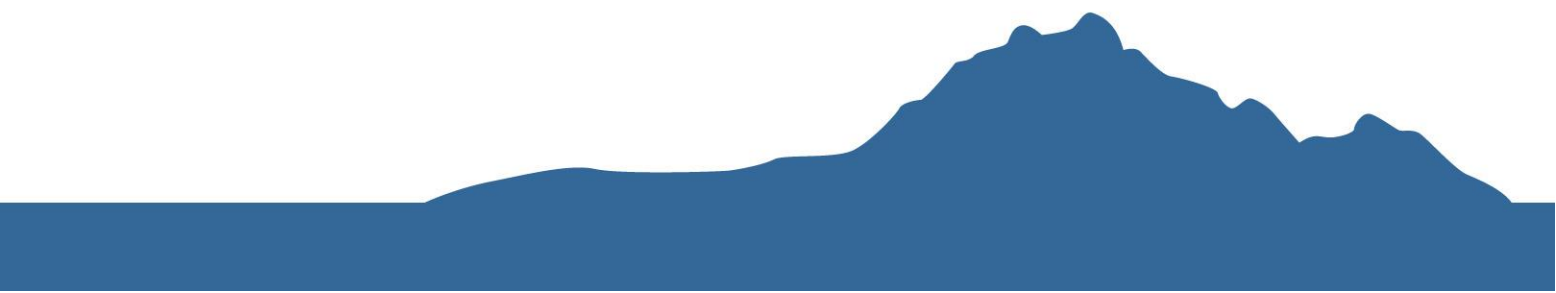




Agenda
Ordinary Council Meeting
12th October 2017



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 6th day of October 2017.



Bill Boehm
GENERAL MANAGER

FLINDERS COUNCIL ORDINARY MEETING

AGENDA

DATE: Thursday 12th October 2017
VENUE: Flinders 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 Gerald Willis

APOLOGIES

Cr David Williams

STAFF IN ATTENDANCE

Bill Boehm - General 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 21st September 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.*

RESPONSE TO PUBLIC QUESTIONS

21st September 2017 Council Meeting

Question 1: Annie Revie

I attended a Flinders Island Tourism and Business Incorporated (FITBI) meeting yesterday evening and some discussion took place regarding the Destination Action Plan (DAP). Has that plan been adopted by Council as part of Council's 3 year plan? Where does FITBI and the DAP sit with regard to Council planning?

Mayor's Response:

Flinders Island Tourism and Business Incorporated is a body of volunteers who come together to support the sustainability and growth of businesses on the Island. The Destination Action Plan is a project being run by FITBI with the support of State Government funding and Tourism Tasmania. FITBI operates independently of Council however Council supports FITBI as a body that is important to the sustainability and economic future of businesses on the Island as a part of delivering its vision, its strategic plan focus area of population growth and annual plan actions.

FITBI has no obligation to Council except to deliver on the specific funding supplied by Council to support delivery of the Flinders Marketing Strategy 2016-2020, however a strong working relationship between the two entities can only benefit the Island's businesses.

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

21st September 2017 Council Meeting

Question 1: Cr Marc Cobham

Re: Council community barbecues and toilets. Historically, my understanding is that Council agreed to fund the construction of the various facilities on the understanding that Parks & Wildlife staff would undertake the regular cleaning and basic maintenance etc. Is this still the case?

Mayor's Response:

I can advise that there is currently no Memorandum of Understanding (MOU) in place between Council and the Parks & Wildlife Service (PWS) for maintenance. Whilst you are correct in that

there was previously an MOU in place along the lines of Council supplying the gas and PWS checking and cleaning the BBQ's, this was prior to Council investing in and increasing the number of BBQ's and toilets it supplies for public use, without there being any increase in the capacity of PWS staff to undertake regular checks and cleaning. Council staff currently undertake the care and maintenance of the Council facilities.

Question 2: Cr Marc Cobham

Re: Badger Corner Rd. Some community members are under the impression that Badger Corner Rd will not receive any road maintenance in the current financial year. The concern if this is correct is that the condition of the road is poor. Could the issue be clarified please?

Mayor's Response:

I can advise that the Works and Services Department works hard to maintain all roads in the Council road network within the time limitations of the small crew and other demands on their time. Please speak to the community members involved and advise them that, contrary to their impression of no road maintenance for Badger Corner Road, there is \$8,600 allocated for re-sheeting of that road in the 2017-18 Capital budget which was adopted at the July 2017 Ordinary Meeting of Council and available for public viewing on the Council website at <https://www.flinders.tas.gov.au/annual-budget>.

Question 3: Cr Marc Cobham

Re: Killiecrankie barbecue seating and tables. Recently some bright coloured outdoor seating and tables were installed at the Killiecrankie Barbecue site. Was this installed by Council or Parks and Wildlife staff? Several community members are concerned that the colours chosen are not exactly 'visually sensitive'. The facilities are appreciated.

Mayor's Response:

I can advise that the seating and tables were provided as a joint effort by Flinders Council and the Parks and Wildlife Service (PWS), being purchased by the Flinders Council as part of The Dock walking track upgrade, and installed by staff of the PWS as part of this project. I am pleased that there is an appreciation for the new facilities, even though the colours are not to everyone's approval.

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

Meeting held on 21st September 2017

Council had a meeting with Senator David Bushby and Senator Jonathon Duniam to discuss priority projects.

Councillors Present:

Mayor Carol Cox, Deputy Mayor Marc Cobham and Cr Gerald Willis.

Apologies:

Cr Chris Rhodes, Cr Peter Rhodes, Cr Ken Stockton and David Williams.

Staff and Consultants Present:

Bill Boehm General Manager

Council Workshop held on 28th September 2017

Council held a Workshop on the following subjects:

- Item 1 Housing Information
- Item 2 Draft Special Committee Terms of Reference Template
- Item 3 New Quarterly Reporting Format
- Item 4 Communications Audit
- Item 5 Royal Flying Doctor Service Airport Support
- Item 6 Operational Update
- Item 7 Mann's Pit
- Item 8 Extension of Robert Street
- Item 9 Application Procedure for Councillor Leave of Absence
- Item 11 Flag Protocols

Councillors Present:

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

Apologies:

Cr Peter Rhodes, Cr Ken Stockton and Cr David Williams.

Staff and Consultants Present:

Bill Boehm General Manager
Kelly Blundstone Executive Assistant (Items 1 – 2 only)
Vicki Warden Executive Officer (Items 2 – 11 only)
Maxine Roughley CEO, Flinders Island Aboriginal Association Inc. (Item 1 only)
Toni Wood Flinders Island Aboriginal Association Inc. (Item 1 only)
Paul Muller Institute of Project Management (Item 3 only)
Megan Boyes Executive Officer (Item 4 only)
Dr Kathleen Atkinson RFDS (Item 5 only)
Valerie French Dept. of Infrastructure (Item 5 only)
Peter Innal Dept. of Infrastructure (Item 5 only)

John Kirwan	RFDS (Item 5 only)
Martin Laverty	CEO RFDS (Item 5 only)
Justin Maher	RFDS (Item 5 only)
Malcom White	RFDS (Item 5 only)
Brian Barnewall	Works & Services Manager (Items 5 & 6 only)
Cody Swan	Airport Operational Manager (Items 5 & 6 only)
Robyn Cox	Strategic Planner (Item 7 only)

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

VOTING REQUIREMENTS:

Simple Majority

RECOMMENDATION:

That the Council meeting held on 21st September and the Council Workshop held on 28th September 2017 be noted.

DECISION:

PUBLIC MEETINGS

Nil

PUBLICATIONS/REPORTS TABLED FOR COUNCIL INFORMATION

Nil

REPORTS TO BE RECEIVED

No committee reports received during this reporting period.

COUNCILLORS' REPORTS

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

File No: COU/0312

CORRESPONDENCE IN:

DATE	WHO	SUBJECT
28.08.17	Ailsa Sypkes, General Manager Legal and Governance, TasWater	Email advising that the Annual General Meeting will be held at 10:30 am on Thursday 8 November 2018 at Riverside. I replied as an apology because the elections for council are scheduled for October 2018 and Flinders Council will not know its representative until the election.
28.08.17	Ailsa Sypkes, General Manager Legal and Governance, TasWater	Email advising that there will be an Owners' Quarterly Briefing at 2 pm on Friday 9 February 2018 at Launceston.
28.08.17	Ailsa Sypkes, General Manager Legal and Governance, TasWater	Email advising that there will be an Owners' Quarterly Briefing at 2 pm on Thursday 9 August 2018 at Launceston
28.08.17	Ailsa Sypkes, General Manager Legal and Governance, TasWater	Email advising that there will be a General Meeting at 10.30 am on Thursday 10 May 2018 at Riverside.
27 Sep 2017	Ailsa Sypkes, General Manager Legal and Governance, TasWater	Email with additional paper for meeting to be held Monday 2 October 2017 in Campbell Town.
30 Sep 2017	Ailsa Sypkes, General Manager Legal and Governance, TasWater	Email with a low resolution version of the Annual Report of TasWater for the year ended 30 June 2017.

Legislative Council Select Committee – TasWater Ownership

The Legislative Council has confirmed it has received a submission from Flinders Council objecting to the Tasmanian Government's proposal to take control of TasWater. Flinders Council's submission can be viewed at:

<http://www.parliament.tas.gov.au/ctee/Council/Submissions/TWO/LCSC%20TWO%2014%20Flinders%20Council.pdf>

RECOMMENDATION:

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

DECISION:

MAYOR'S REPORT:

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

REPORT:**APPOINTMENTS:**

16.09.17	Netball Challenge between Bridport, King Island and Flinders Island
16.09.17	Lions Market
16.09.17	Football Challenge between Bridport and Flinders Island (with assistance from King Island)
18.09.17	ABC Media interview on the Safe Harbour project proposal
20.09.17	Met with Hydro representatives regarding the Official Opening of the Hydro Renewable Energy Hub
20.09.17	Flinders Island Tourism & Business Inc. (FITBI) AGM
21.09.17	With Council met with Senators David Bushby and Jonathon Duniam
21.09.17	Council Meeting
21.09.17	ABC Media interview on the Safe Harbour project proposal
24.09.17	Visited the Giving Shed at the Whitemark refuse site
25.09.17	Met with resident re fire wood collection on Flinders Island
25.09.17	Met with I James regarding the issue of a café in the north
25.09.17	Interview with the Examiner regarding the Safe Harbour project proposal
28.09.17	Council Workshop
29.09.17	General Management Performance Review Committee meeting with the General Manager
03.10.17	School Holiday Program Film Screening
03.10.17	Met with resident regarding airport hangar development
03.10.17	Met with resident regarding absolute unavailability of suitable long term rental housing

Netball and Football Challenge with Bridport and King Island:

On the 16th September the Flinders Island netballers and footballers hosted visitors from Bridport and King Island to participate in a netball challenge of 3 teams from Bridport, King Island and Flinders Island and a football challenge of Bridport vs Flinders (with some assistance from some King Island players). Congratulations to our netballers and footballers. Another great day with great improvement in the netball skills since the inaugural challenge last year and an overwhelming win by the home football team.

Thank you to Bridport and King Island players and supporters making the trip and may the challenge long continue.

Flinders Island Tourism & Business Inc. AGM

It was my pleasure to attend this event, a very well attended AGM and meeting and I want to thank the outgoing members of the Committee, congratulate the new members elected and

thank the members for the work they are doing in developing and promoting the Island as a visitation. The work that FITBI is doing assists Council in achieving the outcomes in 4 of the focus areas of Council's Strategic Plan; those focus areas being Population Growth, Infrastructure and Services, Liveability and Access and Connectivity.

Senators David Bushby and Jonathon Duniam:

Senator David Bushby and Senator Jonathon Duniam met with Council during their recent visit to our shores. Discussions ranged across a broad spectrum of local issues from housing to Council's priority projects list. A big thank you was also passed on to the senators for their support of the need for an upgrade in the telecommunications to the municipality and the excitement that is in the community at the expectation of access to fast internet speeds and the opportunities that will open up for education, health and business. The majority of funding for this \$10.8 million project is coming from the Federal Government's Building Better Regions Fund.

Senator Bushby also announced that Council had been successful in a grant application to the Building Better Regions Fund Community Investment Stream being allocated \$52,000 towards a \$70,000 project to undertake the Flinders Business Economic and Social Structure Review. This study will not only assist Council but also the entire community by quantifying the economic potential for the region and providing a basis on which to understand the advantages and disadvantages of residing and doing business in the Furneaux Group. The findings will help guide future decision making around boosting economic growth in the region and underpin the Council's strategic direction of growing the Island's population. Again this project would not have been possible without the Federal Government's support.

Council has recently received a support letter for the Safe Harbour Project from Senator David Bushby as well as being copied into support letters the Senator has written to the Treasurer, The Hon. Peter Gutwein MP; the Minister for Health, the Hon Michael Ferguson MP; and the Parliamentary Secretary to the Premier, Ms Sarah Courtney MP.

Whirlwind Screen Festival - School Holiday Event:

The showing on Tuesday evening included some very high quality short films, remarkably devised and filmed within a 48 hour period. A huge thank you to Jasper and the Scotch Oakburn team who made the School Holiday Program possible, with the help of Sammi. Thank you Dylan and Bradley for the sound and lighting. To the young film makers and to all others who participated I hope you enjoyed making the films as much as I enjoyed watching them. To the Council staff thank you and I hope this activity can be repeated during a future school holiday program.

CORRESPONDENCE IN:

DATE	WHO	SUBJECT
07.09.17	Mary Lalios, Municipal Association of Victoria	Victorian councils leading the way to prevent violence against women
12.09.17	F Madigan, Local Government Association of Tasmania (LGAT)	LGAT report August 2017

DATE	WHO	SUBJECT
14.09.17	Lynn Luckock, TasWater	Submission to Legislative Council Select Committee on TasWater and Upper House Introductory remarks
15.09.17	D Cooper	Additional information re Whitemark airport hangars
19.09.17	Mayor D O'Loughlin, Australian Local Government Association (ALGA)	Register of priority community infrastructure projects
19.09.17	Tasmanian Liberal Senate Team	Armistice Centenary Grants Program
19.09.17	A Stevens - Tourism Northern Tasmania (TNT)	Reminder to RSVP for Tourism Northern Tasmania AGM
20.09.17	C Hayton	Unfortunate experience by visitor to Island
22.09.17	Office of Senator David Bushby	Media Release - Funding to allow Furneaux Group Review
25.09.17	A Stephens, TNT	Invitation to TNT Champions of Tourism 2017
27.09.17	Ian James	Cafe in the North
27.09.17	M Buck	Thank you for update on funding to allow Furneaux Group Review
29.09.17	A Stephens, TNT	AGM Minutes and Annual Report
29.09.17	Phil Edmondson, CEO, Primary Health Tasmania	Suicide prevention trial to focus on men and older Tasmanians
02.10.17	Dion Lester, Policy Director, LGAT	Media Release - Doug Chipman is running for Pembroke
03.10.17	Ailsa Sypkes, TasWater	TasWater Annual Report 2016-2017
04.10.17	D Scott, Tasmanian Audit Office	Final Management letter and Independent Auditor's Report
05.10.17	Senator Bushby	Support letter for Safe Harbour project proposal
05.10.17	Senator Bushby	Safer Communities Fund round is now open
06.10.17	Senator Bushby	Copies of letters of support for the Safe Harbour project proposal sent to the three State Members for Bass; Peter Gutwein, Michael Ferguson and Sarah Courtney

CORRESPONDENCE OUT:

DATE	WHO	SUBJECT
21.09.17	A Stevens - Tourism Northern Tasmania (TNT)	Unable to send council representative to Tourism Northern Tasmania AGM
22.09.17	M Grimshaw & M Buck	Media Release - study to do a comprehensive socio and economic review of Flinders, Cape Barren and neighbouring Furneaux Group Islands
27.09.17	D Conn	Roadside control of Parramatta Grass

DATE	WHO	SUBJECT
27.09.17	R Hart MP	Flinders Island Marine Access and Safe Harbour project proposal
04.10.17	Hon Fiona Nash	Thank you for the Building Better Regions Fund grants for the Telecommunications project and the Flinders Business Economic and Social Structure Review
04.10.17	A Revie	Response to Public Question
04.10.17	M Bradley	Nominations of Flinders Municipal Emergency Management Coordinator and Deputy Coordinator
05.10.17	Cr M Cobham	Responses to Questions Without Notice

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 – (Markarna Grazing Company Pty. Ltd.)
File No: DA2016/012
Annexure 1: DA Planning Report
Annexure 2: DPEMP Supplement
Annexure 3: Environmental Assessment Report
Annexure 4: Representations

Item A2: Development Application Report
File No: DSV/0300
Annexure 5: Planner's Information Report – September 2017

B. STRATEGIC PLANNING

Item B1: Annual Plan Amendment - Planning
File No: ADM/0200

C. GOVERNANCE

Item C1: Patriarchs Wildlife Sanctuary Financial Support
File No: FIN/1202
Annexure 6: Email from Judy Clark

Item C2: Flying of Flags at Council Property Policy
File No: CUL/0102
Annexure 7: DRAFT Flying of Flags at Council Policy

Item C3: Whitemark Community Gym Terms of Reference
File No: CDV/0701
Annexure 8: DRAFT Whitemark Community Gym Terms of Reference

Item C4: Airport Capital Works Update
File No: AER/0902

Item C5: Use of the Flinders Council Common Seal
File No: GOV/1000
Annexure 9: Common Seal Register 11.07.17 – 05.10.17

Item C6: Communications Audit
File No: COM/0600
Annexure 10: Phone and Data Communications Review

Item C7: Council's 1st Quarterly Report
File No: COU/0600
Annexure 11: Council's 1st Quarterly Report (July - September 2017)

Item C8: Councillor Resolution Report
File No: COU/0600
Annexure 12: Councillor Resolution Report October 2017

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 – (Markarna Grazing Company Pty. Ltd.)

ACTION	Decision
PROPONENT	Markarna Grazing Company Pty. Ltd.
OFFICER	Gregoria Taylor
APPROVED BY	Karin van Straten
FILE REFERENCE	DA2016/012
ASSOCIATED PAPERS	<i>Annexure 1: DA Planning Report Annexure 2: DPMP Supplement Annexure 3: Environmental Assessment Report Annexure 4: Representations</i>

Proposal: Quarry (120,000m³ per annum)

Location: 634 & 684 Palana Road, Whitemark (CT: 145854/3, 245509/1 & 141190/3)

Applicant: Markarna Grazing Company Pty. Ltd.

Zoning: Rural Zone

Special Areas: None

Buffers: This quarry and Whitemark Airport

Representations: 14

INTRODUCTION:

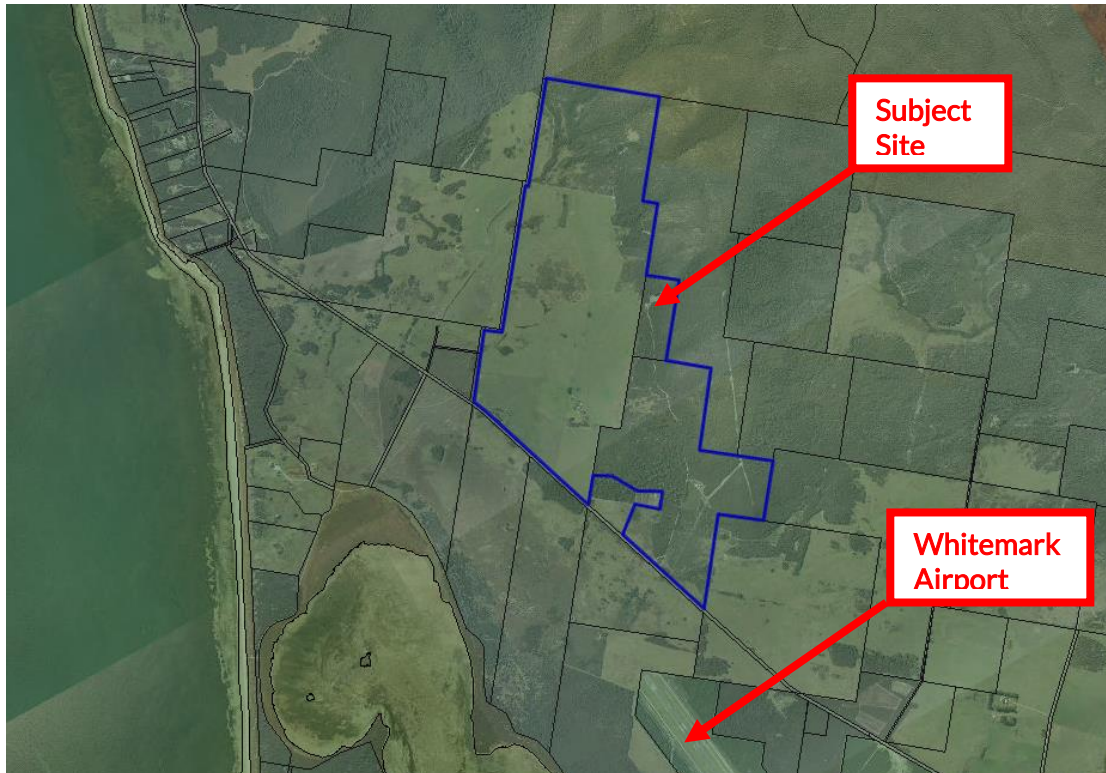
Subject Site

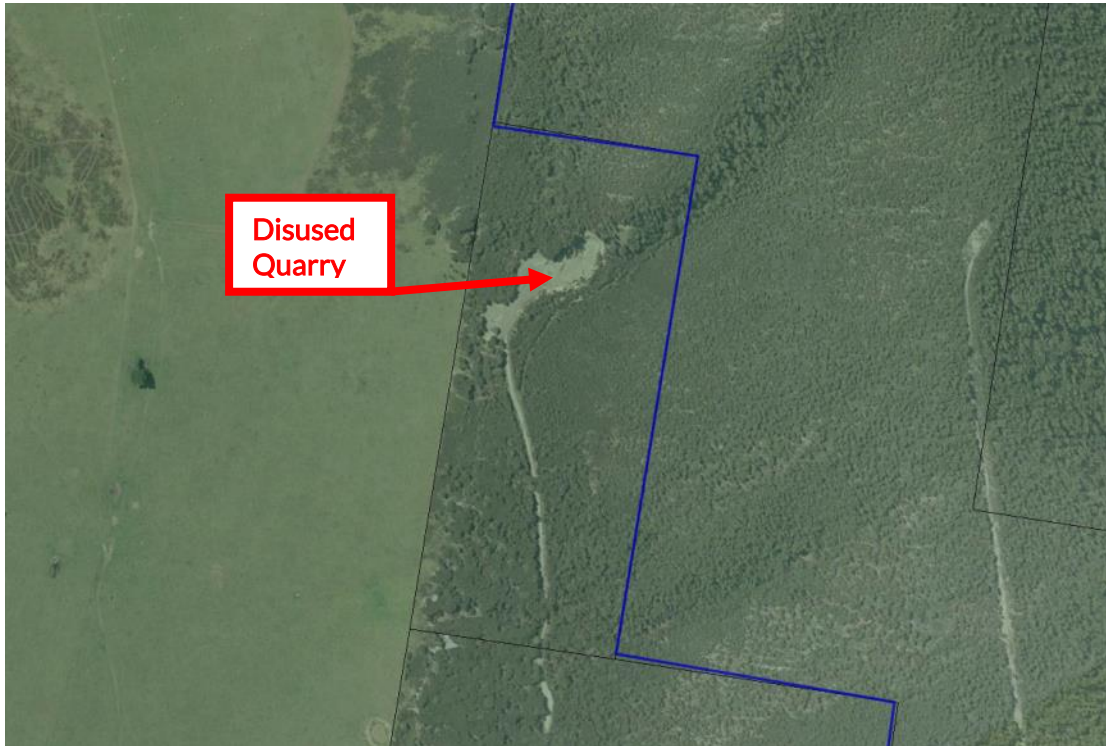
The Subject Site comprises three titles on the north site of Palana Road, just north of Whitemark Airport:

1. Lot 3 on Plan 141190 is used for access only, via an approximately 10 metre wide right of carriageway which runs for approximately 480 metres along the eastern boundary of the lot from Palana Road. The lot is an approximately 281.7 hectares agricultural property, which has an existing house. It is proposed that the right of carriage way on this lot be used.
2. Lot 3 on Plan 145854 is also primarily used for access purposes and is under the same ownership as the quarry lot itself. The access will run for approximately 575 metres

along the west side of the lot, to meet the quarry lot to the north (see below). The lot is an approximately 81.65 hectares mostly forested property, with an existing house on it. It is proposed that the right of carriage way on this lot be used.

3. Lot 1 on Plan 245509 contains the quarry itself. It is an approximately 10.14 hectare rectangular lot (505.49 metres by 201.15 metres). It is mostly forested with the existing quarry in a clearing in the northern part of the lot.



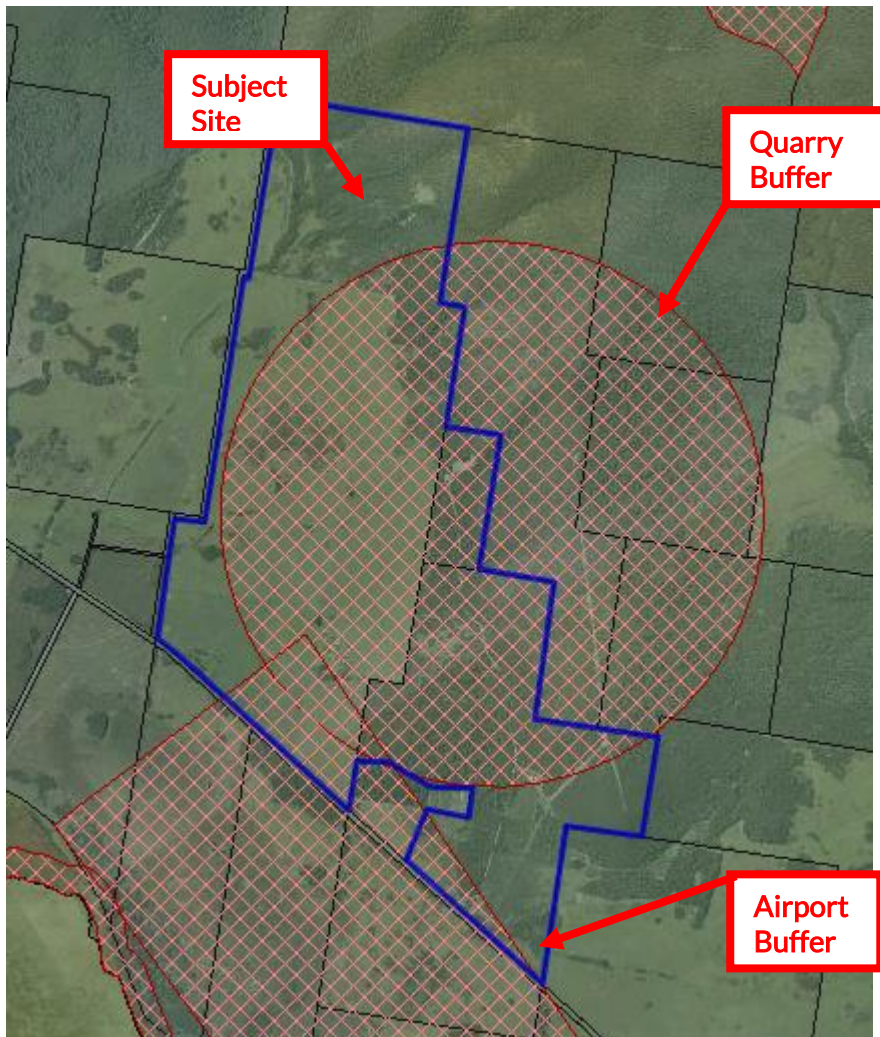


Zoning

The Subject Site is located within the Rural Zone, pursuant to the *Flinders Planning Scheme 2000* (the 'Planning Scheme').

Special Areas

The Subject Site is affected by two buffers: the buffer for the historical quarry, which is proposed to be expanded and the buffer for Whitemark Airport. The circular quarry buffer extends 1km from the existing quarry and thus covers most of the subject site. The airport buffer extends 375m into the site and is approximately 750m from the quarry site itself.



Statutory Timeframes

Date Received by Council: 20/ 5/ 2016
Date accepted by the EPA: 7/ 6/ 2016
Advertised: 15/ 10/ 2016
Closing date for representations: 12/ 11/ 2016
Re-advertised: 11/ 2/ 2017
Closing date for representations: 11/ 3/ 2017
EPA Part B received: 3/ 8/ 2017
Extension of time granted: Yes on 6/ 9/ 2017
Decision due: 12/ 10/ 2017

OFFICER'S REPORT:

The Proposal

The application proposes to use and develop land at the Subject Site for the purposes of a quarry.

Use

The proposal is for the purposes of an 'extractive industry' use at the Subject Site. Specifically, the application seeks approval for production levels of up to 120,000 cubic meters per annum.

The two operational modes for the activity as outlined in the application are:

1. 'Normal Production' – extraction volume limited on a per annum basis to 20,000 cubic meters associated with minor works including those conducted by the applicant and for sale to customers.
2. 'Major Projects' – extraction of up to 100,000 cubic meters per annum over a short to medium term (weeks or several months) for projects which require large volume of material on Flinders Island "...which have social and economic benefits to the island economy and infrastructure".

The application is also for the use of 'materials handling'. Specifically, that is for processes that include, crushing, grinding and milling of the rock, ores and/ or minerals at the Subject Site. As a result, it is envisaged that the material extracted from the quarry site will be stock piled within the Subject Site and/ or be transported to and from the Subject Site at different times.

Given the quantity of material proposed to be extracted from the Subject Site, (between 20,000 and 120,000 per annum), the proposed quarry operations are considered to be a Schedule 2 activity defined under Schedule 2 of the *Environmental Management and Pollution Control Act 1994 (Tas)*. That is under section 5 – extractive industries producing in excess of 5,000 cubic meters; and under section 6 – materials handling processing rock, ores or minerals at a rate in excess of 1,000 cubic meters per year. On this basis, the application must be referred to the Environment Protection Authority for assessment.

The aforementioned uses are proposed to operate as follows:

For blasting, crushing and haulage for the two operational modes:

1. 'Normal Production'
 - a. 0700 to 1900 hours Monday to Friday
 - b. 0800 to 1600 hours on Saturday
 - c. Closed on Sunday and public holidays (those gazette statewide)

It is proposed that blasting occurs between 1000 and 1600 hours Monday to Friday but closed on Sunday and public holidays. The application is silent on blasting on Saturdays.

It is proposed that crushing occurs between 0800 and 1700 hours Monday to Friday but closed on Sunday and public holidays. The application is silent on crushing on Saturdays.

It is proposed that haulage occurs between 0700 and 1900 hours Monday to Friday, 0800 and 1600 hours on Saturday and closed on Sunday and public holidays.

2. 'Major Projects'
 - a. 0700 to 1900 hours Monday to Friday
 - b. 0800 to 1600 hours on Saturday
 - c. Closed on Sunday and public holidays (those gazette statewide)

It is proposed that blasting occurs between 1000 and 1600 hours Monday to Friday but closed on Sunday and public holidays. The application is silent on blasting on Saturdays.

It is proposed that crushing occurs between 0800 and 1700 hours Monday to Friday, 0800 and 1600 hours on Saturday but closed on Sunday and public holidays.

It is proposed that haulage occurs between 0700 and 1900 hours Monday to Friday, 0700 and 1900 hours on Saturday and closed on Sunday and public holidays.

The Subject Site has been used for quarrying operations in the past. A Mining Lease (1229P/ M) was issued in 1986. The Subject Site does not, however, enjoy existing use rights as it has not been used for such operations in the last two years.

On this basis, the application must be treated as a fresh application to be assessed under the Planning Scheme. The quarry operation is considered in the definition of 'extractive industry', which is classified as a discretionary use under the Rural Zone (5.8.5 Table of uses).

Development

The proposed development associated with the quarry operation at the Subject Site includes a car parking area, a new access road, a new powerline, bunding associated with the proposed stockpile areas, a sediment pond and drainage associated with the operation and a site office building with a toilet for use by staff and contractors. It is proposed that the toilet be connected to a septic system.

Vegetation and topsoil are proposed to be removed as part of the development works.

The road previously used to access the Subject Site will not be used, except for the section closest to the quarry site. An existing right of carriage way will be used, along with a newly constructed road linking the two.

Amendment to the proposal

The proposal was amended as outlined in the Development Proposal and Environmental Management Plan Supplement ('DPEMP Supplement') submitted to the EPA in support of the original application.

Use

The DPEMP Supplement confirmed that the proposal was for the purposes of 'extractive industries' specifically for 'quarrying' being the extraction of any rock or gravel and producing up to 120,000 cubic metres per annum; and 'materials handling' specifically crushing, grinding or milling being the processing of rock, ores or materials up to 120,000 cubic metres per annum.

Development

The access arrangements are modified and now split between 'Major Projects' and 'Normal Production'. Specifically, vehicles involved with 'Normal Production' will take a new route depicted in Figure S1b of the DPEMP Supplement. Vehicles involved with 'Major Projects' will take an amended looping route. This amended route is depicted in Figure S1a of the DPEMP Supplement. On this route, the 'Major Project' vehicles no longer travel to the quarry face – all materials are loaded from a new stockpile located in close proximity to Palana Road. The amendment proposed a change to the vehicle movements in and around the Subject Site.

The major projects stockpile is located closer to Palana Road, outside of the Mining Lease area. The details of the stockpile are depicted in Figure S6 of the DPEMP Supplement. The stockpile is proposed to comprise of two piles. The stockpile is supported by an access road and loading area, a bund, drainage lines and a sediment pond.

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). This includes assessment against the buffers and the zone provisions (Part 5)
- Part 6 – Use and Development Principles

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

Council shall take into consideration the following:

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

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

Use

The proposed 'quarry' use is considered.

5.8.1 Zone Intent

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

COMMENT: The Subject Site is characterised in part by 'open farmland' and in part by 'irregular areas of native vegetation and substantial unspoiled landform'. The disused quarry site (where the quarry use is proposed to be expanded) is located in an existing clearing and it is proposed that this character will be maintained. Although the landform will change over a period of time given the proposed quantity of extraction.

The new access road will run mostly through forest, in a circuit like position around the Subject Site. Whilst the road itself is considered not to alter the broader character of the area, the proposed number of vehicle movements (particularly when the site is operating for 'Major Projects') will have an impact not just to vehicle movements on the land but vehicles accessing and egressing the Subject Site and on the surrounding road network.

No architectural plans and associated elevations have been provided for the site office/ toilet amenities. It is expected that detailed architectural drawings and elevations will be provided and respond to the zone intent to the satisfaction of the Responsible Planning Authority prior to the use and development commencing at the Subject Site.

5.8.2 Desired Zone Character and Zone Guidelines

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

COMMENT: Criteria (a) is not applicable. In relation to (b), it is expected that detailed architectural drawings and elevations will be provided and respond to the zone intent to the satisfaction of the Responsible Planning Authority prior to the use and development works commencing at the Subject Site. The quarry is 1km from the nearest road.

Land clearance is required for the access roads and areas around the quarry where the proposed expansion is proposed. On this basis, the proposal will have an impact on the footprint of the quarry site. It is expected that a Landscape Plan and associated Vegetation Management Plan for the whole Subject Site will be required to the satisfaction of the Planning Authority to ensure that the Subject Site is maintained in a sustainable manner so that any future rehabilitation will be minimal at the end of the use. With respect to (c), the applicant must respond and adhere to the EPA's requirements. Criteria (d) is not applicable.

Development

The proposed development associated with the quarry use is considered.

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: Site plans and detailed architectural drawings of the site office have not been provided. It is expected that detailed architectural drawings and elevations will be provided and respond to the development standards as required by the Planning Scheme to the satisfaction of the Responsible Planning Authority prior to the use and development works commencing at the Subject Site.

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

The application was referred to the EPA, CASA, the Parks and Wildlife Service and Council's Infrastructure Department.

The EPA assessed the application (including the DPEMP Supplement) as required for a level 2 activity under the *Environmental Management and Pollution Control Act 1994*. A Works Approval Permit Part B was issued with various conditions. Acting under Section 25(5)(a)(i) of the *Environmental Management and Pollution Control Act 1994*, the Board of the EPA has required that the Permit Part B be included in any Permit granted under the *Land Use Planning and Approvals Act 1993*, at the Subject Site. It should be noted that the EPA's Part B Permit conditions do not address certain issues such as groundwater, pest management and bushfire management.

The Parks and Wildlife Service had concerns about the proposal as a wildfire starter. It is requested that the applicant undertake a detailed Fire Hazard Risk Assessment so that a Fire Management Plan can be established by a suitably qualified professional to ensure that operations at the Subject Site do not pose any major fire risk to the operation at the Subject Site or to neighbouring properties. It is considered prudent that the operation be closed down on total fire ban days as required by the Parks and Wildlife Service.

The application was referred to Council's Infrastructure Department. They raised concerns about the impact of vehicle movements on the road network, given the number of proposed movements particularly during the 'Major Projects' operation of the use. It is expected that the proposal will have a direct impact on the road network. There have also been issues raised around the impact and management of the water effluent and waste water management on site. It is expected that these issues can be addressed and managed through conditions.

The application was also referred to Whitemark Airport and CASA. CASA has reviewed the DPEMP and has no objection to the proposed activity. CASA has noted that the proposal states that the blasting will be safe and meet all workplace health and safety requirements, which includes the need to look out before the blast, and only on this basis is it concluded that there is unlikely to be a risk to aviation activities. CASA also recommended that consideration be given to a general En Route Supplement Australia entry indicating the quarry location by bearing distance to the aerodrome reference point (ARP) for information only. The location as shown in Google is at S40 03 42 E17 58 59, which is 3.4 kilometres bearing 332 degrees magnetic from Flinders Island ARP.

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

Eleven (11) representations were received.

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

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

There are no mapped landslip or stability issues at the sites of the proposal. The quarry use is considered acceptable given it is approximately 2km from the coast.

(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 Tasmanian Parks and Wildlife Service made a representation to the proposal and raised the risk of wildfire associated with the activity. They suggested that the operation be condition to shut down on days of total fire ban.

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

No.

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

Not applicable.

(g) *pollution; and*

Refer to the EPA assessment and conditions.

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

Refer to the EPA assessment and conditions.

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

(a) *existing site features;*

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

(b) *adjoining land;*

The closest adjoining land to the quarry site is a large allotment owned by Parks and Wildlife lot to the east. The site to the west at 684 Palana Road, is a rural lot owned by a private owner. The owner of this lot has objected on various grounds including unlawful use of the adjoining land for the quarry use and broader amenity impacts. Council has been informed that the quarrying activity is not proposed on land owned by the adjoining owner at 684 Palana Road.

The broader area is mostly characteristic of rural lots with Palana Road, approximately 1km south of the quarry site, the closest access road. Of note however, is the Whitemark Airport and associated infrastructure south west of Palana Road.

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

The quarry operation is approximately 1km from the nearest road being Palana Road. On this basis, it would be prudent, given the possible visual impact of the quarrying operations (including the location of the stockpiles) at the Subject Site that responsive landscape and vegetation management plans are implemented to the satisfaction of the Responsible Authority prior to the proposed quarry use commencing.

(d) *the natural environment;*

Refer to the EPA assessment and conditions.

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

None identified.

(f) *buffer zones, attenuation areas*

The Subject Site is affected by two buffers as articulated earlier in this report. The buffer pertaining to the historical quarry, which is proposed to be expanded and the buffer associated with Whitemark Airport. The circular quarry buffer extends 1km from the existing quarry and thus covers most of the Subject Site. The airport buffer extends 375m into the Subject Site and is approximately 750m from the quarry site itself. This is somewhat concerning given the implications of the proposed operation to the existing airport and the safety for aircraft flying in and out of the airport. However, CASA has reviewed the DPMP and has no objection to the proposed activity. CASA has noted that the proposal states that the blasting will be safe and meet all workplace health and safety requirements, which includes the need to look out before the blast, and only on this basis is it concluded that there is unlikely to be a risk to aviation activities. CASA also recommended that consideration be given to a general En Route Supplement Australia entry indicating the quarry location by bearing distance to the aerodrome reference point (ARP) for information only. The location as shown in Google is at S40 03 42 E17 58 59, which is 3.4 kilometres bearing 332 degrees magnetic from Flinders Island ARP.

(g) *easements;*

Access is partly via the right of carriageway. Council is informed that there are no restrictions with this.

(h) *a water supply for fire fighting purposes;*

Given concerns raised by the Tasmanian Parks and Wildlife Service around wildfire risks, it would be prudent that the applicant undertake a Fire Hazard Risk Assessment so that a Fire Management Plan can be established by a suitably qualified professional to ensure that operations at the Subject Site do not pose any major fire risk to the operation at the Subject Site or to neighbouring properties. Such a plan should assess that a water supply for fire fighting purposes would be available should it be required.

(i) *any received pollution;*

Refer to the EPA assessment and conditions.

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

Refer to the EPA assessment and conditions.

(k) isolation, separation from other lands.

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;*

Given the dormant use of the Subject Site as a quarry and the proposed changes to the access/ egress roads to and from and around the Subject Site, it is likely that some improvement would be required to the road infrastructure in and around the Subject Site for the proposed use. It is also likely that some improvement would be required to road junctions, water, sewerage, and electricity services. This part of Flinders Island is not supplied with water or sewerage infrastructure and there is limited electricity infrastructure to the Subject Site. The roads in and around the Subject Site are of limited capacity given they have not had to be used for operations associated with intensive quarrying operations in the area for some time. On this basis, the provision of such infrastructure needs to be addressed by the applicant. Where the infrastructure is shared with the community or the accumulative use will have an impact on its ongoing maintenance, it would be prudent for consideration to be had to ensure the proposed use does not adversely affect the shared community road infrastructure.

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

It is important to appreciate the impact of the proposal to the Subject Site as well as the adjoining allotments. In the first instance, the impact of the proposed uses on the Subject Site and adjoining uses is proposed to be managed by way of conditions to this permit prepared by the EPA. A matter that has been raised as a concern is the outflow into the vegetation to the adjoining allotment. It would be prudent that the position of the sediment pond in this location be moved an additional 20 metres from the boundary. Further, it is advised that the effluent and waste water created as a result of the proposed operations is addressed via the EPA Part B conditions to ensure there are no adverse off site amenity impacts. Other environmental impacts such as noise, air emissions, noise, pest, plant and animal management issues also need to be addressed and monitored. Most of these matters have been addressed through the relevant permit conditions.

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

No landscaping is presently proposed as part of this project. However, a Landscape Plan and Vegetation Management Plan is proposed by way of condition to permit. This will ensure that adequate landscaping will be provided in and around the Subject Site. Illumination must be in accordance with WorkSafe standards however, where practicable illumination should be limited to normal domestic/farm lighting and

appropriate measure be taken to ensure that there is no lighting spill to adjoining properties.

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

It is proposed that the existing access will remain. Appropriate road and directional signage informing drivers of safe speeds and the whereabouts of the site office, as well as visitor and staff car parking bays should be clearly marked. This should be illustrated on the architectural drawings to be submitted as part of the conditions to permit.

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

It is expected that the proposed office and site amenities building will be of a good energy efficient design. 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.*

The proposal is a private undertaking - it proposes that it does not pose a risk to the safety or wellbeing of the community. In any case, all areas accessible to the public (i.e. access and egress roads and the site office) will be clearly sign posted to ensure the safety of all persons entering and egress from the Subject Site is acceptable.

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 3 – Buffer/Attenuation Areas (3.19)

3.19.2 *In considering any application within a Buffer/Attenuation area Council shall take into consideration the potential interaction between existing Uses or Developments and the proposed Use or Development and may impose conditions to minimise the impact of that interaction.*

3.19.3 *Matters to be considered when determining an application include:*

- (a) The siting and orientation of habitable buildings in relation to the topography and sources of emissions;*
- (b) The design of buildings, including the position of doors and windows and the noise absorbing properties of proposed building materials;*
- (c) the benefits of screening with earth mounds, walls, fences or landscaping.*

COMMENT: The proposed quarry buffer is deemed to be acceptable from an environmental, acoustic and air emissions perspective. This has been assessed by CASA and the EPA. Refer to the CASA and EPA Permit and associated conditions.

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 not relevant to this and have been omitted for brevity. Furthermore, certain use and development principles have been addressed in more specific parts of this report and whilst they are included here for completeness, the comment will 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.*

- (e) *Mining and quarrying operations shall be located and carried out in a form which does not conflict with surrounding land use or development, scenic values and the environment.*

COMMENT: The proposed quarrying operation complies subject to conditions. 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.*

COMMENT: The proposal complies subject to conditions. For more detail refer to Part 3 assessment.

6.3 *Amenity*

COMMENT: Not applicable. Only applies to subdivision and residential dwellings.

6.4 *Environment*

- (a) *Use or development shall not be allowed to detrimentally affect the environment. All areas, and sensitive ecological and/or visual areas in particular, shall be developed in a manner and to an extent which is consistent with the protection of the values of the area.*

- (b) *Use or Development and land management practices shall be directed towards achieving environmental sustainability, biodiversity and ecological balance, and*

avoiding environmental damage such as soil erosion, coastal dune erosion, loss of important animal and plant species and increases in vermin populations.

- (c) Use or Development shall not be located in areas of unacceptable risk (eg. from fire, flood or landslip). In situations where risk may exist, use and development shall be appropriately sited and designed to provide an acceptable level of protection and safety for future users. In particular.*
 - i. Lands subject to flood risk are those subject to a greater than one in a 100 year flood interval (1% probability), and land, the natural surface level of which is below 3 metres Australian Height Datum (AHD); and*
 - ii. Land which comprises soils of known or suspected instability, has a slope greater than 1 in 4, or is filled or reclaimed land, are deemed to constitute an unstable land hazard; and*
 - iii. Use and development in bushfire prone areas will comply with the provisions of Schedule 7 Development in Bushfire Prone Areas or some other provisions acceptable to Council and the Tasmania Fire Service.*
- (d) Potentially incompatible Uses or Developments shall be adequately and appropriately located, sited and designed to avoid conflict. Level 2 activities or sources of pollution shall be sited in accordance with the following:*
 - i. Use or Development for a use of land that is a Level 2 activity under the provisions of the Environment Management and Pollution Control Act 1994 shall not be allowed within the lesser distance from a residential zone than that recommended by the Director of Environmental Management.*
 - ii. Use or Development of land that is not a Level 2 activity, but which Council nonetheless considers will or has the potential for environmental harm, shall not be allowed within a lesser distance from a residential zone than that determined by Council after taking into account the advice from the Director of Environmental Management.*
 - iii. A dwelling unit shall not be erected within a lesser distance of any established Level 2 activity or other use of land which Council considers a source of pollution, than that determined by Council taking into account the advice from the Director of Environmental Management.*
- (e) Activities involving extensive site works, such as quarrying, shall be suitably sited, screened, and rehabilitated where appropriate, to protect the ecological and visual qualities of the area.*
- (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.*

- (g) *Use of land in the vicinity of those watercourses identified in Schedule 3 shall provide Riparian Reserves in an appropriate location and form.*

COMMENT: The proposal complies subject to conditions. For more detail refer to Part 3 assessment.

6.5 *Heritage*

COMMENT: Not applicable. No items, sites, areas, features and customary activities of historic and cultural importance have been identified. Aboriginal Heritage Tasmania completed a search of the Aboriginal Heritage Register on 2 May 2016 for the proposed quarry site and has advised that there are no Aboriginal heritage sites recorded within or close to the works area. Accordingly, they have advised that "...there is no requirement for an Aboriginal Heritage investigation and have no objection to the project proceeding". Aboriginal Heritage Tasmania did however state that "...all Aboriginal heritage is protected under the *Aboriginal Relics Act 1975*. If at any time during works you suspect Aboriginal heritage, cease works immediately and contact Aboriginal Heritage Tasmania for advice." They provided an Unanticipated Discovery Plan, which the applicant should have at hand during ground disturbing works, to assist in meeting the requirements under the Act. This plan can be referred to as a condition to permit to ensure that Aboriginal cultural heritage is dealt with appropriately should any relics be disturbed. Aboriginal relics requirements are dealt with in the EPA Part B permit conditions.

6.6 *Access and Parking*

- (a) *All new lots must be provided with satisfactory pedestrian and vehicular access to a public street.*
- (b) *All Use or Development shall provide satisfactory pedestrian and vehicular access which is suited to the volume and needs of future users.*
- (c) *Buildings and spaces intended for public access shall provide for satisfactory use and access by the disabled; the requirements of the Building Regulations in relation to AS1428.1-1988 shall be met.*
- (d) *Road widths shall be appropriate to the road function, expected traffic type and volume, and future subdivision potential of the subject and surrounding land.*
- (e) *Footpaths shall normally be required in areas of new subdivision except where low vehicle traffic volumes are anticipated, in which case a footpath one side only or no footpath may be appropriate.*
- (f) *Road intersections shall be kept to a minimum with the use of existing roads, service roads and/or shared driveways being encouraged where appropriate.*
- (g) *Intersections of roads, footpaths and foot crossings and driveways shall provide adequate safety for all users and shall satisfy the relevant requirements of Schedule 4.*

- (h) *New Use or Development shall provide a suitably constructed driveway of a width to provide for the safe ingress and egress of the anticipated volume of traffic associated with the Use or Development*
- (i) *New Use or Development shall provide adequate car parking to provide for the demand it generates and shall be capable of being safely accessed.*
- (j) *On site turning shall be provided for development involving significant traffic volumes, heavy vehicle types and/or on roads which carry significant amounts of traffic.*
- (k) *New Use or Development in Bushfire Prone Areas will require access that complies with the provisions of Schedule 7, Development in Bushfire Prone Areas.*

COMMENT: The proposal complies subject to conditions. For more detail refer to Part 3 assessment.

6.7 Services

- (a) *Use or Development shall be provided with adequate and appropriate services which are suited to the lifestyle requirements of people, the nature of the location, and the ability of the community to provide.*
- (b) *Lot size and arrangement shall be adequate and appropriate to ensure an acceptable level of servicing, particularly in relation to waste disposal.*
- (c) *In areas not serviced with water use or development shall provide adequate water supply and effluent disposal systems. Each dwelling shall provide a potable water storage facility (minimum capacity of 40kl) to provide for the anticipated number of occupants, and a wastewater disposal system approved by the Council's Environmental Health Officer*
- (d) *Use or Development in the bushfire prone areas will provide fire protection features and water supplies which comply with Schedule 7.*
- (e) *Use or Development shall be appropriately sited, designed and constructed to avoid conflict with service mains (including telephone, power, sewer, water and irrigation channels/pipelines). Buildings shall not be erected over any service main or within any easement providing for same whether utilised or not.*
- (f) *Servicing systems shall use adequate and appropriate design methods and materials to ensure an acceptable life span and allow for adequate maintenance requirements.*
- (g) *Use or Development shall optimise efficiency in the use of energy and resources. In particular, land should be subdivided on a generally sequential basis (i.e. one area is substantially developed before the next is subdivided), common trenching should be used for different services where appropriate, and solar access maximised.*

COMMENT: The proposal complies subject to conditions. 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: The applicant has submitted that the proposal will have ‘...social and economic benefits to the Flinders Island economy and infrastructure’. A social and economic impact assessment to outline how this will occur has not been provided. On this basis, it would be prudent to require a needs and demand analysis on the how and where the volume of extracted material will be used on Flinders Island particularly, when the quarry will operate under the ‘Major Projects’ mode.

6.9 Administration

- (a) *In considering subdivision and/or rezoning proposals, an appropriate balance shall be maintained between current demand and stock available for use or development, and the number of new lots that would be created.*
- (b) *Use or Development proposals should only be approved where the cost to the public of providing and maintaining services is not exceeded by the economic benefit of the use or development to the community.*
- (c) *In considering any proposal, Council shall obtain the advice and opinion of other relevant group(s), individual(s) or organisation(s) with direct interest in the proposal.*
- (d) *A Development Plan for an integrated development may be prepared and adopted by Council for any area in this Scheme,*

A Development Plan shall include:

- i. *The intended use for the land for which the Development Plan has been created;*
- ii. *The reason(s) for selection of the area;*
- iii. *A map showing clearly the area subject to the Development Plan showing principal physical features, including existing use or development, hills/slopes, trees, watercourses and existing services buildings and improvements;*
- iv. *The nature, form and capacity of proposed services including water, sewerage disposal, power, telephone, roads, footways and reserves;*

- v. *A plan of subdivision with proposed staging showing lot sizes and layouts, building envelopes where appropriate, and physical features intended to be conserved;*
- vi. *Any special provisions to be used to control land use and development in the area (e.g. height, form, character, materials, colours etc.);*
- vii. *Any other provisions intended to secure the intention of the Plan.*

A Development Plan shall be incorporated into the Scheme by way of a Scheme amendment in accordance with the Act.

COMMENT: The proposal has not demonstrated that the proposed 'Major Projects' quarrying operation will be of economic benefit to the community as required in section 6.9(b). It is requested that this be demonstrated at the time when the operation seeks to exceed the 20,000 cubic metre 'Normal production' capacity.

STATUTORY REQUIREMENT:

The application was advertised for 28 days in accordance with the *Environmental Management and Pollution Control Act* initially between 15 October and 12 November 2016 and subsequently between 11 February and 11 March 2017.

The application was referred to the Board of the Environment Protection Authority for assessment under the *Environmental Management and Pollution Control Act 1994* on 23 May 2016.

POLICY/STRATEGIC IMPLICATIONS:

In the *Flinders Council Strategic Plan 2015*, the following Strategic Focus Areas are most relevant:

Strategic Focus Area 1: Population Growth

Focusing on strategies, projects and policy initiatives that support the community, economic development, innovation and investment attraction.

COMMENT: The applicant has submitted that the proposal will facilitate economic development, innovation and investment attraction however, this submission has not been substantiated by any evidence.

Strategic Focus Area 2: Infrastructure and Services

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

COMMENT: The proposal has not demonstrated that it is consistent with and responsive to this focus area.

BUDGET AND FINANCIAL IMPLICATIONS:

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

OFFICER'S RECOMMENDATION:

That the application for extractive industry in the Rural Zone, by Markarna Grazing Company Pty. Ltd. for land located at 634 & 684 Palana Road, Whitemark (CT: 145854/3, 245509/1 & 141190/3) be **APPROVED** subject to the following conditions:

ENDORSED PLANS

1. Except as modified by this permit, the use and/or development must be carried out as shown on the Development Proposal and Environmental Management Plan by Van Diemen Consulting dated 9/10/16, the Traffic Impact Assessment by Midson Traffic dated 6/12/16, and the DPMP Supplement by Van Diemen Consulting 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.

AMENDED PLANS

2. Before the commencement of the use or development amended plans must be submitted to and approved by the Planning Authority. Such plans must be drawn to scale with dimensions and three copies must be submitted. When approved, the plans will be endorsed and form part of this permit. The plans must include the following information:
 - a. The location of the quarry on the drawings having consideration to the general En Route Supplement Australia entry indicating the quarry location by bearing distance to the aerodrome reference point ('ARP').
 - b. Location and siting of the site office and associated toilet amenity. Elevations of the built form must also be included.
 - c. Location and siting of all visitor and employee car parks at the site.
 - d. Location of the truck parking bay area.
 - e. Location, siting and details of all traffic and directional signage at the site including information about safe driving speeds and the whereabouts of the site office as well as visitor and staff car parking bays.
 - f. Detailed cross sections of the quarry wall.
 - g. Location and details of the five stockpiles at the site.
 - h. Location and details of the drainage system into the sediment dam and associated overflow, which must be setback from the adjoining boundary a minimum of 20 meters.
 - i. Location and details of the bund walls associated with the operation.
 - j. Details of the proposed lighting scheme at the site with lighting fixtures fitted with baffled globes and positioned to retain light spillage to the Subject Site.

WORKING IN ACCORDANCE WITH THE APPROVED EPA PERMIT AND WORK PLAN

3. The person responsible for the activity must comply with the conditions contained in Schedule 2 of Permit Part B (9508, EPA Ref: 249584)., which the Board of the Environment Protection Authority has required the Planning Authority to include in the permit; pursuant to section 25(5) of the *Environmental Management and Pollution Control Act 1994*.
4. The use and development at the Subject Site must not commence until all the requirements as outlined in the *Environmental Management and Pollution Control Act 1994* have been addressed to the satisfaction of the Responsible Authority

The EPA Permit Part B (9508, EPA Ref: 249584) will be endorsed and will form part of this permit. The use and development must be undertaken in accordance with the EPA Permit Part B (9508, EPA Ref: 249584) to the satisfaction of the Responsible Authority.

LANDSCAPING & VEGETATION

5. Prior to commencement of works, a Landscape Plan and associated Vegetation Management Plan for the entire site must be prepared by a suitably qualified person and submitted to the Planning Authority for approval. The Landscape Plan and associated Vegetation Management Plan, must be to the satisfaction of the Planning Authority. The Landscape Plan and associated Vegetation Management Plan must include:
 - a. Details of the existing vegetation at the Subject Site to be retained and/or removed as part of the development works, road and bunding works;
 - b. Species and planting densities proposed at the Subject Site;
 - c. The provision of a vegetation buffer using a combination of tall windrow plantations along the perimeter fence lines and dense screen planting and screen mounding within the site to mitigate views into the site;
 - d. The use of suitable stockpiled soil in the mix of the material for the bunds to encourage the establishment of planting on the bunds; and
 - e. An effective irrigation and watering regime during the establishment phase and for the ongoing maintenance of the vegetation.

When approved, the Landscape Plan and associated Vegetation Management Plan will be endorsed and will then form part of this permit. The use and development must be undertaken in accordance with the approved Landscape Plan and associated Vegetation Management Plan to the satisfaction of the Planning Authority.

6. Landscaping must be maintained to the satisfaction of the Planning Authority.
7. Overburden must be maintained and located to minimise visual impact and be top soiled and hydro seeded so as to reduce the event of erosion and degradation of the Subject Site or surrounding land, to the satisfaction of the Planning Authority.

FIRE MANAGEMENT PLAN

8. Prior to the commencement of works, a Fire Hazard Risk Assessment and a Fire Hazard Management and Response Plan must be prepared by a suitably qualified professional and submitted to the Planning Authority for Approval.
9. The Plan, and any amendment to the Plan, must be prepared in consultation with the Tasmania Fire Service, the Tasmanian Parks and Wildlife Service and the Planning Authority and must include a provision that the operation be closed on total fire ban days.
10. The quarry operator and permit owner must implement and act in accordance with the approved plan.

When approved, the Fire Hazard Risk Assessment and Fire Management and Response Plan will be endorsed and will form part of this permit. The use and development must

be undertaken in accordance with the Fire Risk Assessment and Fire Management and Response Plan to the satisfaction of the Planning Authority.

ROADS

11. All roads within the site and associated carriageways must be sealed to a suitable grade to be able to accommodate the traffic at the site by all uses to the satisfaction of the Planning Authority
12. Heavy vehicles associated with the operation must only access the site from Palana Road, to the satisfaction of the Planning Authority.

ROAD TRAFFIC IMPACT ASSESSMENT & MONITORING

13. Within one month of the commencement of the use, the permit holder must commission an independent traffic and road impact assessment prepared by a suitably qualified traffic engineer. A copy must be presented to Council. The traffic and road impact assessment must:
 - a. document the condition of roads that trucks take during 'normal operation';
 - b. provide count data for a period of no less than 30 days or as stipulated by the Planning Authority in consultation with the suitably qualified traffic engineer undertaking the traffic and road impact assessment. The data collected as part of the traffic and road impact assessment, will then be used to calculate the monetary cost of the use of the operation to the community road infrastructure.
14. Prior to the commencement of the use of the quarry in 'Major Projects' mode, the permit holder must commission an independent traffic and road impact assessment prepared by a suitably qualified traffic engineer. A copy must be provided to Council. The traffic and road impact assessment must:
 - a. document the condition of roads that form the designated truck routes during the 'major projects' operation;
 - b. provide count data for a period of no less than 30 days or as stipulated by the Planning Authority in consultation with the suitably qualified traffic engineer, which will then be used to calculate the monetary cost of the use of the operation to the community road infrastructure.
15. The monetary cost must be paid to the Planning Authority and must be scaled based on the use of the community road infrastructure by the operation depending on the mode of use - normal operation or major projects.
16. Ongoing monitoring is required and must be provided by the quarry operator upon request of the Planning Authority. The monitoring must include a logbook, that records daily:
 - a. the number of vehicles coming into and out of the site;
 - b. the type of material they are loading and unloading to the site;
 - c. the amount of material they are moving; and
 - d. to or from where the material is being moved.

The logbook must be kept to the satisfaction of the Planning Authority and be available to inspect upon request at any time.

17. The traffic and road impact assessment must be reviewed at a minimum, every 2 years at the discretion of the Planning Authority.

MAJOR PROJECTS

18. The site manager must notify the Planning Authority within 24 hours of the quarry reaching the 'normal production' threshold of 20,000 cubic metres.
19. Prior to the quarry exceeding the 'normal production' threshold of 20,000 cubic metres in any given year, the permit holder must clearly demonstrate the demand for the 'major projects' operation of the quarry by the community of Flinders Island.
20. An economic impact assessment must be undertaken by a suitably qualified economist in support of the demand for the 'major projects' operation of the quarry.

Notes:

1. This permit was issued based on the proposal documents submitted for (DA2016/012). 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. An extension may be granted subject to the provisions of the *Land Use Planning and Approvals Act 1993* as amended, by a request to Council.
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.

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

Item A2: Development Application Report

ACTION	Information
PROPONENT	Council Officer
OFFICER	Jacci Viney, Development Services Coordinator
FILE REFERENCE	PLN/0105
ASSOCIATED PAPERS	<i>Annexure 5: Planner's Information Report – September 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 5 Planner's Information Report – September 2017, provided by West Tamar Council.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That the Planner's Information Report – September 2017 be received.

DECISION:

B. STRATEGIC PLANNING

Item B1: Annual Plan Amendment - Planning

ACTION	Decision
PROPONENT	Council Officer
OFFICER	Robyn Cox, Strategic Planner
FILE REFERENCE	ADM/0200
ASSOCIATED PAPERS	<i>Nil</i>

INTRODUCTION:

Council has been briefed at workshop on the component tasks and process for submission of a Local Provisions Schedule to the Tasmanian Planning Commission. This item sets out the legislative requirements for the work and seeks to include the tasks in the 2017-18 Annual Plan.

PREVIOUS COUNCIL CONSIDERATION:

Nil

OFFICER'S REPORT:

The Tasmanian Planning Scheme has two parts: State Planning Provisions (SPPs) and Local Provisions Schedules (LPS).

The SPPs are those parts of the scheme that are common across the state (where they apply). They include:

- Operational provisions of the planning scheme;
- Zone provisions;
- Code provisions; and
- Sets requirements for the LPSs.

Each planning authority must complete its draft LPS using the required structure set out in the SPPs.

LPSs apply to each municipal area and include:

- Mapping of zones;
- Mapping of overlays;
- Local area objectives;
- Lists to relevant codes;
- Particular purpose zones;
- Specific area plans; and
- Site specific qualifications.

Under section 35 (1) of the *Land Use Planning and Approvals Act* (the Act) a planning authority can prepare a LPS and submit it to the Commission. Section 35 (7) establishes that the planning authority must be satisfied that the LPS meets the LPS criteria in section 34. After considering a draft LPS, the Commission can submit a request to the Minister for approval of the draft LPS to be exhibited (section 35 B1) but must not submit such a request unless satisfied that the LPS meets the LPS criteria.

Mapping of Zones

Most councils will translate the current interim planning scheme zones. The Flinders scheme cannot be directly translated because it is not an interim scheme and so s32 (4) applies to Flinders zone decisions, in addition to the LPS criteria of s34. As well, the zone maps must be prepared in accordance with Guideline No.1 issued by the Commission and the Practice Note 7- technical advice.

Mapping of Overlays

Other than the overlay maps deemed by Department of Justice to be transitional, maps must be prepared in accordance with Guidelines No.1 Code Application and practice Note 7-technical advice.

New Particular Purpose Zones, Specific Area Plans and Site Specific Qualifications

The Commission requires justification and demonstration that the draft LPS meets section 32(4) and is in accordance with Practice Note 8 - Technical Advice.

Supporting Report

The Supporting Report must demonstrate how the draft LPS meets the requirements of section 32 of the Act including how it:

- furthers the Schedule 1 objectives of the Act (parts 1 and 2) [section 34(2)(c)];
- is consistent with each State Policy [section 34(2)(d)]:
 - State Coastal Policy 1986;
 - State Policy on Water Quality Management 1997;
 - State Policy on the Protection of Agricultural Land 2009; and
 - National Environment Protection Measures;
- is consistent with the relevant regional land use strategy (RLUS) [section 34(2)(e)];
- is consistent with the strategic plan prepared under section 66 of the *Local Government Act 1993* [section 34(2)(f)];
- as far as practicable, is consistent and coordinated with a LPS for an adjacent municipal area [section 34(2)(g)];
- has regard to the safety requirements set out in the standards prescribed under the *Gas Pipelines Act 2000* [section 34(2)(h)];
- designates land as being reserved for public purposes (if relevant) [section 32(2)(g)];
- contains all the provisions that the SPPs specify must be contained in and LPS [section 32(4)(a)] by meeting the LPS Requirements in the SPPs:
 - must include a zone map (LP1.2.1);
 - must differentiate between Rural Living A, B, C and D zones (LP1.2.2);
 - must be in accordance with specified structure (template has been provided);
 - and meet requirements for PPZs, SAPs and SSQs (LP1.1, LP1.4 LP1.5 and LP1.6);
 - must provide overlay maps for the purposes of the application of the codes (LP1.7); and
 - justify why a code overlay map should vary from the required state-wide maps (LP1.7.3, LP1.7.7, LP1.7.8 and LP1.7.11);
- must not contain provisions inconsistent with a provision in section 11 and 12 of the Act;
- is consistent with zone and code application guidance provided in Guideline No. 1 – Local Provisions Schedule (LPS): zone and code application;

- transitions all PPZs, SAPs and SSQs existing at the 17 December 2015, unless declared otherwise by the Minister [schedule 6, clause 8];
- for other PPZs, SAPs and SSQs, meets section 32(4);
- is consistent with the drafting conventions of the SPPs in Practice Note 5 - Tasmanian Planning Scheme drafting conventions;
- is consistent with Practice Note 7 - Draft LPS mapping: technical advice; and
- is consistent with Practice Note 8 - Draft LPS written document: technical advice.

The extra test applied to most of the decisions made for the Flinders Local Provisions Schedules is established in section 32(4) (a) and 32(4) (b) as follows:

An LPS may only include a provision referred to in subsection (3) in relation to an area of land if:

- (a) a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or
- (b) the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.

The Flinders Land Use Strategy 2017 will provide the strategic justification required to satisfy section 32(4).

To appropriately recognise the importance of these undertakings it is desirable to have the 2017-18 Annual Plan amended to include drafting and process work for achieving a Local Provisions Schedule for the Flinders Planning Scheme as it is a major output with significant actions that need to be reported upon. Council will need to be satisfied that all requirements are met before endorsing the submission of the Local Provisions Schedule.

The recommendation formally addresses this aspect.

STATUTORY REQUIREMENT:

Land Use Planning and Approvals Act 1993

POLICY/STRATEGIC IMPLICATIONS:

4. Strategic and Efficient and Effective Organization – Responding to risks and opportunities.
 - 4.3 Ensure Council meets its statutory obligations and manages corporate and community risk.

BUDGET AND FINANCIAL IMPLICATIONS:

There are no budget implications.

RISK/LIABILITY:

There is a high risk if the statutory obligations are not met. The proposal seeks to provide a mechanism for reporting on the progress of component tasks.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That the 2017-18 Annual Plan be amended to include the following under *Strategic Focus Area 4: Strategic, Efficient and Effective Organisation* and *Strategic Direction: 4.3 Ensure Council meets its statutory obligations and manages corporate and community risk*:

Output: 4.3.32 Flinders Planning Scheme

Year 3 Annual Action: For each locality deliver Strategy Tables, Zone Conversion Tables, Supporting Reports, Maps, overlay lists and photographs as well as all Submission Documentation including Flinders Land Use Strategy 2017, Supporting Information Report and Consultation Reports.

Key Performance Indicators: 2017-18 Local Provisions Schedule delivered and Submission criteria satisfied.

Lead responsibility: Strategic Planning

DECISION:

C. GOVERNANCE

Item C1: Patriarchs Wildlife Sanctuary Financial Support

ACTION	Decision
PROPONENT	Council Officer
OFFICER	Bill Boehm, General Manager
FILE REFERENCE	FIN/1202
ASSOCIATED PAPERS	<i>Annexure 6: Email from Judy Clark</i>

INTRODUCTION:

The Friends of the Patriarchs (Patriarchs Wildlife Sanctuary) has been fundamental in carrying on the Wildlife Sanctuary that Derek Smith established in 1977. In 2016 the Committee wrote to Council requesting that the 2016/17 rates and future rates levied be waived to ensure the ongoing sustainability of the site. At that time Council agreed to do so for the 2016/17 year only.

This report is in response to a similar request for 2017/18.

PREVIOUS COUNCIL CONSIDERATION:

267.10.2016 20th October 2016

*“Moved: Cr G Willis Seconded: Cr D Williams
That the Council agrees to waive the 2016/17 rates and charges levied on the property known as Patriarchs Wildlife Sanctuary.*

CARRIED UNANIMOUSLY (7-0)

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

OFFICER'S REPORT:

The Friends of the Patriarchs work tirelessly with limited resources to allow for the continuation of the wildlife sanctuary Derek Smith established. All the work is carried out by volunteers and any funds that are required are raised by the Committee.

The Sanctuary provides a peaceful environment for locals and visitors to enjoy, including a free barbeque facility, shower and a hut for overnight stays. It is an extremely popular attraction for many, particularly due to the ability to be able to get up close to wild wallabies and feed them. The Parks and Wildlife Service has recognised the importance of the Sanctuary and listed it as a Conservation Area.

Without the continued support of the Committee and others, the Sanctuary would be hard to maintain and it would be a great loss to the Community if it were to fall into disrepair or close.

The Committee has again written to Council (Annexure 6) requesting that the 2017/18 rates levied be waived to ensure the ongoing sustainability of the site.

Whilst the request is similar to the previous year's request, the form of support by waiving rates is considered worth reviewing.

The power to remit rates is contained within section 129 of the *Local Government Act 1993* and requires an absolute majority vote. It is a general power and whilst not prescriptive would generally be used rarely for cases of hardship or if there was some administrative anomaly. The significance of using this section of the Act is highlighted by the requirement that the General Manager keep a record of all such remissions which presumably would be audited.

On the other hand, providing support to any organisation based on merit is usually discretionary in nature and ordinarily done by way of a grant which would be assessed against some criteria or the needs of the organisation. This situation of assisting the Friends of the Patriarchs would seem to be such an instance.

Should Council wish to assist them, in order to maintain transparency in a decision between rates as a method of taxation and grants as a separate decision based on merit, a grant is considered a more appropriate form of support. If Council chooses the latter option, it would also provide an opportunity to avoid any direct connection by setting a set amount.

STATUTORY REQUIREMENT:

Nil

POLICY/STRATEGIC IMPLICATIONS:

A Waiver of Fees Policy exists however the only fees and charges covered by the policy are Place of Assembly Licences and Temporary Food Registrations which in the main relate to user charges forgone for discretionary services.

Rates are however one of Council's main sources of revenue and are regularly used for comparative benchmarking purposes. Having discretionary reductions masks the Council's revenue raising potential and performance in this area. It can also create precedents which can be difficult to remove later if circumstances change. Waiving rates for the Friends of the Patriarchs is the only example of its kind within the Council area.

BUDGET AND FINANCIAL IMPLICATIONS:

2017/18 Rates levied total \$729.39

RISK/LIABILITY:

Not supporting the ongoing running of the Patriarchs Wildlife Sanctuary may potentially jeopardise the future of the Sanctuary but also in the minds of the Community, be seen as Council not recognising the accompanying community contribution.

VOTING REQUIREMENTS:

Waiving Rates (Absolute Majority)
Operating Grant (Simple Majority)

OFFICER'S RECOMMENDATION:

It is for Council to decide if assistance is to be provided, and the amount and form that this should take.

DECISION:

Item C2: Flying of Flags at Council Property Policy

ACTION	Decision
PROPONENT	Council Officer
OFFICER	Bill Boehm, General Manager
FILE REFERENCE	CUL/0102
ASSOCIATED PAPERS	<i>Annexure 7: DRAFT Flying of Flags at Council Policy</i>

INTRODUCTION:

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

PREVIOUS COUNCIL CONSIDERATION:

225.09.96	10 th September 1996
301.12.01	13 th December 2001
368.11.10	18 th November 2010
181.06.2011	16 th June 2011
Council Workshop	28 th September 2017

OFFICER'S REPORT:

Council has a policy that states that policies should be reviewed at least every four (4) years by the then elected members.

Council has two flag poles located at the Council Office which fly the Australian and Aboriginal flags during office hours. Following enquiries regarding the flying of flags on the day of local funerals, it came to the attention of staff that the Flying of Flags at Council Property Policy did not include a definitive recommended course of action in this event.

The Flying of Flags at Council Property Policy has therefore been reviewed to address this element. In doing so it was found that when flying flags generally, all appropriate protocols are to be followed. Council's existing policy was silent in this regard.

A review of the Department of the Prime Minister and Cabinet's booklet 'Australian flags – Part 2: The protocols for the appropriate use and the flying of the flag' was undertaken. It is well understood that the Australian Flag can only be flown in accordance with these protocols with limited discretion. In the case of a death in the community some discretion is however afforded to Council as stated in the booklet:

"Flags in any locality may be flown at half-mast on the death of a local citizen or on the day, or part of the day, of their funeral. "

The policy has been updated to reflect this aspect with the preferred stance of flying the flags outside the council office building at half-mast on the day of a funeral of a resident.

STATUTORY REQUIREMENT:

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS:

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

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

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

RISK/LIABILITY:

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

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That Council adopts the Flying of Flags at Council Property Policy and allows it to lay on the table for 28 days for public comment.

DECISION:

Item C3: Whitemark Community Gym Terms of Reference

ACTION	Decision
PROPONENT	Council Officer
OFFICER	Bill Boehm, General Manager
FILE REFERENCE	CDV/0701
ASSOCIATED PAPERS	<i>Annexure 8: DRAFT Whitemark Community Gym Terms of Reference</i>

INTRODUCTION:

At the August 2017 Council Meeting, Council agreed to establish a Special Committee to assist with ongoing operations of a Whitemark Community Gym. At the September 2017 Council Meeting, the purpose and membership of the Committee were agreed by Council with further work on the balance of the required Terms of Reference referred for discussion.

This report presents a revised Terms of Reference for the Special Committee for Council consideration.

PREVIOUS COUNCIL CONSIDERATION:

Council Workshop	6 th July 2017
Council Workshop	3 rd August 2017
2017.08.2017	17 th August 2017
230.09.2017	21 st September 2017

OFFICER'S REPORT:

To assist in the Whitemark Community Gym's ongoing management and operation, Council has decided that a Special Committee is to be established. A draft Terms of Reference for the Whitemark Community Gym Committee has been developed (Annexure 8).

The purpose, powers and membership for the Whitemark Community Gym have been developed in line with elements that apply to the Lady Barron Community Gym and were agreed by Council at the September Council Meeting.

This Terms of Reference will also act as a template for all Special Committees so that in the future all Special Committees will have the same set of working rules except those aspects that are specific to each Special Committee. In a general sense these working rules also encompass the contents of the Special Committees of Council Policy and the Special Committee Meeting Rules that currently exist.

This modernisation has a number of benefits including making it a standard self-contained document but also allowing each Special Committee to be operated specifically on its merits and with powers that can vary as required by Council as intended by the legislation.

As foreshadowed in the previous minutes of the Furneaux Community Health Committee a similar exercise is also being undertaken.

STATUTORY REQUIREMENT:

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.

5.1.2 Rural Primary Health Service program funding is administered for delivery of health services to the community.

5.1.2.1 Facilitate and deliver the Rural Primary Health Service Program.

BUDGET AND FINANCIAL IMPLICATIONS:

Nil

RISK/LIABILITY:

Nil

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That Council:

1. Adopts the Whitemark Community Gym Terms of Reference;
2. Agrees to use the Whitemark Community Gym Terms of Reference as a template for all new Special Committees that are formed; and
3. On a case by case basis, as circumstances dictate, reviews and amends the Terms of Reference for each existing Special Committee.

DECISION:

Item C4: Airport Capital Works Update

ACTION	Decision
PROPONENT	Council Officer
OFFICER	Bill Boehm, General Manager
FILE REFERENCE	AER/0902
ASSOCIATED PAPERS	Nil

INTRODUCTION:

The Flinders Island Airport Master Plan and Council's ongoing budgets have previously identified a range of capital works that are required. Some of these are eligible for funding through the Remote Airstrip Upgrade (RAU) Program.

Following a recent visit from representatives of the Royal Flying Doctor Service and the Regional and Remote Aviation Section of the Australian Government's Department of Infrastructure and Transport, the potential to access funding through this program to upgrade the Flinders Island Airport runway and fencing was raised.

This report updates the situation and recommends appropriate changes to the Council budget to enable a funding application to be submitted.

PREVIOUS COUNCIL CONSIDERATION:

Council Workshop 28th September 2017

OFFICER'S REPORT:

At the September Council Workshop representatives of the Royal Flying Doctor Service (RFDS) and the Regional and Remote Aviation Section of the Australian Government's Department of Infrastructure (Department) discussed various aspects associated with improving safety and access at Regional Airports. The RDFS was very open to offering their moral support for these initiatives.

The Department's representative also outlined their funding role which is on a 50:50 basis for eligible projects. The Department indicated that the current funding round 5, which closes in October, would be the last of the current allocation and requires works to be completed by 30 June 2019. Whilst a new funding allocation would likely follow, the amount and scope was yet to be determined by Parliament.

The proposed upgrading of the long runway (which will need a reseal in a couple of years anyway) and wallaby proofing of the Airport fence, which are essential safety projects already in the pipeline, could be included in a fresh application.

To do so it is considered prudent to amend the current budget to formally include each project as a contingency item with the following notional allocations as follows:

- Airport Long Runway Upgrade (long runway) - \$3.0m budget with estimated grant of \$1.5m; and
- Airport Fence - \$80,000 budget with estimated grant funding of \$40,000.

As indicated in Council's Priority Projects submission, it is possible to also apply to the State Government for funding assistance, but it is considered that this should be undertaken as a separate exercise.

STATUTORY REQUIREMENT:

Local Government Act 1993

Local Government (General) Regulations 2015

POLICY/STRATEGIC IMPLICATIONS:

3. Access and Connectivity – Work with service providers and other relevant stakeholders to improve security, reliability and cost effectiveness.
 - 3.2 Maintain air access to the Island and improve performance of the airport.
 - 3.2.1 Improved operation and financial performance of airport.
 - 3.2.1.2 Carry out runway pavement repairs as required.
 - 3.2.1.4 Investigate options to maintain long term serviceability of the long runway.

BUDGET AND FINANCIAL IMPLICATIONS:

Amount and timing of actual budget allocation will depend on whether these grant applications are successful. If funding applications are not successful, projects will still need to proceed and financial impacts will be significant.

RISK/LIABILITY:

Safety and liability issues are significant if these projects are not undertaken in a timely manner.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That Council includes the following projects with notional allocations in the contingency projects section of the 2017/18 Budget:

1. Airport Long Runway Upgrade (long runway) - \$3.0m budget with estimated grant of \$1.5m; and
2. Airport Fence - \$80,000 budget with estimated grant funding of \$40,000.

DECISION:

Item C5: Use of the Flinders Council Common Seal

ACTION	Information
PROPONENT	Council Officer
OFFICER	Bill Boehm, General Manager
FILE REFERENCE	GOV/1000
ASSOCIATED PAPERS	<i>Annexure 9: Common Seal Register 11.07.17 - 05.10.17</i>

INTRODUCTION:

The purpose of this report is to provide Councillors with an update on the use of the Flinders Council Common Seal, as per the council motion 216.09.2016 passed at the 22nd September 2016 Council Meeting.

PREVIOUS COUNCIL CONSIDERATION:

216.09.2016 22nd September 2016
From January 2017, considered quarterly.

OFFICER'S REPORT:

The use of the Flinders Council Common Seal binds the Council to act in accordance with the provisions of the document to which it is attached and it is important that Councillors know the details of those documents so that they are aware of commitments to which the Council has become obligated.

The Flinders Council Common Seal Register was created on 26th September 2016 and is available to Councillors on request at any time. A report on the use of the Flinders Council Common Seal will be included in Council Meeting Agendas on a quarterly basis.

Annexure 9 details the use of the Flinders Council Common Seal from the 11th July - 5th October 2017.

STATUTORY REQUIREMENT:

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS:

No policy exists on this matter.

BUDGET AND FINANCIAL IMPLICATIONS:

Nil

RISK/LIABILITY:

Minimum

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That the report on the use of the Flinders Council Common Seal from 12th July - 5th October 2017 be received.

DECISION:

Item C6: Communications Audit

ACTION	Decision
PROPONENT	Council Officer
OFFICER	Bill Boehm, General Manager
FILE REFERENCE	COM/0600
ASSOCIATED PAPERS	<i>Annexure 10: Phone and Data Communications Review</i>

INTRODUCTION:

Council's communications (Telephone & IT) have been in place for some years and have proven to be insufficient operationally and expensive to run. There have been a number of improvements and developments in the area generally that warranted a review with the equipment well past its use by date.

This report updates the situation and recommends appropriate changes.

PREVIOUS COUNCIL CONSIDERATION:

Council Workshop 28th September 2017

OFFICER'S REPORT:

Council engaged a Communications consultant (Noel Squires), who was recommended by King Island Council and Another Computer Store (Council's IT Provider), to do an independent audit on Flinders Council's phone and data infrastructure and current plans.

Noel flew to Flinders Island and met with staff and representatives from Another Computer Store to discuss Council needs and possible options to decrease our bill and improve our data. Noel's report makes recommendations on how Council should move forward and what needs to be done to improve our service in a cost-effective manner.

In doing so it was recognised that whatever was recommended needed to be sufficient for the short to medium term but also compatible with changes in Telecommunications generally in light of the recent proposed major upgrade. A copy of the Phone and Data Communications Review Report is attached.

In the normal course of events this would be an operational matter, especially as costs will reduce, but to proceed, a budget variation will be required.

Some installation and hard wiring of communications cables to work stations within the Council Office will be required.

STATUTORY REQUIREMENT:

Local Government Act 1993

Local Government (General) Regulations 2015

POLICY/STRATEGIC IMPLICATIONS:

4. Strategic, Efficient and Effective Organisation

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

BUDGET AND FINANCIAL IMPLICATIONS:

Detailed capital cost is yet to be provided but it is expected that costs to implement the new system will over time be recouped by reductions in existing operational costs. If implemented in the future a budget variation, not expected to be excessive, will be required.

RISK/LIABILITY:

Council's current IT operations are considerably compromised leading to significant frustrations and invariably compromises the Council's operation.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That Council:

1. Receives and notes the Flinders Council Phone and Data Communications Review Report July 2017; and
2. Authorises the General Manager to obtain detailed cost proposals and present a report containing a budget variation to Council.

DECISION:

Item C7: Council's 1st Quarterly Report

ACTION	Information
PROPONENT	Council Officer
OFFICER	Bill Boehm, General Manager
FILE REFERENCE	COU/0600
ASSOCIATED PAPERS	<i>Annexure 11: Council's 1st Quarterly Report (July - September 2017)</i>

INTRODUCTION:

The purpose of this report is to provide Councillors with progress updates on the various Annual Plan actions undertaken by the whole of Council for the first quarter of the financial year.

PREVIOUS COUNCIL CONSIDERATION:

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

OFFICER'S REPORT:

Council has engaged the Institute of Project Management (IPM) to develop a new quarterly reporting system for Council that adds value to what has previously been generated. The report, Annexure 11 – Council's 1st Quarterly Report (July - September 2017), is the first report to be generated via the new process. The reporting process is still in development and Councillors are encouraged to provide feedback on this the first report of its type.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That the Council's 1st Quarterly Report (July - September 2017) be received and accepted by Council.

DECISION:

Item C8: Councillor Resolution Report

ACTION	Information
PROPONENT	Council Officer
OFFICER	Bill Boehm, General Manager
FILE REFERENCE	COU/0600
ASSOCIATED PAPERS	<i>Annexure 12: Councillor Resolution Report October 2017</i>

INTRODUCTION:

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

PREVIOUS COUNCIL CONSIDERATION:

The report is presented on a monthly basis.

OFFICER'S REPORT:

Please read Annexure 12 – Councillor Resolution Report October 2017.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That the Councillor Resolution Report October 2017 be noted.

DECISION:

Meeting Closed