will have its roof raised by 200mm to 7.35m, which is discretionary development as it is in a special area (shorelines, waterbodies and watercourses). A 141m² ground level deck (28.25m by 5m) will be constructed along the western side of the shed. The re-cladding, re-glazing and internal fit out of the shed, along with the water tanks, on-site waste water system and the parking area do not require planning approval.

It is also proposed to insert the following at the zone intent for the zone (Clause 5.7.1): *“Use or development for tourism/hospitality related purposes is supported in association with Whitemark Wharf.”* This is to allow the application for the newly discretionary uses described above to be consistent with the zone intent.

Assessment Against the Planning Scheme

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

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

Parts 1 and 2 – Scheme Intent

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

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

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

Council shall take into consideration the following:

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

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

5.7 Port Zone

5.7.1 Zone Intent

The areas under this zone are intended for development of uses directly related to the operation of Whitemark and Lady Barron as ports. Appropriate use or development include storage, warehousing, marine-related office and sales outlets, marine maintenance and repair facilities and holding yards.

COMMENT: The proposal is not consistent with the current zone intent. The amendment proposes that the following be added to zone intent for the zone (Clause 5.7.1): *“Use or development for tourism/hospitality related purposes is supported in association with*

Whitemark Wharf. "This is to allow the application for the newly discretionary uses described above to be consistent with the zone intent.

5.7.2 Desired Zone Character and Zone Guidelines

- (a) While acknowledging the design requirements of different port-related uses, development should nevertheless take all reasonable measures to limit conflict with the character of the surrounding area (including that under other zoning) and other uses.*
- (b) Use or development should be of modest scale and use traditional design elements and orientation to the street, where appropriate. Pitched roofs and broken form are preferred and long, high and continuous walls are not appropriate.*
- (c) Advertising signs may be colourful but should be restrained in their overall impact. Typically, signs should be located on the building face or fence or in a low position if free standing. Large signs and those which are out of scale with the area or the building or structure on which they are located or relate to, as well as those above roof height, are inappropriate.*
- (d) Security fencing shall be kept to a minimum. Where required its visual impact should be minimised through such measures as use of dark coloured/finished wire mesh and screening vegetation, and where possible located behind the line of the building facade.*

COMMENT: In relation to (a) and (b), an existing port building is being used. In relation to (c) signage is within the wall planes, dark coloured and limited to one word on two façades – 'Wharf' on the east façade and 'Shed' on the north façade (i.e. it is to be read around the corner as 'Wharf Shed'.) In relation to (d), security fencing is not proposed.

5.7.3 Subdivision Standards

COMMENT: These do not apply as subdivision is not proposed.

5.7.4 Development Standards

- (a) The maximum height of buildings is 8.0 metres.*
- (b) There are no minimum setback requirements except those necessary to meet the zone intent, protect the character of the surrounding area and protect the amenity of neighbouring properties.*

COMMENT: The proposal complies with (a) and (b). The height is 7.35m. The closest setback is 12.07m, to the Esplanade. Notwithstanding it is an existing building, it is considered that its setbacks are appropriate for the zone.

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;

Notification is not required at this stage.

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. The shed is located in the high risk coastal erosion hazard band, as mapped in a Department of Premier and Cabinet project in 2016. The summary report that accompanied the mapping contains a Coastal Erosion Hazard Planning Matrix. In relation to statutory planning, it states that in such high risk areas: *'new use or development is not permitted unless it is coastally dependent or a development to an existing building'*. The proposal is within an existing building. In relation to strategic planning (insofar as it applies to this planning permit application) it states that such areas: *'should be zoned for non-residential or industrial use'*. The current and future zoning (i.e, port zone) is consistent with this, as are the uses proposed here.

(b) *excessive slope;*

Not at the sites of the proposal.

(c) *ponding or flooding;*

None known at the sites of the proposal.

(d) *bush fire hazard;*

The planning scheme only sets standards for bushfire hazard in relation to subdivision applications. They are not applicable to this application.

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

No.

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

The proposal is within the Shorelines, Waterbodies and Watercourses Special Area. An assessment against this is provided at Part 7 of this report.

(g) *pollution; and*

None known.

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

None known.

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

(a) *existing site features;*

Existing site features are the existing shed, the hardstand/access, the wharf and the coastline and vegetation. The proposal sites well within the existing features – it uses the existing shed and the hardstand for parking. It is proposed to retain most of this vegetation.

(b) adjoining land;

The proposal uses an existing building and the hardstand for parking. The appearance of the site will remain mostly unchanged when viewed from adjoining land. Adjacent land to the east is residential. This would have been affected by the port use in the past (ship, truck and forklift movements, loading and unloading of ships, likely at various times of the day). The uses proposed will clearly have a greater impact than the currently vacant building. However, these will be limited to traffic movements (almost entirely light vehicles) and potential noise and lighting emissions. Based on the fact uses will take place inside the building, the distance of the building from these residents (minimum 70m and separated by a road) the impact on adjoining land is not expected to be unreasonable.

(c) the streetscape and/or landscape;

The proposal is within an existing shed. The height of the shed is to be increased by 200mm or 2.8% which is likely to be imperceptible. Other alterations proposed – insertion of windows, re-cladding in zinc coated/galvanised steel and rough sawn timber battens present a building more comfortable in the urban environment.

(d) the natural environment;

Relates to the coast and to the existing vegetation on the site. The visual impact of the proposal will remain mostly unchanged from the existing conditions. The proposal will better control stormwater run-off and the wastewater report submitted with the application details tanks and a stormwater disposal trench on the site. Most of the existing vegetation will be retained.

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

There are no known items of historic, architectural or scientific interest on the site.

(f) buffer zones, attenuation areas

None applicable.

(g) easements;

None applicable.

(h) a water supply for firefighting purposes;

The planning scheme only sets standards for bushfire hazard in relation to subdivision applications. They are not applicable to this application.

(i) any received pollution;

None known.

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

Stormwater is collected and disposed of via a trench. This is an improvement on the existing situation. Wastewater is managed through septic systems whose design and installation will be subject to a special plumbing permit. A number of smaller septic systems serve will the proposal, rather than one or two large ones. This maximises their effectiveness and reduces any impact should there be a failure.

(k) isolation, separation from other lands.

Please refer to (b).

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

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 sewerage infrastructure so a septic tank serves the proposal, subject to a separate statutory approval process. The septic design, and the calculations it is based on, form part of the application. It is 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 is unlikely to have any offsite impacts that would affect the existing and possible future use or development of adjacent land. In relation to the surrounding port zoned land, were the area to re-emerge as an important port (bear in mind that Lady Barron is now the dominant port for the island) there is no reason why port uses could not operate around the proposal. The proponent is only leasing the building from Tasports and this can be terminated in order to re-instate a port use in the building (it will remain in the port zone). Adjacent land to the east is residential. This would have been affected by the port use in the past (ship, truck and forklift movements, loading and unloading of ships, likely at various times of the day). The uses proposed will clearly have a greater impact than the currently vacant building. However, these will be limited to traffic movements (almost entirely light vehicles) and potential noise and lighting emissions. Based on the fact uses will take place inside the building, the distance of the building from these residents (minimum 70m and separated by a road) the impact on adjoining land is not expected to be unreasonable.

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

The site is an existing port facility (although the shed is not used as such), with a corresponding industrial amenity. It will be made safe and attractive in order to be used as a public area, whilst retaining the 'port feel' of the area. There is no formal landscaping, although there is a grassed area with shrubs and trees on three sides of the shed. This is to be retained. No additional landscaping is proposed. External illumination will, via a permit condition, be controlled so as to not cause an off-site amenity impact.

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

The existing wharf access will be used. The planning scheme does not set sight distances, nor does it require that advice be provided from a traffic engineer. The Esplanade is straight and flat and sight distances are effectively the full length of the street – i.e, 150m to the north and 500m+ to the south. This is considered reasonable.

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

The proposal re-uses an existing building that is no longer required for its original use. The energy savings gained by not having to construct a new building are considerable. Although solar power is not mentioned in the application, the shed's roof appears well suited to generating solar power. By locating a number of different uses in the same building, the energy demand is less than if the uses were in separate buildings.

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

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

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

None stated.

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

Part 6 – Use and Development Principles

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

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

6.1 Use

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

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

6.2 Character

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

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

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

6.4 Environment

- (b) *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.*
- (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.*

COMMENT: Complies. The proposal uses the existing access for the wharf (access to the wharf itself is maintained). The access was designed at the time for port operations (i.e, large vehicles) and is more than adequate for the proposed use. Part of the existing hardstand will be delineated as car parking for 20 spaces (including one accessible space). The planning scheme lacks car parking requirements. This number is considered appropriate on the basis it is consistent with other Tasmanian planning schemes that do provide parking requirements. Furthermore, there is informal overflow parking available on the site and, if required, in the Esplanade.

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) *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.*
- (f) *Servicing systems shall use adequate and appropriate design methods and materials to ensure an acceptable life span and allow for adequate maintenance requirements.*
- (g) *Use or Development shall optimise efficiency in the use of energy and resources. In particular, land should be subdivided on a generally sequential basis (ie. one area is substantially developed before the next is subdivided), common trenching should be used for different services where appropriate, and solar access maximised.*

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

6.8 Social Interest

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

COMMENT: In relation to 1), community interest is difficult to define for the purpose of this principle. As a private investment with undoubted (although not quantified) economic and employment flow-on benefits, the proposal is in the community's interest. The proposal is in Whitemark, so 2) is met.

6.9 Administration.

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

COMMENT: In relation to (b), this is a privately financed undertaking, with no cost to the public, notwithstanding that there is likely to be an economic benefit to the community. In relation to (c), the application is to be notified under the statutory process. Council did not require further advice or opinion.

Part 7 Special Area Provisions

7.5 Shorelines, Water Bodies and Watercourses

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.*

COMMENTS: In relation to a), the use will take place in an existing building. The 200mm increase in height of the building and the change in external finishes is considered to have minimal impact. In relation to b), effluent disposal is the only applicable consideration. The wastewater report submitted with the application includes a design for effluent disposal and the calculations it is based on. Whilst this is subject to a separate statutory process, Council's environmental health officer supports the proposal. Criteria c) and d) are not applicable. In relation to signage, it is within the wall places, dark coloured and limited to one word on two façades – 'Wharf' on the east façade and 'Shed' on the north façade (i.e. it is to be read around the corner as 'Wharf Shed'.)

STATUTORY REQUIREMENT:

Changes made to the Act in December 2015 establish the process to amend an interim planning scheme at Schedule 6, which refers to the former division 2.

The Planning Authority must determine a request to amend a planning scheme within 42 days. If supported, it must also certify the amendment and then commence the 28 day statutory notification period. Any person may make representations during that period, which must then be considered by the Planning Authority before the amendment can be submitted to the Commission for formal assessment and decision. The Commission may hold a hearing to consider any representations and/or any issues that they may have with the amendment. The Commission has 90 days to determine the amendment from when they receive it. A delegation is normally provided for staff to submit the required report where no representations were received during the statutory notification period.

The proposed amendment was determined as compliant with the former provisions of the Act and can be supported.

A planning permit application was lodged with the amendment. The planning application was assessed against the requirements of the planning scheme and also supported for approval.

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 an addition to the tourism infrastructure on the island.

BUDGET AND FINANCIAL IMPLICATIONS:

Financial considerations of the amendment are addressed through normal statutory processes.

OFFICER'S RECOMMENDATION:

That Council:

1. Pursuant to Schedule 6 (3)(2)(b) of the *Land Use Planning and Approvals Act 1993* and Section 43A of the former provisions, initiate Amendment 01/17 to the *Flinders Planning Scheme 2000* to to make tourist operation, restaurant, community building and local shop

discretionary uses in the port zone, only for the subject site 'lease area' (CT 129006/1) and as described in planning application DA2017010,

2. certify that the amendment 01/17 meets the requirements of Section 32 of the former provisions of the *Land Use Planning and Approvals Act 1993*; and
3. provides delegation under section 6(3) of the *Land Use Planning and Approvals Act 1993* to the General Manager to submit a report to the Tasmanian Planning Commission pursuant to former provision 39 where no representations are received to notification of the amendment, and
4. approves planning permit application DA2017/010 subject to the following conditions:

ENDORSED PLANS

1. The use and/or development must be carried out as described in the planning submission by Commercial Project Delivery dated April to the satisfaction of the Council. Any other proposed development and/or use will require a separate application to and assessment by the Council.

EXTERIOR AND SECURITY LIGHTING

2. Exterior and security lighting must be designed, baffled and located so that no direct light is emitted outside the property boundaries.

Notes:

1. **This permit is not valid until the associated amendment (Flinders 01/17) is approved by the Tasmanian Planning Commission.**
2. This permit was issued based on the proposal documents submitted for (DA2017/010). You should contact Council with any other use or developments, as they may require the separate approval of Council.
3. Council will undertake periodic reviews of approved developments to ensure compliance with Planning Permit conditions.
4. This permit is granted pursuant to the Land Use Planning and Approvals Act 1993 and does not constitute any other approval required under any other Act or Regulation.
5. 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.
6. Where any other approvals under this Act or any other Act are required for the proposed use or development to which this permit relates, the permit does not take effect until those approvals have been granted.

DECISION:

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

Item A3: Development Application Report

ACTION	Information
PROPONENT	Council Officer
OFFICER	Jacci Viney, Development Services Coordinator
FILE REFERENCE	PLN/0105
ASSOCIATED PAPERS	<i>Annexure 6: Planner's Information Report - May 2017</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 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.

Permitted applications are assessed under s58 of the *Land Use Planning and Approvals Act 1993* and as such are not advertised nor are the applicant's details made public. Applicants retain the right to privacy having met all development and use standards applicable within the current planning scheme. Applications made under this section must be granted a permit, with or without conditions.

The numbering of applications relates to the allocation provided by the 'Regulatory Applications' (RegApps) electronic filing system. Numbers are allocated in order to Planning (DA), Building (BA) and Plumbing (PA) applications. This may mean that planning numbers are not sequential.

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 6 Planner's Information Report - May 2017, provided by West Tamar Council.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That the Planner's Information Report - May 2017 be received.

DECISION:

B. NOTICES OF MOTIONS

Item B1: Notice of Motion – Appointment of a Community Member to the Furneaux Community Health Special Committee

ACTION	Decision
PROPONENT	Councillor Gerald Willis
OFFICER	Bill Boehm, General Manager
FILE REFERENCE	CSV/0912
ASSOCIATED PAPERS	<i>Nil</i>

NOTICE OF MOTION:

That the Council approves the appointment of Judy Clark to the Furneaux Community Health Special Committee as a community member.

COUNCILLOR'S REPORT:

The Furneaux Community Health Special Committee is a special committee of Flinders Council which has been set up with the primary purpose of advising the Council of matters related to health in the Community and supporting and lobbying for the broad health and wellbeing needs of the Community.

All members of the special committee are to be appointed by Flinders Council. The special committee is to have a maximum of 2 councillors, a minimum of 6 and a maximum of 12 community representatives from, where possible, major population centres, interest groups and service providers plus ex-officio council staff as required. At the present time there are 9 members who represent the Community.

The motion before the Council is that Judy Clark be appointed to the Furneaux Community Health Special Committee. Judy has over 20 years' experience working with Health and Community organisations and the practical experience that comes with 12 years as CEO of a large rural primary health care service with over 200 staff. More recently she has been working with organisations as a Health Management Advisor to provide: management advice; assistance with risk management and clinical governance; submission writing and subsequent project planning and implementation; facilitation and support for services with their planning and a range of capacity building and continuous quality improvement activities. Judy has been appointed to a number of Commonwealth Government approved panels in the health sector.

Judy would be appointed as one of the community representatives.

The Council has signaled that it intends to review the purpose and role of the special committee in the near future. Besides being well qualified to contribute to the special committee under its purpose, Judy would also provide invaluable insight in analyzing its future makeup.

The motion is recommended.

PREVIOUS COUNCIL CONSIDERATION:

Nil

OFFICER'S REPORT:

The motion is supported.

STATUTORY REQUIREMENTS:

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS:

5.0 Livability - Protect, improve and promote the safety, creativity, health and wellbeing of the Islands' communities.

5.1 Improve the health and wellbeing of the Island communities through leadership and co-ordination.

BUDGET AND FINANCIAL IMPLICATIONS:

Nil

RISK/LIABILITY:

Nil

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That the Council approve the appointment of Judy Clark to the Furneaux Community Health Special Committee as a community member.

DECISION:

Item B2: Notice of Motion – Local Government Association of Tasmania (LGAT) – 2017 elections

ACTION	Decision
PROPONENT	Acting Mayor, Marc Cobham
OFFICER	Bill Boehm, General Manager
FILE REFERENCE	COU/0303
ASSOCIATED PAPERS	<i>Annexure 7: Ballot Papers Annexure 8: Statement for President Annexure 9: Statements from nominees for the Northern Councils, population less than 20,000</i>

NOTICE OF MOTION:

That Council provides Mayor Cox with direction on how to vote in the upcoming Local Government Association of Tasmania election for President and two General Members – one from northern councils with a population of less than 20,000 and one from northern councils with a population greater than 20,000.

COUNCILLOR'S REPORT:

Every two years elections for the Local Government Association of Tasmania's (LGAT) General Management Committee (GMC) are undertaken. The GMC consists of 6 representatives in total, including the president. The elected GMC takes up office at the end of the Annual General Meeting in July.

The current election is for the position of the President and two General Committee members – one from northern councils with less than a population of 20,000 and one from northern councils with greater than a population of 20,000.

Rule 20(j) of the LGAT Rules provides that each member council is entitled to one vote for both population categories within its electoral district. We have been provided with three ballot papers (Annexure 7): the president ballot and two General Committee member ballots.

LGAT invited the nominees for the General Management Committee elections to submit a statement for distribution to councils. One only statement for the President position was received (Annexure 8), and statements from the nominees for the Northern Councils, with a population less than 20,000 only were received (Annexure 9).

For votes to be eligible they must be lodged with the Tasmanian Electoral Commission by 12th July therefore Council needs to provide Mayor Cox with direction on how to vote in this election.

PREVIOUS COUNCIL CONSIDERATION:

Every two years.

OFFICER'S REPORT:

This is a matter for Council to decide.

STATUTORY REQUIREMENTS:

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS:

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

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

BUDGET AND FINANCIAL IMPLICATIONS:

Nil

RISK/LIABILITY:

None known at this time.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

The motion as written.

DECISION:

C. GOVERNANCE

Item C1: Related Party Disclosure Policy

ACTION	Decision
PROPONENT	Council Officer
OFFICER	Sophie Pitchford, Corporate Services Manager
FILE REFERENCE	ADM/0900, GOV/1000
ASSOCIATED PAPERS	<i>Annexure 10: DRAFT Related Party Disclosure Policy</i> <i>Annexure 11: DRAFT Related Party Disclosure Procedure</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:

9th March 2017 Council Workshop
1st June 2017 Council Workshop

OFFICER'S REPORT:

As per the Australian Accounting Standards AASB 124 *Related Party Disclosures* (AASB 124), from 1st July 2016, local government must disclose related party relationships, transactions and outstanding balances, including commitments, in their financial statements.

AASB 124 requires that Council develops a Related Party Disclosures Policy that details Council's intention to fulfill the requirements of the accounting standards. To assist with the implementation of the policy, a procedure which outlines what is expected of elected members and staff of Council in relation to AASB 124 accompanies the policy.

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.

4.3.9 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 and achieve compliance.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

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

DECISION:

Item C2: Waste Management - Early Contractor Involvement (ECI)

ACTION	Decision
PROPONENT	Council Officer
OFFICER	Bill Boehm, General Manager
FILE REFERENCE	WAS/0400
ASSOCIATED PAPERS	<i>Annexure 12: Request for Tenders ECI - Waste Management</i> <i>Annexure 13: Tender Evaluation Report (For Elected Members only)</i>

INTRODUCTION:

Council has been pursuing through a range of actions potential long-term options to manage its waste management facilities and services that are financially sustainable, user-friendly and environmentally appropriate for our remote situation. This has included, through a publicly advertised process, an Early Contractor Involvement (ECI) contracting method which has identified a preferred contractor that is considered worthy of proceeding with to the next stage of the process. This will enable direct negotiations with the successful ECI respondent in order to deliver Flinders Council's waste management strategic objectives.

This report consolidates previous reports to Council and recommends potentially entering into such an arrangement.

PREVIOUS COUNCIL CONSIDERATION:

Council Workshop 6th October 2016
Council Workshop 12th January 2017
246.10.2016 20th October 2016
247.10.2016 20th October 2016

OFFICER'S REPORT:

At previous workshops Council was provided with an update of progress of identifying suitable waste management options. Progress thus far has been previously outlined as follows:

- (a) An open tender using the 'Early Contractor Involvement' (ECI) contracting method was adopted and implemented by Flinders Council.
- (b) The ECI contracting methodology is a two-stage process with an open tender stage for scope and specification development (Stage one), with options to open tender or sole source delivery of the approved scope and specification requirements (Stage two).
- (c) A formal tender evaluation process was undertaken and a tender evaluation report completed.
- (d) There were five (5) respondents to the open tender process and due diligence was undertaken in shortlisting one respondent to prepare the scope and specification for Flinders Council waste management.
- (e) The ECI selected respondent was unanimously assessed as the only respondent most likely to be able to achieve Flinders Council's waste management objectives and expectations.

- (f) Flinders Council has worked closely with the ECI selected respondent and a scope and specification has been developed that meets or exceeds Council's expectations in achieving its waste management strategy objectives.
- (g) Flinders Council and the ECI selected respondent have developed a cost model and pricing strategy that meets or exceeds the Flinders Council's budget expectations.
- (h) The ECI scope and specification process has enabled community engagement in participating with the delivery of the Flinders Council waste management strategy objectives.
- (i) Positive outcomes derived from the scope and specification process include the ability to deliver 100% recyclable waste management and kerbside waste collection across Flinders Island.

The ECI process has allowed Council to potentially go to full open tender at the front end, primarily to work with an industry expert to develop the scope. In this instance ToxFree (now JJ Richards) has been overwhelmingly identified as the preferred and committed operator. The range of options that can be developed potentially meet all of Council's strategic objectives with particular emphasis on our unique island-centric issues.

Under an ECI process the only reasons you would generally re-tender more broadly at this stage would be if:

- The price developed through the ECI process exceeds budget;
- It is determined through the ECI process that a working relationship could not be established with the potential successful tenderer; or
- There was more than one potential contractor with the required capability.

Based on the costs of scope development to date the above reasons are not satisfied.

It could also be argued that we could have directly engaged with ToxFree to develop the scope prior to issuing an open tender as this was the intention. The process taken thus far meets the relevant code of tendering requirements under legislation as intended but is not without some risk as outlined below.

As outlined, if we are to proceed with a 'sole source' tendering process, such an action will need to be formally agreed to by Council. If agreed this will enable direct negotiations with the successful ECI respondent to enter a contractually binding agreement to deliver the Flinders Council waste management strategy objectives.

It is important to note that if Council proceeds with a sole source arrangement any final costed proposal, including cost comparisons with existing arrangements, and detailed discussions with the preferred ECI respondent, will come before Council for final decision. This may include various options that Council may also include to take up.

In other words, Council, can still not proceed if it is not satisfied with the final costed proposal.

STATUTORY REQUIREMENT:

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS:

2.3 Minimise environmental and health risks from waste collection and disposal and maximise opportunities to reduce, reuse or recycle resources.

2.3.1 Waste Management Strategy Implemented.

2.3.1.1 Continual improvement to Whitemark Landfill site, with a goal of achieving environmental and safety compliance.

2.3.1.2 Maintain and improve efficiency of Waste Transfer Stations.

2.3.1.3 Undertake a tender process to assess opportunities and the viability of outsourcing waste management operations to a private sector operator.

2.3.1.4 Initiate island-centric recycling programs that are financially sustainable, user-friendly and environmentally appropriate for our remote situation.

BUDGET AND FINANCIAL IMPLICATIONS:

At this stage, indicative costs indicate that the likely outcome would fall within Council's normally allocated budget with the likelihood of a reduction in future capital costs.

RISK/LIABILITY:

Whilst there is nothing stopping us from going to open tender again there are cost implications and risks as detailed below including, but not limited to:

- No one tenders (prescriptive scope);
- ToxFree (now JJ Richards) declines to tender;
- The price increases (at the moment we have confidence that we can achieve budget expectations);
- A tender is received that undercuts the preferred supplier but without the confidence generated already that they can deliver; a relevant factor given our unique circumstances; and
- The inherent costs and delays in retendering with a more defined specification.

As would be expected, legal advice has been obtained which confirms that the sole source arrangement contemplated whereby Council would be able to directly appoint one of the successful ECI contractors to deliver the Services (once they were developed) and thereby avoiding the need for Council to conduct a second public tender process, would not be in breach of s.333A of the *Local Government Act 1993* because Council has invited tenders for the work (i.e. implementation formed part of the scope of works under the Request for Tender (RFT)).

The RFT grants Council the flexibility to, if it wished to do so, use a party other than the successful ECI contractors to deliver the Services. To this end, the RFT makes it clear that the successful ECI contractor shouldn't have any expectation of being appointed to carry out 'stage 2' of the waste management project, etc.

However, the Council's ability to, if appropriate, directly appoint one of the ECI contractors to deliver/supply the services was originally predicated on Council having an expectation of appointing *at least 2 ECI contractors* and then choosing between those two contractors to

enhance value for money and competition. As indicated, this has not occurred with only one expression being identified as worthy of further development; thus far generating notable confidence with indicative affordable costs being identified.

Against that background, it is open to Council to proceed with a direct appointment of Toxfree (now JJ Richards) to deliver/supply the Services as this position is supported by the RFT and is consistent with how ECI tender processes normally operate.

If Council proceeds with a direct appointment it risks criticism that the second part of the project should have been the subject of its own public tender process in part as only one ECI contractor was appointed; although it should be acknowledged that this was because only one superior submission was actually received.

If Council wishes to avoid the risk of criticism, then Council could choose to run a public tender for the delivery/supply of the Services based on the scope developed by Toxfree.

However, the risks as outlined above; especially the risk of Toxfree walking away from the table, are significant realising a poor outcome for Council.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That Council appoints the successful Early Contractor Involvement respondent (ToxFree now JJ Richards) to carry out 'stage 2' of the waste management project and through direct negotiations authorise the General Manager to present to Council for consideration a final tender that meets Council's long term waste management objectives.

DECISION:

Item D3: Councillor Resolution Report

ACTION	Information
PROPONENT	Council Officer
OFFICER	Bill Boehm, General Manager
FILE REFERENCE	COU/0600
ASSOCIATED PAPERS	<i>Annexure 14: Councillor Resolution Report June 2017</i>

INTRODUCTION:

This report identifies the actions taken and actual costs associated with implementing resolutions passed by elected members up to June 2017.

PREVIOUS COUNCIL CONSIDERATION:

The report is presented on a monthly basis.

OFFICER'S REPORT:

Please read Annexure 14 – Councillor Resolution Report June 2017.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That the Councillor Resolution Report June 2017 be noted.

DECISION:

D. CLOSED COUNCIL

Item D1: Closed Council Item

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

PREVIOUS COUNCIL CONSIDERATION:

58.03.2017 23rd March 2017 (Closed Council)
84.04.2017 20th April 2017

REASON FOR CLOSED COUNCIL:

Item D1 Notice of Motion – General Manager’s Performance Review is **CONFIDENTIAL** in accordance with Section 15(2) (a) of the *Local Government (Meeting Procedures) Regulations 2005*.

VOTING REQUIREMENTS

Absolute Majority

OFFICER’S RECOMMENDATION:

That Council move into Closed Council.

DECISION:

Meeting Closed