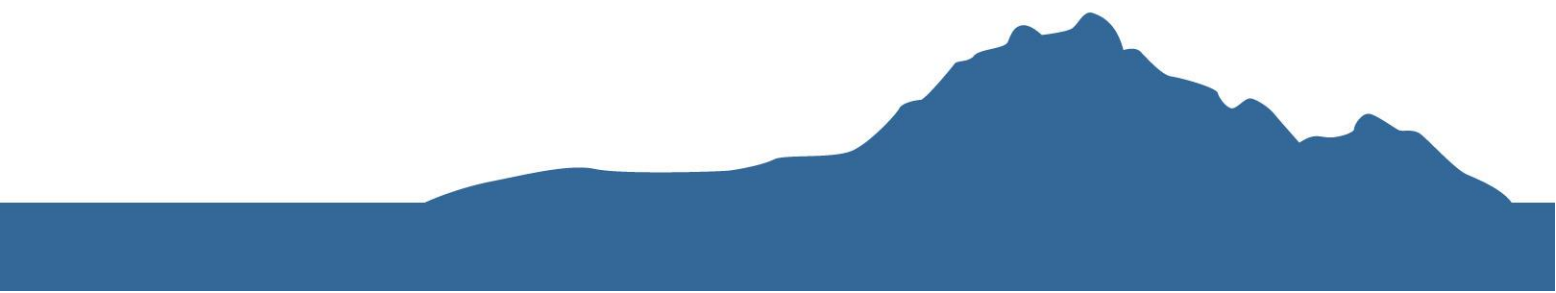




Agenda  
Ordinary Council Meeting  
16 August 2018



## 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 10<sup>th</sup> day of August 2018.



Bill Boehm  
**GENERAL MANAGER**

# FLINDERS COUNCIL ORDINARY MEETING

## AGENDA

**DATE:** Thursday 16 August 2018  
**VENUE:** Flinders Arts and Entertainment Centre, Whitemark  
**COMMENCING:** 1.00 pm

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### PRESENT

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

### APOLOGIES

Cr David Williams

### STAFF IN ATTENDANCE

Bill Boehm - General Manager  
Brian Barnewall - Works and Airport Manager  
Heidi Marshall - Accountant  
Vicki Warden - Executive Officer  
Stacey Wheatley - Community Development Team Leader

### CONFIRMATION OF MINUTES

That the Minutes from the Ordinary Council Meeting and the Closed Council Meeting held on the 19 July 2018 be confirmed.

### PUBLIC QUESTION TIME

*In accordance with Section 31 (1) of the Local Government (Meeting Procedures) Regulations 2015 and the Flinders Council Policy the following procedures be adhered to at public question time:*

*It is the policy of the Flinders Council to allow a 'Question Time' at Ordinary Council Meetings, during which members of the public may ask questions of the Council relating to Flinders Council matters.*

*The basis on which questions may be asked is:*

- 1. All questions will be addressed through the Chair (being the Mayor in normal circumstances) who will answer them as she/he sees fit. Under no circumstances will members of the gallery be permitted to address or question either elected members or officers of the Council. The Chair may delegate answers to the appropriate Councillor or staff member if appropriate.*
- 2. Persons addressing the Chair must pay the respect due to that office. Failure to do so may mean their address is terminated without notice.*

3. *Where the answer cannot be provided immediately, it will be provided in writing within 14 days and tabled at the following Ordinary Council Meeting.*
4. *All questioners are encouraged to register their intent to question with the General Manager before the meeting. Preference will be given to those who have so registered.*
5. *Question time shall not extend longer than 30 minutes and may be divided into two 15 minute sessions.*
6. *The actual timing of the session(s) is to be immediately after the opening of the meeting and advertised with the notice of meeting.*

#### **COUNCILLOR'S QUESTIONS ON NOTICE**

Nil

#### **COUNCILLOR'S QUESTIONS WITHOUT NOTICE**

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

#### **RESPONSE TO COUNCILLOR'S QUESTIONS WITHOUT NOTICE**

**19 July 2018 Council Meeting**

##### **Question 1: Cr David Williams**

Relating to the Councillor's question on notice (Canns Hill Quarry), was the yield assessed independently prior to purchase, and if not, can all future like purchases be independently assessed?

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

The existing gravel reserve yield at the Canns Hill Quarry was not independently assessed prior to purchase. Test holes were dug in various locations and an assumed quantity of gravel was estimated. Canns Hill was not purchased for the reserve of gravel only but to reduce outgoings on royalties; for future investment opportunities associated with leasing/sale, sub divisional potential; the ability to reinstate the old quarry to our own benefit at much reduced costs and possible use of it as another water storage area.

The Lughrata Quarry had test holes dug and bored (when a drilling rig was available on island) to determine the required extent of gravel reserves. An Environmental Effects Report (EER) was then commissioned and performed by Dr Richard Barnes (Van Diemen Consulting) prior to purchase in 2015.

A Report was presented to Council in February 2015 where it was indicated that the quarry is expected to have a lifespan of at least 30 years owing to the high volumes of gravel available at the chosen site and the low volumes of extraction required each year to meet the expected level of demand.

Should Council ever wish to operate out of a new quarry on the Island, an independent assessment of gravel quantities would be carried out.

## **Question 2: Cr David Williams on behalf of Dale Wells**

Could Council please explain why the airport perimeter fencing recently installed is substantially different from the tender specifications that were advertised and on which I quoted? Since I spent 4 days in preparing my quote, I believe that the tender and the selection processes were inappropriately tainted and I was disadvantaged in my submission. I ask that an independent investigation be made into how the overall process was handled.

## **Mayor's Response**

The tender process for the Airport Fencing was not tainted and no one was either advantaged or disadvantaged.

As per Council's Code for Tendering and Contracts, Council invited Tenders to supply and erect a new Airport runway wildlife fence through a public advisement as follows:

*"Flinders Council invites suitable tenderers to submit for the supply of materials and works associated with the construction of approximately 7km of new animal proof fencing to be erected at the Flinders Island Airport. The fence is to be 1.5metres high and comprise of 11-90-15 apron wire, two electrified wires on top and one standard wire electrified wire on the lower outside of the fence. Existing gates are to remain, however the existing 7 kilometres of fence will also have to be removed and costed as part of this tender.*

*Tenders are to be clearly marked "AIRPORT FENCING TENDER" and addressed to PO Box 40, WHITEMARK TAS 7255.*

*Hard copies may be hand delivered to Flinders Council or posted to the above. Email tenders may be sent to [Jacci.viney@flinders.tas.gov.au](mailto:Jacci.viney@flinders.tas.gov.au)*

*Tenders close at 5pm on Friday 11 May 2018."*

All tenders are locked in a tender box and can only be opened with at least three persons in attendance after the tender closing date. The tenders are then evaluated on the following criteria:

- Experience in the required works and with the ability and capability to carry out the required works - 20%
- An ability and willingness to enter into a contractual relationship with Flinders Council to become part of the Flinders Council team in ensuring mutually beneficial outcomes - 20%.
- An ability to provide a value proposition that is cost effective and expedient in delivery - 60%.

Seven tenders were received. All tenderers received this as their brief and were judged accordingly with that brief.

The fact that the fence as erected varies slightly from this has no bearing on the decision to appoint the successful tenderer. The successful tenderer was appointed by comparing "apples with apples" i.e. how they complied with the original tender. It is a requirement by CASA that the fence cannot be any higher than the original on runway ends and splayed further as per our Obstacle Limitations for take offs and landings. These adjustments have had to be made with the winning bid as a working exercise, and in some cases, made the work more demanding.

The winning tender in this case was head and shoulders above the rest in the value proposition criteria, the lowest tender and the only one to be within our budgeted costs. Dale Wells submitted two tenders; one being for the required tender, and another that allowed for a higher type of apron wire (at an additional cost); both being outside our budget.

#### **LATE AGENDA ITEMS**

Nil

#### **DECLARATION OF PECUNIARY INTEREST**

*In accordance with Part 2 Regulation 8 (7) of the Local Government (Meeting Procedures) Regulations 2015, the Chairman of a meeting is to request Councillors to indicate whether they have, or are likely to have, a pecuniary interest in any item on the agenda.*

*Accordingly, Councillors are requested to advise of a pecuniary interest they may have in respect to any matter appearing on the agenda, or any supplementary item to the agenda, which the Council has resolved to deal with, in accordance with Part 2 Regulation 8 (6) of the Local Government (Meeting Procedures) Regulations 2015.*

#### **LEAVE OF ABSENCE**

Nil

#### **PETITIONS**

Nil

## WORKSHOPS & INFORMATION FORUMS

File No: COU/0205

### **Council Budget Workshop held on 24 July 2018**

Council held a Workshop on the following subject:

Item 1      2018-2019 Draft Budget - Part 2 Cashflow, Long-Term Implications & Rating

#### **Councillors Present:**

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

#### **Apologies:**

Nil

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

Bill Boehm (General Manager), Brian Barnewall (Works & Airport Manager), Robyn Cox (Strategic Planner), Dan Pitcher (Community Development Team Leader), Heidi Marshall (Accountant), Jacci Viney (Development Services Coordinator), Diane Walsh (Finance Officer), Vicki Warden (Executive Officer) and Stacey Wheatley (Community Development Team Leader).

### **Council Budget Workshop held on 31 July 2018**

Council held a Workshop on the following subjects:

Item 1      24 July Budget Workshop Follow Up  
Item 2      Queries from 24 July Budget Workshop  
Item 3      Rating Options  
Item 4      Review of Draft 2018/19 Budget  
Item 5      Review 2018/19 Annual Plan

#### **Councillors Present:**

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

#### **Apologies:**

Cr Peter Rhodes and Cr David Williams.

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

Bill Boehm (General Manager), Brian Barnewall (Works & Airport Manager), Heidi Marshall (Accountant), Vicki Warden (Executive Officer), Jacci Viney (Development Services Coordinator) (Item 2 only), and Diane Walsh (Finance Officer) (Item 3 only).

## **Council Budget Workshop held on 2 August 2018**

Council held a Workshop on the following subjects:

- Item 1 Airport Pavement Analysis
- Item 2 Assessment of Equipment and Miscellaneous Assets No Longer Needed
- Item 3 Instrument of Delegation
- Item 4 Review of 2018-2019 Hall Hire Fees External Support and Gym Fees
- Item 5 Compliance List
- Item 6 Budget Discussion
- Item 7 General Manager's Update

### **Councillors Present:**

Cr Chris Rhodes, Cr Ken Stockton, and Cr Gerald Willis (arrived at 11.40am).

### **Apologies:**

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

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

Bill Boehm (General Manager), Vicki Warden (Executive Officer), Brian Barnewall (Works & Airport Manager) (Items 1, 2 & 6 only), Stacey Wheatley (Community Development Team Leader) (Item 4 only), Heidi Marshall (Accountant) (Item 6 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 Workshops held on 24 & 31 July and 2 August be noted.

### **DECISION:**

### **PUBLIC MEETINGS**

Nil

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

Nil



## REPORTS TO BE RECEIVED

### Furneaux Community Health Special Committee

File No: CSV/0912

Annexure 1: *Furneaux Community Health Special Committee 14 November 2017 Confirmed Minutes*

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

The confirmed minutes of the Furneaux Community Health Special Committee meeting held Tuesday 14 November 2017 have been provided. These minutes were previously noted by the Council at its meeting on 15 March 2018, however the presence of Mrs Jane Bushby was not recorded in the draft minutes when they were approved by the Special Committee on 21 February 2018. The omission of Mrs Bushby was not noted until the following meeting held 12 June 2018; hence the delay in making the correction. The minutes provided for this Council agenda correct the omission of Mrs Bushby from the list of those present on 14 November 2017.

#### OFFICER'S RECOMMENDATION

That the amended confirmed minutes of the Furneaux Community Health Special Committee held on Tuesday 14 November 2017 be accepted.

#### DECISION:

### Furneaux Community Health Special Committee

File No: CSV/0912

Annexure 2: *Furneaux Community Health Special Committee 12 June 2018 Confirmed Minutes*

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

The confirmed minutes of the Furneaux Community Health Special Committee meeting held Tuesday 12 June 2018 have been provided for consideration. The minutes outline what the Committee has been working on to date and can now be accepted by Council.

#### OFFICER'S RECOMMENDATION

That the confirmed minutes of the Furneaux Community Health Special Committee held on Tuesday 12 June 2018 be accepted.

#### DECISION:

#### **Furneaux Group Shipping Special Committee**

**File No:** COM/0403

**Annexure 3:** *Furneaux Group Shipping Special Committee 26 June 2018 Unconfirmed Minutes*

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

The unconfirmed minutes of the Furneaux Group Shipping Special Committee meeting held Tuesday 26 June 2018 have been provided for consideration. The minutes outline what the Committee has been working on to date and can now be noted by Council.

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

That the unconfirmed minutes of the Furneaux Group Shipping Special Committee meeting held Tuesday 26 June 2018 be noted.

#### **DECISION:**

#### **General Manager's Performance Review Committee**

**File No:** PER/1500

**Annexure 4A:** *General Manager's Performance Review Committee Open Meeting 23 July 2018 Unconfirmed Minutes*

**Annexure 4B:** *General Manager's Performance Review Committee Closed Meeting 23 July 2018 Unconfirmed Minutes*

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

The unconfirmed minutes of the General Manager's Performance Review Committee open meeting held Monday 23 July 2018 (Annexure 4A) have been provided for consideration. The minutes outline what the Committee has been working on to date and can now be noted by Council.

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

That the unconfirmed minutes of the General Manager's Performance Review Committee open meeting held Monday 23 July 2018 be noted.

#### **DECISION:**

#### **OFFICER'S REPORT (Brian Barnewall, Works and Airport Manager):**

The unconfirmed minutes of the General Manager's Performance Review Committee closed meeting held Monday 23 July 2018 (Annexure 4B) have been referred to Closed Council as they are considered **CONFIDENTIAL** in accordance with Regulation 15(2) (a) of the Local Government (Meeting Procedures) Regulations 2015.

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

The unconfirmed minutes of the General Manager's Performance Review Committee closed meeting held Monday 23 July 2018 be considered in Closed Council.

#### **VOTING REQUIREMENTS**

Absolute Majority

#### **DECISION:**

**Whitemark Community Gym Special Committee**

**File No:** CDV/0702

**Annexure 5:** *Whitemark Community Gym Special Committee 10 July 2018 Unconfirmed Minutes*

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

The unconfirmed minutes of the Whitemark Community Gym Special Committee meeting held Tuesday 10 July 2018 have been provided for consideration. The minutes outline what the Committee has been working on to date and can now be noted by Council.

**OFFICER'S RECOMMENDATION**

That the unconfirmed minutes of the Whitemark Community Gym Special Committee meeting held Tuesday 10 July 2018 be noted.

**DECISION:**

## 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   |
|-------------|--|---|
| 16 Jul 2018 | Ailsa Sypkes, General Manager, Legal and Governance and Company Secretary                | Email with Doodle poll messages suggesting dates for the Board Selection Committee to meet the weeks beginning 8 and 22 October.  |
| 17 Jul 2018 | Lynn Luckock, Executive Assistant to Mike Brewster, Chief Executive Officer              | Email with attached Information Memorandum with the State Government which will be considered by Owners' Representatives at a Special Meeting on 27 September 2018. Note that this Information Memorandum has previously been distributed to councillors.                     |
| 25 Jul 2018 | Ailsa Sypkes, General Manager, Legal and Governance and Company Secretary                | Email with attached Quarterly Report to Owners' Representatives being a progress update to 30 June 2018.  |
| 30 Jul 2018 | Ailsa Sypkes, General Manager, Legal and Governance and Company Secretary                | Email advising that a meeting of the Board Selection Committee will be held on Wednesday 10 October in Campbell Town, venue to be announced.  |
| 30 Jul 2018 | Colleen Davidson, Assistant to Jeremy Morse, Acting General Manager Legal and Governance | Email with request for numbers attending the Memorandum of Understanding and Quarterly Briefing Session to be held Thursday 9 August in Launceston. Response was that Carol Cox (Mayor) and Gerald Willis (Cr) would attend, but Bill Boehm (General Manager) was a possible. |

This report includes all inwards correspondence received from TasWater by Cr Gerald Willis, Flinders Council Owners' Representative of TasWater, from 8 July 2018 to 3 August 2018.

#### RECOMMENDATION:

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

#### DECISION:

**MAYOR'S REPORT:**

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

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

|               |   |
|---------------|---|
| 16.07.18      | With the General Manager met with Stephen Morrison, Assistant Auditor General Financial Audit Services, Tasmanian Audit Office  |
| 16.07.18      | Attended the Becoming a Councillor session hosted by the Local Government Association of Tasmania and the Department of Premier and Cabinet (DPaC), Local Government Division |
| 19.07.18      | Council Meeting   |
| 23.07.18      | General Manager's Performance Committee Meeting   |
| 24.07.18      | Budget Workshop   |
| 30.07.18      | ABC radio interview on waste management on an island  |
| 31.07.18      | Budget Workshop   |
| 05 - 14.08.18 | Mayor on Leave - Deputy Mayor, Cr Marc Cobham as Acting Mayor   |

**Becoming a Councillor Information Session:**

This session held in the Rose Garden Room was one of a series of sessions held around Tasmania by the Local Government Association of Tasmania (LGAT) in the lead up to the 2018 Local Government Elections. It was great to see several people attend and the interest shown. Those in attendance, whether they stand for a position or not, now have a fuller understanding of the role undertaken by Councillors and the demands they face as well as the rewards of contributing to the fabric of your community. Presentations were made by Dion Lester, Policy Director at LGAT, Justin Hemlich, Assistant Director, Local Government Division – Regulatory Services at DPaC and also in attendance was Stephen Morrison, Assistant Auditor General Financial Audit Services, Tasmanian Audit Office.

**CORRESPONDENCE IN:**

| <b>DATE</b> | <b>WHO</b>                                     | <b>SUBJECT</b>  |
|-------------|--|---|
| 02.07.18    | Central Highlands Council                      | Public Meeting invitation – sale of churches and cemeteries |
| 12.07.18    | M Buck   | Copy of letter sent to B Boehm – Café in the North Project  |
| 15.07.18    | V Epstein                                      | Veterinary services on the Island                           |
| 16.07.18    | W Hodgman, Premier                             | 100 days of Liberal Government                              |
| 17.07.18    | L Luckock, TasWater                            | Notice of Special General Meeting                           |
| 17.07.18    | Cr K Stockton                                  | Flinders Island Small Farming Forum                         |
| 23.07.18    | M Shrapnel & A Nienhaus                        | Pine plantation at North East River                         |
| 24.07.18    | Alastair Douglas, Royal Yacht Club of Tasmania | Marine Radio for the Royal Yacht Club of Tasmania           |
| 24.07.18    | Dr Katrena Stephenson, CEO, Local Government   | Opinion Editorial on waste                                  |

| DATE     | WHO  | SUBJECT  |
|----------|--|--|
|          | Association of Tasmania (LGAT)                           |  |
| 25.07.18 | Ailsa Sypkes, TasWater                                   | Quarterly Report to Owners' Representatives - Progress Update to 30 June 2018            |
| 30.07.18 | Sally Box, Threatened Species Commissioner               | National Feral Cat survey  |
| 31.07.18 | Dr K Stephenson, LGAT                                    | Communique released following the Waste and Recycling Roundtable conference              |
| 02.08.18 | Senator James McGrath                                    | Australian National Flag Day 2018  |
| 02.08.18 | Hydro Tasmania   | Hydro Tasmania Briefing invitation   |
| 03.08.18 | Tasmania Police Academy                                  | Invitation to National Police Remembrance Day Service 2018                               |
| 03.08.18 | Greg Preece, Chairperson of the Local Government Board   | Review of Voluntary Amalgamation and Shared Services Option - Sorell and Tasman Councils |
| 03.08.18 | Dr K Stephenson, LGAT                                    | Media Release - Local Government election advertising                                    |
| 07.08.18 | J van de Graff   | Request to join Tyre Stewardship - Working together                                      |
| 07.08.18 | Sally Darke, Chair of the Tasmanian Community Fund Board | Invitation to present to the Tasmanian Community Fund Board                              |
| 07.08.18 | P Gutwein MP   | Review of Local Government Legislation   |
| 08.08.18 | LGAT   | Anglican Church sell-off   |

#### CORRESPONDENCE OUT:

| DATE     | WHO                      | SUBJECT   |
|----------|--------------------------|---|
| 30.07.18 | M Hirschfield            | Ratification of position on Furneaux group Shipping Special Committee |
| 06.08.18 | Sally Drake              | RSVP to Tas Comm Fund   |
| 08.08.18 | Hydro Tasmania           | Apology non-attendance - Hydro Tasmania Briefing invitation           |
| 08.08.18 | Tasmania National Police | Apology non-attendance - National Police Remembrance Day Service      |
| 09.08.18 | Cr D Williams            | Response 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 – (*R. Kemp*)

**File No:** DA2018/036

*Annexure 6:* Plans and Elevations

*Annexure 7:* Bushfire Report

**Item A2:** Development Application Report

**File No:** DSV/0300

*Annexure 8:* Planner's Information Report – July 2018

### B. NOTICE OF MOTIONS

**Item B1:** Notice of Motion – Special Meeting of TasWater on 27 September 2018

**File No:** COU/0312

*Annexure 9:* Notice of Special General Meeting and Information Memorandum 27 September 2018

### C. WORKS & SERVICES

**Item C1:** Pitt & Sherry Deflection Analysis

**File No:** ASM/0400

*Annexure 10:* Flinders Council Deflection Analysis Report

**Item C2:** Waste Management Options

**File No:** WAS/0400

*Annexure 11:* Waste Options

### D. FINANCE

**Item D1:** Review of 2018/19 Schedule of Fees & Charges

**File No:** FIN/0701, CSV/1600, FIN/3000

*Annexure 12:* Draft Revised 2018/19 Schedule of Fees and Charges

*Annexure 13:* Rationale on Hall Hire and Waiving of Fees

**Item D2:** Rating Strategy Overview

**File No:** FIN/1205, FIN/0701

*Annexure 14:* Rating Strategy Overview Report August 2018

**Item D3:** Rates and Charges for 2018/19

**File No:** FIN/0701, FIN/1205

*Annexure 15:* Rates Resolution 2018/19

**Item D4:** Asset and Financial Management Strategies and Plans

**File No:** FIN/0701

*Annexure 16:* Asset and Financial Management Strategies and Plans

**Item D5:** Budget Estimates for 2018/19  
**File No:** FIN/0701  
*Annexure 17:* Flinders Council Budget Estimates 2018/19

**E. GOVERNANCE**

**Item E1:** Council's Annual Regulatory Compliance Checklist - 2018/19  
**File No:** GOV/1200  
*Annexure 18:* Regulatory Compliance Checklist

**Item E2:** 2018/2019 Annual Plan  
**File No:** ADM/0200  
*Annexure 19:* DRAFT Flinders Council Annual Plan 2018/2019

**Item E3:** Councillor Resolution Report  
**File No:** COU/0600  
*Annexure 20:* Councillor Resolution Report March 2018

**F. CLOSED COUNCIL**

**Item F1:** Closed Council Item  
**File No:** AER/2000  
*Annexure 21:* For Elected Members only

**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 – (R. Kemp)**

|                          |   |
|--------------------------|---|
| <b>ACTION</b>            | <b>Decision</b>   |
| <b>APPLICANT</b>         | R. Kemp   |
| <b>OFFICER</b>           | James Ireland (consultant town planner)                                 |
| <b>APPROVED BY</b>       | Karin Van Straten (senior consultant town planner)                      |
| <b>FILE REFERENCE</b>    | DA2018/036  |
| <b>ASSOCIATED PAPERS</b> | <i>Annexure 6: Plans and Elevations<br/>Annexure 7: Bushfire Report</i> |

Proposal: House and studio in the Rural Zone and Visually Sensitive Special Area.

Location: 691 West End Road, Leeka (CT: 153187/4)

Zoning: Rural Zone

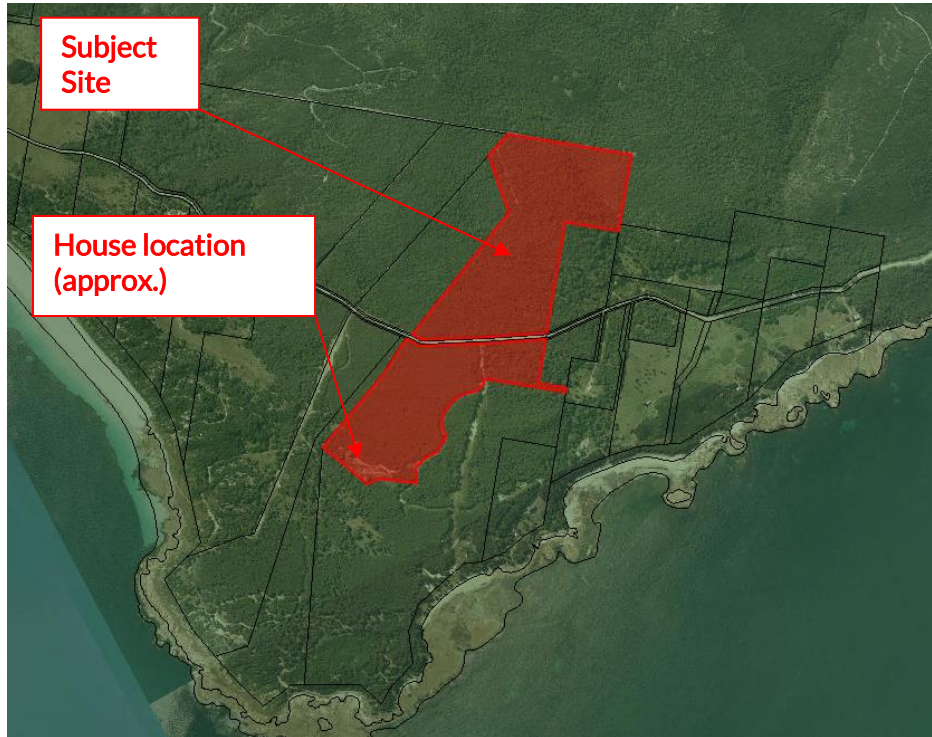
Special Areas: Visually Sensitive Area

Representations: None (Councillor call-in)

**INTRODUCTION:**

**Subject Site**

The subject site is a 39.51 ha lot located on both the north and south sides of West End Road in Leeka. The site drops approximately down from 110m above sea level in the north of the site to 40m at the southern boundary. It is almost entirely eucalyptus trees and scrub, with a track running south from West End Road along the eastern boundary and then the southern boundary to an outcrop of rocks which will be the site of the proposal. It is currently vacant of development. To the north is Parks and Wildlife land (Mount Tanner). In other directions are similar vacant lots, although there is a house on the lot to the east/south.



### **Zoning**

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

### **Special Areas**

The whole site is affected by the visually sensitive special area.

### **Statutory Timeframes**

Date Received: 10/5/18  
Request for further information: 8/6/18  
Further information received: 26/6/18  
Advertised: 4/7/18  
Closing date for representations: 18/7/18  
Decision due: 16/8/18 (extended)

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

#### **The Proposal**

The proposal is located close to the site's southern boundary, amongst a rocky outcrop and cleared area served by an existing driveway. It is in two parts:

1. A single level two bedroom house, to be 33m from the southern boundary and 108m from the western boundary. The house is arranged as a cross, with kitchen/dining/living

and a laundry in the main south west facing section, with a bedroom, bathroom and dressing room in wings to each side, at 90 degrees to the main section. The eastern wing has decks to the north and south of it. The 4.8m high house has a skillion roof and both the roof and walls are clad in Colorbond colour 'Night Sky'. Glazing faces the ocean view, to the south.

2. A 12.19m by 2.44m photography studio, to be 14.9m from the southern boundary and 72.4m from the east side boundary. Constructed from a 40ft shipping container, it has a height of 3.6m and a skillion roof in Colorbond colour 'Night Sky'. Wall colour is not specified, but is shown as a dark grey on the plans.

### **Assessment Against the Planning Scheme**

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

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

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

Council shall take into consideration the following:

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

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

#### **5.8.1 Zone Intent**

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

**COMMENT:** The subject site is characterised by '*irregular areas of native vegetation and substantial unspoiled landform*'. Maintaining this character does not require the prohibition of development. It does require that development retains sufficient areas of native vegetation and unspoiled landform to maintain the character. The intent of the development is to capitalise on its natural setting and it does not require excessive removal of native vegetation (only that

required for the house and bushfire protection – the access is existing). The building sits within existing vegetation and is partly screened by it. In relation to (b), a house is considered to be a compatible non-agricultural use that can be accommodated in appropriate circumstances. 'Appropriate circumstances' are not explicitly stated but are related to the impact on agricultural use. In order to use the steep site of the proposal for agriculture, wholesale clearance of native vegetation would be required. Primarily for environmental and visual impact reasons, the use of this land for agriculture is not desirable and it is considered these are appropriate circumstances for this non-agricultural use.

#### **5.8.2 Desired Zone Character and Zone Guidelines**

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

**COMMENT: Criteria (a) and (d) are not applicable. In relation to (b), the building is a substantial distance (450m) from West End Road. In relation to (c) the proposal is environmentally appropriate and is designed to avoid contamination and/or despoliation of the land. The building is located over 450m from a shoreline or mapped watercourse. A septic tank serves the proposal, subject to a separate statutory approval process. Water supply will be via rainwater collection.**

#### **5.8.4 Development Standards**

- (a) The maximum height of buildings is 8.0 metres unless it can be satisfactorily demonstrated that a higher structure is required for operational, topographic or other justified purposes.*
- (b) Habitable buildings should be sited and designed to achieve the best solar gain or orientation that the site can provide. Where such design or orientation is not feasible other energy efficient practices, such as insulation, heat pumps or double glazing, should be considered.*
- (c) Buildings shall be setback a minimum distance of 20 metres from all boundaries.*

- (d) *Regardless of the foregoing minimum setbacks, buildings shall be set back not less than a horizontal distance of 100m from high water mark and 40 m from a perennial watercourse.*
- (e) *Council may relax the setback requirement of the above clause pursuant to the provisions of Clause 3.5 of this Scheme and after giving consideration to:*
  - i. *The particular size, shape, contours or slope of the land and the adjoining land;*
  - ii. *The adjoining land and uses and zones*
  - iii. *The position of existing buildings and setbacks in the immediate area;*
  - iv. *Consideration of any representations received as a result of the notification under Section 57 of the Act.*
- (f) *The external walls, roof, paving and other large surface areas of buildings shall be finished with non-reflective materials and colours that harmonise with the natural landscape or shall be substantially screened by landscaping.*
- (g) *A house on any lot which contains only class 4, 5, 6 or 7 land is discretionary and may only be approved if any existing or potential development and use of agricultural land in the vicinity is likely to receive no impact, or only minor impact from the establishment of the residence taking into account:*
  - (a) *The topography of the land;*
  - (b) *The location of water catchments;*
  - (c) *The location of neighbouring agricultural pursuits;*
  - (d) *Buffers created by natural features;*
  - (e) *Resource sustainability given the objective of the State Protection of Agricultural Land Policy.*

**COMMENT:** The proposal complies with a), b) and d). It does not comply with c) (studio is setback 14.9m), so e) applies. The studio is located where it is to take advantage of an existing clearing on the lot and not require excessive clearing, meeting i). In relation to ii) and iii), at least two houses on lots to the east have setbacks less than this proposal. Criteria iv) is not applicable as no representations were received. In relation to f), the building is proposed to be clad in Colorbond colour 'Night Sky' which is black – this meets the requirement. A permit condition will require non-reflective glass be used in the windows. Criteria g) is not applicable.

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

**Not applicable. None were received by Council.**

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

**None were received.**

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

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

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

*(b) excessive slope;*

**Not at the site of the proposal.**

*(c) ponding or flooding;*

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

*(d) bush fire hazard;*

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

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

**No.**

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

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

*(g) pollution; and*

**None known.**

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

**None known.**

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

*(a) existing site features;*

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

*(b) adjoining land;*

**The closest adjoining land are large privately owned lots, almost entirely covered in bush/scrub. Only the land to the east has a house, 400m from the proposal.**

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

**The building is a substantial distance (450m) from West End Road. The landscape is taken as being the site as viewed from adjoining land, including the beach. An assessment of this is made under Part 7 Visually Sensitive Areas of this report.**

*(d) the natural environment;*

**Aspects of the natural environment are addressed in other more specific sections of this report.**

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

**None known.**

(f) *buffer zones, attenuation areas*

**None applicable.**

(g) *easements;*

**None applicable.**

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

**Not applicable.**

(i) *any received pollution;*

**None known.**

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

**Although not specified, stormwater is likely to be collected and used (there is no other source of water). A septic tank serves the proposal, subject to a separate statutory approval process.**

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

**Please refer to (b).**

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

**An existing track will be used in order to gain access from West End Road. No improvement needs to be made to any roads, road junctions or water, sewerage, electricity or transportation services. This part of the island is not supplied with water or sewerage infrastructure and the proposal is designed to be self-sufficient. It is therefore concluded that the proposal will be supplied with an adequate level of infrastructure and services.**

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

**The small, low impact nature of the proposal ensures there will be no adverse effect on the use of adjacent land.**

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

**It is the intent of the proposal to sit within the existing natural vegetation and not require excessive removal of it. No additional landscaping is proposed. Illumination is likely to be limited to indoor lighting.**

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

**The existing access to the property will be used.**

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

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

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

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

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

None stated.

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

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

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

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

##### 6.1 Use

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

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

##### 6.2 Character

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

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

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



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

6.4 Environment

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

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

6.6 Access and Parking

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

- (h) *New Use or Development shall provide a suitably constructed driveway of a width to provide for the safe ingress and egress of the anticipated volume of traffic associated with the Use or Development*
- (i) *New Use or Development shall provide adequate car parking to provide for the demand it generates and shall be capable of being safely accessed.*

**COMMENT: Complies.**

6.7 *Services*

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

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

6.8 *Social Interest*

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

**COMMENT: This is a private house. In relation to 2, the proposal is intended to be located distant from social services.**

## 6.9 Administration.

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

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

## Part 7 Special Area Provisions

### 7.2 Visually Sensitive Special Area

The objectives of the Visually Significant Areas are:

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

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

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

**COMMENTS:** The house and studio are located on a south west facing slope at 60m above sea level. The land above it flattens off before rising again to the summit of Mount Tanner which provides a distant visual backdrop for the proposal (i.e, it is not on a ridgeline or skyline). The land in front drops down 40m over a distance of 200m and then flattens off over 300-600m before reaching the coast.

On the basis of this, it is reasonable to assume the location of the house and studio will be visible from the sea and potentially from the house at 693 West End Road which is 700m to the south west. It is less certain that it will be visible from the houses to the east (689 and 687 West End Road, 360m and 450m away respectively) due to the steeper intervening slope and vegetation. It is also likely the proposal is invisible from the road due to the distance (450m), the dense, relatively tall vegetation (eucalypts) that fills this separation and the blank black façade that faces the road.

The house itself is finished in black Colorbond (trademark colour 'Night Sky') and the studio is painted dark grey which both have a low visual impact. The main potential visual impact is from reflections from windows. The north east facade and the two side facades (north west and south east) of the house have very limited glazed areas. The largest proportion is on the south east facade with 14% glazing (7m<sup>2</sup> of glass). The studio has a 3.5m<sup>2</sup> window in its west façade. On this basis, there is expected to be very little visual impact from the glazing in these facades of both buildings.

The south western façade of the house faces the ocean and has nine windows each with 3.5m<sup>2</sup> of glass. This 31.5m<sup>2</sup> of glass represents 25% of the façade. The south façade of the studio has 7m<sup>2</sup> of glass. These facades are oriented towards the view but away from the sun. As a result, the house will most likely generate reflections only in the very late afternoon. The studio is unlikely to generate any reflections as direct sun simply cannot reach the visible windows. Notwithstanding, a permit condition will require non-reflective glazing on these façade to ensure minimal reflections are generated.

In relation to the objectives of the special area, the natural appearance of the area is retained as the proposal is a small, low impact insertion into a large natural area and the natural appearance will remain dominant. The location amongst trees and scrub minimizes the visual impact of the proposal. The relatively small size and low height of the proposal also minimize the visual impact, as does the black cladding and the fact the windows face south and south west. The visual impact of clearing for the house and new access will not be unreasonable. No excavation, fences, firebreaks or fill are proposed. No landscaping is proposed as the proposal will be located amongst existing trees and scrub. No special works or practices are required to protect the scenic values of the site. The proposal is not located on a skyline or ridgeline. In conclusion, the proposal is consistent with the consideration clauses of Part 7.

#### **STATUTORY REQUIREMENT:**

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

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

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

**COMMENT:** The proposal is consistent with this focus area. The proposal is an addition to the housing stock on the island.

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

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

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

That the application for a house and studio in the rural zone and within the visually sensitive special area **BY R. Kemp AT 691 West End Road, Leeka (CT: 153187/4) be APPROVED SUBJECT TO THE FOLLOWING CONDITIONS AND NOTES:**

### **ENDORSED PLANS**

1. The proposal must be in accordance with the endorsed plans by Plans to Build dated 18/6/18 (187021) and the Bushfire Hazard Management Plan by Rebecca Green & Associates dated 18/11/17 to the satisfaction of Council. Any other proposed development and/or use will require a separate application to and assessment by the Council.

### **NON-REFLECTIVE GLAZING**

2. All glazing in the south west elevation of the house and in the south façade of the studio must be non-reflective.

### **WATER TANKS**

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

### **UNDERGROUND POWERLINES**

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

*Advisory Notes: The following notes are not conditions of this permit and are supplied for the assistance of the applicant only.*

### **Notes**

- A. This permit was issued based on the proposal documents submitted for DA2018036. You should contact Council with any other use or developments, as they may require the separate approval of Council.
- B. This permit takes effect after:
  - a) the 14 day appeal period expires; or
  - b) any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined; or.
  - c) any agreement that is required by this permit pursuant to Part V of the *Land Use Planning and Approvals Act 1993* is executed; or
  - d) any other required approvals under this or any other Act are granted.
- C. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. 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.

### **Other Approvals**

- D. This permit does not imply that any other approval required under any other by-law or legislation has been granted.

### **Restrictive Covenants**

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

**Appeal Provisions**

- F. A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal Tribunal. A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant. For more information see the Resource Management and Planning Appeal Tribunal website [www.rmpat.tas.gov.au](http://www.rmpat.tas.gov.au)

**Permit Commencement.**

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

**DECISION:**

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

**Item A2: Development Application Report**

|                          |   |
|--------------------------|---|
| <b>ACTION</b>            | <b>Information</b>  |
| <b>PROPONENT</b>         | Council Officer   |
| <b>OFFICER</b>           | Jacci Viney, Development Services Coordinator               |
| <b>FILE REFERENCE</b>    | PLN/0105  |
| <b>ASSOCIATED PAPERS</b> | <i>Annexure 8: Planner's Information Report - July 2018</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 current period as per the council motion 249.09.2015, passed at the 24<sup>th</sup> September 2015 Council Meeting.

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

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 8 - Planner's Information Report - July 2018, provided by West Tamar Council.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

That the Planner's Information Report - July 2018 be received.

**DECISION:**

|                            |
|----------------------------|
| <b>B. NOTICE OF MOTION</b> |
|----------------------------|

**Item B1: Notice of Motion – Special Meeting of TasWater on 27 September 2018**

|                          |   |
|--------------------------|---|
| <b>ACTION</b>            | <b>Decision</b>   |
| <b>PROPONENT</b>         | Councillor Gerald Willis  |
| <b>OFFICER</b>           | Bill Boehm, General Manager   |
| <b>FILE REFERENCE</b>    | COU/0312  |
| <b>ASSOCIATED PAPERS</b> | <i>Annexure 9: Notice of Special General Meeting and Information Memorandum 27 September 2018</i> |

**NOTICE OF MOTION:**

That this Council instructs Cr G Willis, Flinders Council's Owners' Representative for Tasmanian Water and Sewerage Corporation Pty Limited (known as TasWater), when he attends a Special Meeting of TasWater on Thursday 27 September 2018, to:

Vote YES in relation to Proposed Resolution 1 – Adoption of a new Constitution - which reads:

*“Subject to:*

*(i) the Water and Sewerage Legislation (Corporate Governance and Pricing) Bill 2018 passing into law and taking effect in substantially the same terms as set out in Appendix 4, as determined by the Board of the Corporation, having consulted with the Chief Owners' Representative and the Secretary of the Department of Treasury and Finance for Tasmania; and*

*(ii) the passing of Resolution 2 adopting the Shareholders' Letter of Expectations in substantially the same form as set out in Appendix 2; and*

*(iii) the passing of Resolution 3 authorising the Corporation to enter into the Share Subscription and Implementation Agreement with the Crown in substantially the same form as set out in Appendix 3,*

*to adopt the Constitution in the form as set out in Appendix 1 of the Information Memorandum dated 16 July 2018 to replace the existing Constitution of the Corporation, with effect from the date the Crown first subscribes for shares in the Corporation in accordance with the Share Subscription and Implementation Agreement between the Crown and the Corporation.”;*

Vote YES in relation to Proposed Resolution 2 – Adoption of a new Shareholders' Letter of Expectations - which reads:

*“Subject to:*

*(i) the Water and Sewerage Legislation (Corporate Governance and Pricing) Bill 2018 passing into law and taking effect in substantially the same terms as set out in Appendix 4, as determined by the Board of the Corporation, having consulted with the Chief Owners' Representative and the Secretary of the Department of Treasury and Finance for Tasmania; and*

*(ii) the passing of Resolution 1 adopting the Constitution in substantially the same form as set out in Appendix 1; and*



*(iii) the passing of Resolution 3 authorising the Corporation to enter into the Share Subscription and Implementation Agreement with the Crown in substantially the same form as set out in Appendix 3,*

*to adopt the Shareholders' Letter of Expectations in the form as set out in Appendix 2 of the Information Memorandum dated 16 July 2018 to replace the existing Shareholders' Letter of Expectations, with effect from the date the Crown first subscribes for shares in the Corporation in accordance with the Share Subscription and Implementation Agreement between the Crown and the Corporation." ; and*

Vote YES in relation to Proposed Resolution 3 – Approval to enter into the Share Subscription and Implementation Agreement, including approval for the issue of shares in the Corporation to the State Government - which reads:

*"Subject to:*

*(i) the Water and Sewerage Legislation (Corporate Governance and Pricing) Bill 2018 passing into law and taking effect in substantially the same terms as set out in Appendix 4, as determined by the Board of the Corporation, having consulted with the Chief Owners' Representative and the Secretary of the Department of Treasury and Finance for Tasmania; and*

*(ii) the passing of Resolution 1 adopting the Constitution in substantially the same form as set out in Appendix 1; and*

*(iii) the passing of Resolution 2 adopting the Shareholders' Letter of Expectations in substantially the same form as set out in Appendix 2,*

*that the Corporation be authorised to enter into the Share Subscription and Implementation Agreement with the Crown in substantially the same form as set out in Appendix 3 of the Information Memorandum dated 16 July 2018, including the issuing of shares in the Corporation to the Crown." ;*

noting that references to Appendices 1, 2, 3, 4 and 5 in the Proposed Resolutions are included in the Annexure to this agenda.

The three Proposed Resolutions have been combined because it is an "one in-all in" scenario. A no vote for any of the Proposed Resolutions effectively blocks the whole project.

#### **COUNCILLOR'S REPORT:**

The three Proposed Resolutions have been combined because it is a "one in-all in" scenario. A no vote for any of the Proposed Resolutions effectively blocks the whole project.

This series of Proposed Resolutions arise from the State Government's one-time objective, now lapsed, to take over the ownership and hence the management of TasWater.

Following a series of meetings between interested parties including the State Government, TasWater and the Local Government Association of Tasmania, matters have progressed to the stage where the Proposed Resolutions can now be put to the 29 local government council shareholders.

The Notice of Motion recommends that Flinders Council agrees to the Proposed Resolutions.

Annexure 9 provided by TasWater is the Notice of Special General Meeting of TasWater including Agenda and Proxy Form and Information Memorandum.

The Information Memorandum includes:

- Chairman's message;
- Key features of the proposal;
- Financial Information;
- Questions and Answers;
- Risks;
- Proposed Resolutions;
- Explanatory Notes;
- Glossary; and
- Appendices which are:
  - Appendix 1: Proposed Constitution;
  - Appendix 2: Proposed Shareholders' Letter of Expectation;
  - Appendix 3: Proposed Share Subscription and Implementation Agreement;
  - Appendix 4: Water and Sewerage Legislation (Corporate Governance and Pricing) Bill 2018;
  - Appendix 5: Water and Sewerage Corporation Act 2012 – Amended clauses; and
  - Appendix 6: Water and Sewerage Industry Act 2008 – Amended clauses.

It is suggested that councillors familiarise themselves with this matter.

The key features of the proposal are:

Ownership:

- The State Government will inject \$20 million of equity per annum into TasWater for 10 years and receive 1% of the voting capital each year's contribution;
- Councils will retain ownership of TasWater;
- Governance by an independent skills-based board will continue;
- The State Government will not receive dividends;
- The Annual Corporate Plan will be jointly agreed between the Board, owner councils and the State Government with the amended Shareholders' Letter of Expectations providing guidance in the event of a deadlock;
- The State Government will not have the right to appoint a director; and
- The State Government will have a representative on the Board Selection Committee. (Note that Cr Willis, who has been a representative of this Committee, will retire as part of the proposals.)

Pricing:

- Annual price increases will not exceed 3.5% from Financial Year 2020/21 to Financial Year 2024/225; and
- The price determination process via the Tasmanian Economic Regulator will continue.

Infrastructure:

- The parties will seek to accelerate infrastructure investment by at least a year.

Dividend:

- TasWater's obligation to pay income tax equivalents and loan guarantees fees to shareholders will be removed and \$20 million will be distributed annually as a dividend

Community Service Obligation:

- A Community Service Obligation will be introduced.

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

There has been no previous council consideration.

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

As Council's TasWater Representative, the Councillor Report as submitted is comprehensive and succinct. The fact that the TasWater Board, the State Government and the Local Government Association of Tasmania are all on the same page provides additional guidance.

#### **STATUTORY REQUIREMENTS:**

There are no statutory requirements.

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

4. Strategic, Efficient and Effective Organisation

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

4.5 Build financial and organisational resilience and maximise returns from Council's capital resources.

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

No allowance has been made in the budget and none is necessary.

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

The risk, if the shareholders of TasWater do not approve the proposed resolution, is that there will be tariff increases above what there would be if the proposed resolutions were passed. There is every indication of a strong likelihood that TasWater would struggle to secure funding for major projects from the Federal Government. There is a reasonable perception that development of infrastructure would be curtailed.

#### **VOTING REQUIREMENTS:**

Simple majority.

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

The Notice of Motion as written.

#### **DECISION:**

|                              |
|------------------------------|
| <b>C. WORKS AND SERVICES</b> |
|------------------------------|

**Item C1: Pitt & Sherry Deflection Analysis**

|                          |   |
|--------------------------|---|
| <b>ACTION</b>            | <b>Information</b>  |
| <b>PROPONENT</b>         | Council Officer   |
| <b>OFFICER</b>           | Brian Barnewall, Works & Airport Manager                        |
| <b>FILE REFERENCE</b>    | ASM/0400  |
| <b>ASSOCIATED PAPERS</b> | <i>Annexure 10: Flinders Council Deflection Analysis Report</i> |

**INTRODUCTION:**

In September 2017, Council engaged Pitt & Sherry to undertake a deflection analysis of a selection of sealed and unsealed roads on Flinders Island.

The final report is presented for Councillor information.

**PREVIOUS COUNCIL CONSIDERATION:**

Nil

**PREVIOUS COUNCIL DISCUSSION:**

29 September 2017                      Council Workshop  
30 November 2017                      Council Workshop

**OFFICER'S REPORT:**

Pitt & Sherry was engaged by Council to undertake a deflectograph survey at a selection of sealed and unsealed roads on Flinders Island. The purpose of the investigation was to provide Council with data to determine the remaining life of the pavement. In summary, the findings show that under current traffic conditions, approximately 50% of the surveyed sealed roads will need reconstruction in the next 20 years. Additional heavy traffic will increase that percentage. Council can now estimate the required reconstructions in its Long Term Asset Management Plan with much more accuracy than was the case before the survey.

The survey shows that the recent stabilisation of Coast Rd and part of Palana Rd increases their strength and longevity.

The report also shows findings for the Airport's Runway 14/32 and highlights the recent Foam Bitumen Stabilisation repairs as producing a much stronger bearing strength without the need to import expensive materials.

The Flinders Council Deflection Analysis report is now presented for Council information.

**STATUTORY REQUIREMENT:**

Nil

**POLICY/STRATEGIC IMPLICATIONS:**

2. Infrastructure and Services

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

2.1.4 Asset Management Plan implemented.

**BUDGET AND FINANCIAL IMPLICATIONS:**

Nil

**RISK/LIABILITY:**

Low Risk

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

That Pit & Sherry's Flinders Council Deflection Analysis report be noted.

**DECISION:**

**Item C2: Waste Management Options**

|                          |  |
|--------------------------|--|
| <b>ACTION</b>            | <b>Information</b>                       |
| <b>PROPONENT</b>         | Council Officer                          |
| <b>OFFICER</b>           | Brian Barnewall, Works & Airport Manager |
| <b>FILE REFERENCE</b>    | WAS/0400                                 |
| <b>ASSOCIATED PAPERS</b> | <i>Annexure 11: Waste Options</i>        |

**INTRODUCTION:**

Over the past number of years significant investigation has been undertaken in relation to a raft of waste collection, recycling and disposal options, all of which require Council to dispose of waste in a way that is consistent with its Environment Protection Notice (EPN 7191/2). This effectively means a suitably lined cell with a geotextile clay liner (GCL).

At this time, Council is not in a financial position to introduce a completely new waste management system. In reality, Council needs to undertake a more nuanced approach involving significant community input and education but must also have an Environmental Protection Agency (EPA) compliant operation.

This report examines a range of options along with the long-term costs of each, before identifying a recommended interim way forward.

**PREVIOUS COUNCIL CONSIDERATION:**

|             |                   |
|-------------|-------------------|
| 56.02.2015  | 19 February 2015  |
| 153.07.2016 | 14 July 2016      |
| 246.10.2016 | 20 October 2016   |
| 247.10.2016 | 20 October 2016   |
| 155.06.2017 | 15 June 2017      |
| 226.09.2017 | 21 September 2017 |
| 100.05.2018 | 17 May 2018       |

**PREVIOUS COUNCIL DISCUSSION:**

|                 |                         |
|-----------------|-------------------------|
| 6 October 2016  | Council Workshop        |
| 12 January 2017 | Council Workshop        |
| 3 May 2018      | Council Workshop        |
| 28 June 2018    | Council Budget Workshop |
| 24 July 2018    | Council Budget Workshop |
| 31 July 2018    | Council Budget Workshop |

**OFFICER'S REPORT:**

Council is required to dispose of waste in a way that is consistent with its Environment Protection Notice (EPN 7191/2). To do so requires Council to place its putrescible waste in a suitably lined cell with a geotextile clay liner (GCL).

Council has investigated the land availability for such cells and has identified areas for five cells, approximately 50 metres by 20 metres. There may be additional area for future cells but at the moment it is not certain that this could be used, therefore the waste options provided will be for the first five cells only.

In addition to the construction of a GCL lined cell there is a requirement to capture and treat all leachate generated on the site. It is envisaged that this will be made from an old, unused cell, that was once constructed on the site. Other costs are the rehabilitation of the existing landfill.

As detailed in the options paper, if Council were to continue to dispose of waste as it currently does, with the addition of dumping in a GCL lined cell (**option 1**), the five cells would be full in under ten years.

Should Council go to full collection and baling (**option 2**), the cells would last approximately 31 years, as much of the waste would be separated before pickup and the putrescent would be baled, giving it more density.

The third choice (**option 3**), which will prolong the life of the cells in a more affordable way, is to continue as we are with the addition of baling the waste at the landfill site and removing as much inert waste and cardboard as possible. This would see a lifespan of the cells of approximately 20 years.

The fourth and final solution (**option 4**), would be to start with option 3 before migrating to the more refined option 2 within 4 years, giving Council more time to prepare for and educate the Community in waste reduction and would enable a shift to the required waste management solution while spreading the financial impost over a longer period. This option would give the cells a lifespan of approximately 27 years.

#### **STATUTORY REQUIREMENT:**

*Environmental Management and Pollution Control Act 1994*  
Landfill Sustainability Guide 2004  
Environment Protection Notice 7191/2

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

##### 2. Infrastructure and Services

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

##### 2.3.1 Waste Management Strategy Implemented

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

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

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

The waste option chosen will determine the financial implications to Council as shown in the Annexure.

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

There is a risk that the current site will run out of suitable space to enable future cells to be built. At this point Council is working with an engineering firm to try to position five future cells on the site that will be able to be built in conjunction with the leachate pond design.

The EPA has identified a current risk to soil and water contamination from inappropriate leachate capture. This will be rectified if design plans are completed for the site.

The risk of doing nothing about the existing state of the site could result in heavy infringement from the EPA which would burden the implementation of any future projects.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

That Council adopts option 4 of the cost options Annexure 11, for inclusion into the 2018/19 Capital Budget for Waste Management.

**DECISION:**





It is also recommended that the Community Gym fees be added to the 2018/19 Schedule of Fees and Charges, as per *Annexure 12*.

#### Photocopying Fees

Whilst implementing the 2018/19 Schedule of Fees and Charges, office staff have realised that the photocopying fees in general, and in particular the bulk rate, have increased excessively when compared with other photocopy providers on the Island.

It is recommended that these rates be reassessed and decreased as follows:

| Item  | 17/18 Charge | 18/19 Charge | New Proposed |
|---|--------------|--------------|--------------|
| A4 B&W Single sided                               | \$0.40       | \$0.50       | \$0.30       |
| A4 B&W Single sided 10 - 350 copies (per copy)    |              |              | \$0.25       |
| A4 B&W Single sided coloured paper                | \$0.50       | \$0.60       | \$0.35       |
| A4 B&W Double sided                               | \$0.60       | \$0.70       | \$0.40       |
| A4 B&W Double sided 10 - 350 copies (per copy)    |              |              | \$0.35       |
| A4 B&W Double sided coloured paper                | \$0.80       | \$0.90       | \$0.45       |
| A4 Colour Single sided                            | \$1.20       | \$1.30       | \$0.60       |
| A4 Colour Single sided 10 - 350 copies (per copy) |              |              | \$0.55       |
| A4 Colour Double sided                            | \$1.80       | \$2.00       | \$1.00       |
| A4 Colour Double sided 10 - 350 copies (per copy) |              |              | \$0.95       |
| Bulk B&W 350 or more (householder) prorata        | \$60.00      | \$135.00     | \$35.00      |
| Bulk Colour 350 or more (householder) prorata     | \$90.00      | \$324.00     | \$100.00     |
| A3 B&W Single sided                               | \$0.70       | \$0.80       | \$0.50       |
| A3 B&W Single sided 10 - 350 copies (per copy)    |              |              | \$0.45       |
| A3 B&W Double sided                               | \$0.90       | \$1.00       | \$0.80       |
| A3 B&W Double sided 10 - 350 copies (per copy)    |              |              | \$0.75       |
| A3 Colour per side                                | \$2.40       | \$2.60       | \$1.00       |
| A3 Colour per side 10 - 350 copies (per copy)     |              |              | \$0.95       |

#### Hall Hire and Waiving of Fees

Council currently recognises the value of supporting community groups, private enterprise, not-for-profits groups, self-interest groups and community events through the provision of in-kind support including staff time, financial contributions and waiving of fees.

Hall Hire fees in the 2018/19 Schedule of Fees and Charges adopted at the June Council meeting note that not-for-profit and community groups can apply to have hall hire fees waived and regular hirers can apply for a 50% discount. What is not clear is whether this waiver also applies to other in-kind costs that Council incurs.

Currently, when waivers are requested, each waiver is individually assessed by staff and the General Manager with no set assessment criteria. To ensure that Council's reputation and

support for community services is consistent, a rationale for community support has been created (Annexure 13). The rationale classifies all the community users/groups/events that Council currently assists and lists the types of assistance currently provided.

Council's ability to support community services plays an important role in the future of community groups and quality community events being delivered for the benefit of the Furneaux Islands Community.

In saying this, a considered approach needs to be implemented with clear guidelines and direction from Council as to which user/group classifications listed and the level of support that Council can provide (waive fees, in-kind, hard costs). To this end, Annexure 13 details the level of support staff recommend should be provided and is presented to Council for endorsement.

Once the rationale is adopted, it is recommended that Note 2 in the 2018/19 Schedule of Fees and Charges be changed to refer to the rationale for waiver.

#### **STATUTORY REQUIREMENT:**

Nil

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

##### 4. Strategic, Efficient and Effective Organisation

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

##### 5. Liveability

5.2 Support cultural activities that foster social engagement and emotional wellbeing and provide opportunities for creative expression.

5.2.1 Arts and cultural activities are encouraged and supported.

5.2.2 Community events and activities are supported, encouraged and delivered.

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

##### Community Gym Fees

An increase of fees to \$5 per day/\$10 per week would see the cost to Council of running the Whitemark Community Gym reduced from approximately \$6,500 per annum to approximately \$2,000 per annum.

##### Photocopying Fees

Minimal

##### Hall Hire and Waiving of Fees

Under current arrangements there would be generally a medium risk to the budget. Financial implications for Council would be around a decline in income foregone on waivers, in-kind labor in staff time and some hard costs. The extent needs to be monitored and quantified so that the value can be assessed.

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

##### Community Gym Fees

Medium risk. If changes were to be made there may be some slight risk to Council's reputation and possibly a slight reduction in gym usage initially.

#### Photocopying Fees

High Risk to Council's reputation if we continue with the current arrangements. The changes are difficult to justify.

#### Hall Hire and Waiving of Fees

Changes are minimal with some slight increased risk to council's reputation but all that is envisaged is development of a clear rationale then this risk could be mitigated by a clear communication strategy and implementation of the classification system.

#### **VOTING REQUIREMENTS:**

Simple Majority

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

That Council:

1. Increases the basic fee structure for the Community Gyms from \$2.50 per session and \$5 per week to \$5 per session and \$10 per week, effective as from 1 January 2019 and includes the fees in the 2018/19 Schedule of Fees and Charges;
2. Adopts the Rationale for Waiver and Classification of Users/Groups (Annexure 13); and
3. Adopts the revised 2018/19 Schedule of Fees and Charges (Annexure 12).

#### **DECISION:**

**Item D2: Rating Strategy Overview**

|                          |   |
|--------------------------|---|
| <b>ACTION</b>            | <b>Decision</b>   |
| <b>PROPONENT</b>         | Council Officer   |
| <b>OFFICER</b>           | Bill Boehm, General Manager                                     |
| <b>FILE REFERENCE</b>    | FIN/1205, FIN/0701  |
| <b>ASSOCIATED PAPERS</b> | <i>Annexure 14: Rating Strategy Overview Report August 2018</i> |

**INTRODUCTION:**

Section 82 of the *Local Government Act 1993* (the Act), requires the General Manager to prepare Budget Estimates of the Council's revenue and expenditure for each financial year.

As part of these Budget Estimates and pursuant to section 90 of the Act, Council can raise rates on all rateable land (i.e. all land excepting the land set out in section 87 of the Act) within the Flinders municipal area. The Act provides a range of options for Council to consider when making rates.

For the 2017/18 rating year, Council was subjected to a municipal-wide revaluation by the Valuer General as part of a 6-year revaluation cycle. Given the resultant movements in property values and as part of a continuous improvement process, at the July 2017 Ordinary Meeting of Council, following a thorough review of Council's rating system, Council decided to move to a Capital Value (CV) based rating system with a Fixed Charge component and in the process introduce differential rating. Council's Rating and Charges Policy was updated to reflect these changes.

Since this time additional work has been undertaken and this report provides further rationale with respect to benchmarking rates to aid in Council's future decision making with respect to ongoing rating decisions.

**PREVIOUS COUNCIL DISCUSSION:**

|              |                         |
|--------------|-------------------------|
| 29 June 2017 | Council Budget Workshop |
| 6 July 2017  | Council Workshop        |
| 24 July 2018 | Council Budget Workshop |

**PREVIOUS COUNCIL CONSIDERATION:**

Nil

**OFFICER'S REPORT:**

Council has recently been provided with a Rates Snapshot 2016-17, prepared by the Local Government Division of the Department of Premier and Cabinet, of rating undertaken throughout Tasmanian Local Government. Data for each Council is listed and also grouped into the five council classifications, based on population, size and density in line with the Australian Classification of Local Governments (ACLG).

Using this, independent analysis work has been undertaken to benchmark Council's rating performance. Additional work has also been undertaken with a separate, more nuanced analysis being undertaken over the past two years with comparisons with other Northern Tasmanian Councils.

The attached Annexure Rating Strategy Overview Report August 2018 briefly analyses this data and provides a number of conclusions and suggestions that will guide Council in future decisions when it comes to the making of rates.

**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.
    - 4.3.12 Annual budget estimates and reviews.
5. Corporate Governance and Intergovernmental Relations
  - 5.1 Support the capacity and productivity of our organisation and a culture of professionalism, compliance, innovation and service.
    - 5.1.3 Achieve a sustainable balance of income, investment and recurrent expenditure.
      - 5.1.3.3 Deliver the new Budget Estimates for the proceeding financial year.

**BUDGET AND FINANCIAL IMPLICATIONS:**

The Rating Strategy Overview Report provides guidance with respect to future rating and budgets.

**RISK/LIABILITY:**

Low.

The Rating Strategy Overview provides guidance only. It merely informs. There is however some expectation from the the Local Government Division of the Department of Premier and Cabinet and potentially the Minister for Local Government that the key messages associated with Rates Snapshot 2016-17 Review be not glossed over, especially considering Council’s overall financial position.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER’S RECOMMENDATIONS:**

That the Rating Strategy Overview Report August 2018 be received and noted.

**DECISION:**

**Item D3: Rates and Charges for 2018/19**

|                          |  |
|--------------------------|--|
| <b>ACTION</b>            | <b>Decision</b>  |
| <b>PROPONENT</b>         | Council Officer  |
| <b>OFFICER</b>           | Bill Boehm, General Manager<br>Dianne Walsh, Finance Officer                             |
| <b>FILE REFERENCE</b>    | FIN/0701; FIN/1205   |
| <b>ASSOCIATED PAPERS</b> | <i>Annexure 15: Valuer General Super Land Use Group and Land Use Code Classification</i> |

**INTRODUCTION:**

Section 82 of the *Local Government Act 1993* (the Act), requires the General Manager to prepare Budget Estimates of the Council's revenue and expenditure for each financial year.

As part of these Budget Estimates and pursuant to section 90 of the Act, Council can raise rates on all rateable land (i.e. all land excepting the land set out in section 87 of the Act) within the Flinders municipal area. The Act provides a range of options for Council to consider when making rates.

For the 2017/18 rating year, Council was subjected to a municipal-wide revaluation by the Valuer General as part of a 6-year revaluation cycle. Given the resultant movements in property values and as part of a continuous improvement process, at the July 2017 Ordinary Meeting of Council, following a thorough review of Council's rating system, Council decided to move to a Capital Value (CV) based rating system with a Fixed Charge component and in the process introduce differential rating. Council's Rating and Charges Policy was updated to reflect these changes.

Since this time additional work has been undertaken through preparation of a Rating Strategy Overview August 2018 to provide further rationale with respect to benchmarking rates with similar like size Councils and other Northern Tasmanian Councils.

This report puts forward proposed rates resolutions for the 2018/19 Budget that are in line with these actions.

**PREVIOUS COUNCIL DISCUSSION:**

|               |                         |
|---------------|-------------------------|
| 28 June 2018  | Council Budget Workshop |
| 24 July 2018  | Council Budget Workshop |
| 31 July 2018  | Council Budget Workshop |
| 2 August 2018 | Council Workshop        |

**PREVIOUS COUNCIL CONSIDERATION:**

|              |                 |
|--------------|-----------------|
| 20 July 2017 | Council Meeting |
|--------------|-----------------|

**OFFICER'S REPORT:**

The accompanying rates resolution includes the following highlights.

Rate Increase

As indicated in Council's Rating Strategy Overview August 2019 document, Council has carefully analysed its rating structure, growth in valuations and level of rating including

benchmarking with other local governments before concluding that there is justification for above inflation increases in 2018/19 and potentially beyond.

In determining the General Rate increase, various factors should be considered including the level of projected cash reserves, benchmarking with other councils, inflationary impacts, need to fund previously committed projects as well as the need to comply with Roads to Recovery expenditure requirements.

Amongst other things, there is a need to take into account not just the proposed program of works but the need to, over time, restore the health of Council's financial reserves which have been previously used to fund a number of large capital projects; not the least of which is Council's \$770,000 contribution toward the current upgrade of telecommunications to Flinders and Cape Barren Islands.

Before incorporating an increase in rates by an amount, excluding natural growth, of 15.0% into the budget, options for having a reduced figure and phasing this in over several years were considered and ideally preferred.

However, given the significance of the level of decline in Council's financial reserves and budget commitments over the next 3-4 years, this option is not considered viable as it would have hamstrung future operations and put the financial viability of the Council at significant risk.

Rates are understandingly potentially an emotive issue but in context, the value for money proposition is significant. For instance, a ratepayer's contribution towards the maintenance and use of over \$62m value in assets and facilities plus access to a range of operational services will be as follows:

- Average Residential Property (\$242,000 CV)  
Rates Total \$1,352 equates to \$26 per week in increase of \$3.25 per week from 2017/18.
- Average Primary Production Property (\$442,000CV)  
Rates Total \$2,230 equates to \$43 per week and increase of \$5.71 per week from 2017/18.

Although there has been no general large-scale alteration to property valuations, for some individual properties rates will naturally be affected by any supplementary property valuation plus any minor variations in differential rating.

### General Rates

In accordance with sections 90 and 91 of the Act, the proposed general rate to be adopted is comprised of a fixed charge plus a valuation component based on the Capital Value of rateable land.

The \$400 Fixed Charge component represents around 27.5% of the General Rates levied, a figure that is well within the 50% limit imposed by section 91(2)(b) of the Act. This is virtually the same proportion that applied in 2017/18.

Following modelling, the general rate has also been varied with a higher differential applying for various commercial properties, with slight reductions for residential land uses and for land located on Cape Barren Island. Except in very few exceptions, property valuations remain the



same such that each property will have a rate increase in percentage terms. along the lines of the general increase.

#### Fire Services Contribution

Pursuant to the *Fire Service Act 1979*, Council is required to collect funds for firefighting services throughout the State.

S.93A of the Act grants Council the power to make one or more service rates for the purpose of collecting those funds.

The amount generated, less legislated collection costs, will be forwarded to the State Fire Commission who have indicated that the minimum levy will be \$40 per assessment.

#### Payments

The payment provisions within the proposed resolution including penalty and daily interest charges are in accordance with the Act, consistent with previous years, in accordance with Councils Rating and Charges Policy and in line with practices in other Councils. On the surface the penalties and interest charges as set out by the Act may appear high but in reality, there are plenty of options for ratepayers to avoid having them levied in the first place. Councils rates collection costs are already high and are justified, as they also aid in reducing our collection costs. Only in hardship cases, which are rare, would they be waived.

Council has historically also offered a 2% discount for early payments of rates. On the surface this appears to be attractive and cost effective, but in reality, makes little difference. As many other Councils have found only those ratepayers who have the capacity to pay take up the opportunity, which in reality is being funded by those who do not have the cash flow or who by choice don't. This is something that Council should consider in the future and perhaps alter this practice.

#### **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.
    - 4.3.23 Create annual rates invoice, supplementary valuations and annual adjustment factors processed.
5. Corporate Governance and Intergovernmental Relations
  - 5.1 Support the capacity and productivity of our organisation and a culture of professionalism, compliance, innovation and service.
    - 5.1.3 Achieve a sustainable balance of income, investment and recurrent expenditure.
      - 5.1.3.3 Deliver the new Budget Estimates for the proceeding financial year.

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

The adoption of these resolutions provides the framework to raise the necessary funds for the implementation of the Annual Plan 2018/19 and to achieve Council's strategic outcomes detailed in Council's Strategic Plan. It also accords with the Long Term Financial and Strategic Asset Management Plans of the Council.

Section 90(1) of the Act requires Council to pass its rates resolution for the 2018/2019 financial year no later than 31 August 2018.

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

High.

Maintaining Council in a sound financial position is a critical function of Council. Failure to be financially accountable has significant implications. The Rates methodology adopted has a significant impact on the financial operations of the Council and having a sound policy-based position enhances Council's credibility.

Should the accompanying resolutions not be passed by 31 August 2018, then Council will be in breach of the Act. This would have serious consequences for the Council and is likely to be viewed in a negative light by the Local Government Division of the Department of Premier and Cabinet and, potentially, the Minister.

#### **VOTING REQUIREMENTS:**

Absolute Majority

#### **OFFICER'S RECOMMENDATIONS:**

In accordance with the provisions of the *Local Government Act 1993*, the Flinders Council hereby makes the following rates and charges for the period commencing 1 July 2018 and ending 30 June 2019:

### **1. Definitions & Interpretations**

- (a) '**Act**' means the *Local Government Act 1993*;
- (b) '**Council**' means the Flinders Council;
- (c) '**land**' has the meaning given to that term in section 86 of the Act;
- (d) '**Land Use Codes**' means the relevant subcategories, of the use or predominant use of the land, set out as uses of land in the most recent Land Use Codes provided to the councils by the Valuer-General and published on the internet by the Tasmanian Government as part of the Land Information System Tasmania;
- (e) '**Municipal Area**' means the municipal area of the Council as defined in section 3 of the Act;
- (f) '**rateable land**' means all land excepting land exempt by operation of section 87(1) of the Act; and
- (g) '**Super Land Use Group**' means the groups of Land Use Codes set out in column B of Annexure 15 to this resolution.

### **2. General Rates & Variations**

2.1. Pursuant to sections 90 and 91 of the Act, Council makes the following two-component general rate for all rateable land within the Municipal Area for the financial year commencing on 1 July 2018 and ending on 30 June 2019:

- (a) a rate **0.414195** cents in the dollar of Capital Value; and
- (b) a Fixed Charge in the amount of **\$400**.

- 2.2. Pursuant to section 107(1) of the Act, Council hereby varies the general rate (as previously made) according to one or more of the following factors:
- the use or predominant use of the land;
  - the non-use of land;
  - the locality of the land; and/or
  - the prescribed factor of Land Use Codes pursuant to r.33(c) of the *Local Government (General) Regulations 2015* (here referred to as **Land Use Codes**),
- in accordance with the following Variation Table:

| <b>VARIATION TABLE</b>                 |  |   |
|--|--|---|
| <b>Locality</b>                        | <b>Use/Non-use/Land Use Codes</b>  | <b>Variation</b>  |
| Flinders Island<br>Bass Strait Islands | Rateable land subject to any Land Use Code within the Super Land Use Group "Commercial" <b>EXCEPTING</b> the following: <ul style="list-style-type: none"> <li>• C40 (Hotel / Motel);</li> <li>• P32 (Transport – Aviation);</li> <li>• P321 (Transport-Aviation-Private); and</li> <li>• V2 (Vacant-Commercial).</li> </ul> (i.e. Non-Vacant Commercial)    | The rate of 0.414195 is increased to <b>0.497034</b> cents in the dollar of Capital Value |
| Flinders Island<br>Bass Strait Islands | Rateable land subject to the Land Use Code C40 (Hotel / Motel).<br>(i.e. Non-Vacant Commercial – Hotel / Motel)  | The rate of 0.414195 is increased to <b>0.579873</b> cents in the dollar of Capital Value |
| Flinders Island<br>Bass Strait Islands | Rateable land subject to any of the following Land Use Codes: <ul style="list-style-type: none"> <li>• P32 (Transport – Aviation); and</li> <li>• P321 (Transport-Aviation-Private).</li> </ul> (i.e. Non-Vacant Commercial – Aviation)  | The rate of 0.414195 is increased to <b>1.242584</b> cents in the dollar of Capital Value |
| Flinders Island<br>Bass Strait Islands | Rateable land subject to any Land Use Code within the Super Land Use Group "Residential" <b>EXCEPTING</b> the following: <ul style="list-style-type: none"> <li>• V5 (Vacant-Rural Residential);</li> <li>• V4 (Vacant-Englobo/Broad Hectares);</li> <li>• V1 (Vacant-Residential); and</li> <li>• V (Vacant Land).</li> </ul> (i.e. Non-Vacant Residential) | The rate of 0.414195 is reduced to <b>0.393485</b> cents in the dollar of Capital Value   |
| Cape Barren Island                     | Rateable land subject to any Land Use Code within the Super Land Use Group "Commercial" <b>EXCEPTING</b> V2 (Vacant-Commercial).<br>(i.e. Non-Vacant Commercial)   | The rate of 0.414195 is increased to <b>0.455614</b> cents in the dollar of capital value |

| VARIATION TABLE    |  |   |
|--------------------|--|---|
| Locality           | Use/Non-use/Land Use Codes   | Variation   |
| Cape Barren Island | <p>Rateable land subject to the Land Use Codes within the Super Land Use Group "Residential" <b>EXCEPTING</b> the following:</p> <ul style="list-style-type: none"> <li>• V5 (Vacant-Rural Residential);</li> <li>• V4 (Vacant-Englobo/Broad Hectares);</li> <li>• V1 (Vacant-Residential); and</li> <li>• V (Vacant Land).</li> </ul> <p>(i.e. Non-Vacant Residential)</p>  | The rate of 0.414195 is reduced to <b>0.352066</b> cents in the dollar of Capital Value |
| Cape Barren Island | <ul style="list-style-type: none"> <li>• Rateable land subject to any of the Land Use Codes within the Super Land Use Group "Community Services" that is not vacant.<br/>(i.e. Non-Vacant Community Services)</li> <li>• Rateable land subject to any of the Land Use Codes within the Super Land Use Group "Industrial" that is not vacant.<br/>(i.e. Non-Vacant Industrial)</li> <li>• Rateable land subject to any of the Land Use Codes within the Super Land Use Group "Primary Production" that is not vacant.<br/>(i.e. Non-Vacant Primary Production)</li> <li>• Rateable land subject to any of the following Land Use Codes: <ul style="list-style-type: none"> <li>~ V2 (Vacant-Commercial);</li> <li>~ V5 (Vacant-Rural Residential);</li> <li>~ V4 (Vacant-Englobo/Broad Hectares);</li> <li>~ V1 (Vacant-Residential); and</li> <li>~ V (Vacant Land).</li> </ul> </li> </ul> <p>(i.e. Vacant)</p> | The rate of 0.414195 is reduced to <b>0.372775</b> cents in the dollar of Capital Value |

### 3 Fire Service Contribution

3.1 Pursuant to Section 81 of the *Fire Service Act 1979* and Section 93A of the Act, for the period commencing 1 July 2017 and ending 30 June 2018 Council hereby makes the following service rate for the purposes of collecting the fire service contribution from all rateable land in the Municipal Area:

- (a) a rate of **0.3620900** cents in the dollar of Assessed Annual Value with a minimum amount payable of **\$40.00**.

### 4 Separate Land

4.1 For the purposes of these resolutions, the rates and charges shall apply to each parcel of land which is shown as being separately valued in the valuation list prepared under the *Valuation of Land Act 2001*.

## 5 Adjusted Values

5.1 For the purposes of each of these resolutions, any reference to Capital Value and Assessed Annual Value includes a reference to that value as may be adjusted pursuant to section 89 of the Act.

## 6 Payment of Rates & Charges

6.1 Pursuant to section 124 of the Act, the rates and charges as set out in parts 2 and 3 of this resolution will be payable in two instalments with the following payment schedule:

- (a) the first instalment must be made on or before the 31<sup>st</sup> day of October 2018; and
- (b) the second instalment must be made on or before the 28<sup>th</sup> day of February 2019.

6.2 Pursuant to section 124(5) of the Act, where a ratepayer fails to pay any instalment within 21 days of the date on which that instalment falls due for payment, Council may require the ratepayer to pay the full amount owing for the financial year.

6.3 Pursuant to section 128 of the Act, if any rate or instalment is not paid on or before the date it falls due for payment Council imposes the following penalties:

- (a) a penalty of 10% of the amount of the unpaid rate or instalment; and
- (b) a daily interest charge 0.023013% (8.4% per annum) in respect of the relevant outstanding amount.

6.4 Pursuant to section 130 of the Act, Council offers to all ratepayers a discount of 2% if the rates and charges specified in the rates notice for the full financial year are paid by one payment on or before the 31<sup>st</sup> October 2018.

## DECISION:

**Item D4: Asset and Financial Management Strategies and Plans**

|                          |   |
|--------------------------|---|
| <b>ACTION</b>            | <b>Decision</b>   |
| <b>PROPONENT</b>         | Council Officer   |
| <b>OFFICER</b>           | Bill Boehm, General Manager<br>Heidi Marshall, Accountant               |
| <b>FILE REFERENCE</b>    | FIN/0701  |
| <b>ASSOCIATED PAPERS</b> | <i>Annexure 16: Asset and Financial Management Strategies and Plans</i> |

**INTRODUCTION:**

Sections 70, 70A, 70B, and 70D of the *Local Government Act 1993* (the Act), requires the Council to have in place a suite of Asset and Financial Management Strategies and Plans for the responsible management of the Council. Amongst other things these all link to and from Council's Annual Budget Estimates.

This report puts forward a range of documents that not only fulfill these obligations, but also puts Council in a positive strategic position now and into the future.

**PREVIOUS COUNCIL DISCUSSION:**

|               |                         |
|---------------|-------------------------|
| 29 May 2019   | Council Workshop        |
| 28 June 2018  | Council Budget Workshop |
| 24 July 2018  | Council Budget Workshop |
| 31 July 2018  | Council Budget Workshop |
| 2 August 2018 | Council Workshop        |

**PREVIOUS COUNCIL CONSIDERATION:**

Nil

**OFFICER'S REPORT:**

In preparing the 2018/19 Budget for Council consideration, Council staff have firstly put in a significant and time-consuming amount of work to actively review the nature of the information, streamlining projects and underlying costing methodologies including oncost, plant and quarry allocations, to more accurately reflect Council's operations. This has been a very significant task but also undertaken to highlight more accurately the nuances of the Council's operation. Councillors have long requested that this work be carried out and welcome the opportunity to have this consolidated at this time.

The Budget has been prepared using a bottom up approach whereby all cost elements such as employee costs, materials and services etc. are distributed to each project and the relevant cost centre with Cost Centre and Project budgets being established. The Telstra Project, which is an operational expense, is featured separately, given its size and one-off nature, to highlight Council's "normal" operation. Council's \$770,000 contribution will be accounted for in the 2018 and 2019 financial years and beyond.

As part of this process, more up to date *Long Term Asset Management and Financial Plans and Strategies* needed to be developed. Although not as detailed as required under the relevant Ministerial Orders, these documents nevertheless provide a sound way forward as they highlight how Council's cash position is to be managed.

A snapshot of some of the key features contained within these Plans is highlighted as follows:

- Starting the reversal of the decline in Council's cash position is the key feature of the Budget. It is a matter that Council has been working on for some time;
- As indicated in Council's Rating Strategy Overview August 2019, Council has carefully analysed its rating structure, growth in valuations and level of rating including benchmarking with other local governments before concluding that there is justification for above inflation increases in 2018/19 and potentially beyond.

Before incorporating an increase in rates by an amount, excluding natural growth, of 15.0%, into the budget, options for having a reduced figure and phasing this in over several years were considered and preferred.

However, given the significance of the level of decline in Council's financial reserves and budget commitments over the next 3-4 years, this option is not considered viable as it would have hamstrung future operations and put the financial viability of the Council at significant risk; and

- Maintenance of operations at current base case levels with the absolute minimum Capital Works Program that can prudently be proposed.

Details of these Asset and Financial Management Strategies and Plans are shown in a consolidated document (*Annexure 1d*) which comprises a brief *Financial Management Strategy, Long Term Financial Management Plan, Asset Management Strategy and Long Term Strategic Asset Management Plan*. All have been interlinked.

#### **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.
    - 4.3.12 Annual budget estimates and reviews.
5. Corporate Governance and Intergovernmental Relations
  - 5.1 Support the capacity and productivity of our organisation and a culture of professionalism, compliance, innovation and service.
    - 5.1.3 Achieve a sustainable balance of income, investment and recurrent expenditure.
      - 5.1.3.3 Deliver the new Budget Estimates for the proceeding financial year.

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

The adoption of these Asset and Financial Management Strategies and Plans provides the long term strategic framework that also shapes the 2018/19 Budget Estimates.

These represent the absolute minimum approach that can prudently be recommended to implement the Annual Plan 2018/19 and achieve Council's strategic outcomes in the long term and avoid Council being put in a financially unviable position.

**RISK/LIABILITY:**

Very High.

Given the significance of the level of decline in Council's financial reserves and budget commitments over the next 3-4 years there is a real risk to Council's overall financial viability if not implemented as proposed putting the Council and Community at significant risk.

Not having a long term financial and asset management strategy in place also means that Council does not comply with the provisions of the Act and *Local Government (Content of Plans and Strategies Order 2014)*. Although at this time the content of these plans as presented does not include the relevant Financial Management Indicators as required under the *Local Government (Management Indicators) Order 2014*, this is a very minor element and the content of measures highlight that Council's cash levels are being managed in a sustainable manner.

Importantly, having these plans and strategies in place will aid Council with respect to any future financial discussions with the State Government. It also fulfills commitments made to the Director of Local Government of the Department of Premier and Cabinet in May 2018 to have Council's financial sustainability and a Long Term Financial Plan reviewed so that Council will be in a position to have them formally adopted in conjunction with, or shortly after, the 2018/19 budget, ahead of the 2018 local government elections.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATIONS:**

That Council receives, notes and adopts the Asset and Financial Management Strategies and Plans document which comprises a Financial Management Strategy, Long Term Financial Management Plan, Asset Management Strategy and Long Term Strategic Asset Management Plan.

**DECISION:**



**Item D5: Budget Estimates for 2018/19**

|                          |   |
|--------------------------|---|
| <b>ACTION</b>            | <b>Decision</b>   |
| <b>PROPONENT</b>         | Council Officer   |
| <b>OFFICER</b>           | Bill Boehm (General Manager)<br>Heidi Marshall (Accountant)   |
| <b>FILE REFERENCE</b>    | FIN/0701  |
| <b>ASSOCIATED PAPERS</b> | <i>Annexure 17: Flinders Council Budget Estimates 2018/19</i> |

**INTRODUCTION:**

Section 82 of the *Local Government Act 1993* (the Act), requires the General Manager to prepare Budget Estimates of the Council's revenue and expenditure for each financial year which include the estimated revenue, expenditure, borrowings and capital works plus other details required by the Minister.

This report puts forward the proposed Budget Estimates for the 2018/19 year.

**PREVIOUS COUNCIL DISCUSSION:**

|               |                         |
|---------------|-------------------------|
| 29 May 2018   | Council Budget Workshop |
| 28 June 2018  | Council Budget Workshop |
| 24 July 2018  | Council Budget Workshop |
| 31 July 2018  | Council Budget Workshop |
| 2 August 2018 | Council Workshop        |

**PREVIOUS COUNCIL CONSIDERATION:**

Nil

**OFFICER'S REPORT:**

In preparing the 2018/19 Budget for Council consideration, Council staff have firstly put in a significant and time-consuming amount of work to actively review the nature of the information, streamlining projects and underlying costing methodologies including oncost and plant and quarry allocations, to more accurately reflect Council's operations. This has been a very significant task but also undertaken to highlight more accurately the nuances of the Council's operation. Councillors have long requested that this work be carried out and welcome the opportunity to have this consolidated at this time.

The Budget has been prepared using a bottom up approach whereby all cost elements such as employee costs, materials and services etc. are distributed to each project and the relevant cost centre with Cost Centre and Project budgets being established. Budget documents are detailed with accompanying explanatory notes.

The Telstra Project, which is an operational expense, is featured separately, given its size and one-off nature, to highlight Council's "normal" operation. Council's \$770,000 contribution will be accounted for in the 2018 and 2019 financial years and beyond.

In addition, the Budget should be seen in context with a more up to date Long Term Strategic Asset Management Plan and Long Term Financial Management Plan. Although not as detailed as required under the relevant Ministerial Orders, it nevertheless provides a sound way forward as it highlights how Council's cash position is to be managed.

A snapshot of some of the key features within the budget are highlighted as follows:

- Starting the reversal of the decline in Council's cash position is the key feature of the Budget. It is a feature that Council has been working on for some time. As indicated in Council's Long Term Financial and Strategic Asset Management Plans, this must be started now but cannot be achieved for a number of years;
- As indicated in Council's Rating Strategy Overview August 2018 document, Council has carefully analysed its rating structure, growth in valuations and level of rating including benchmarking with other local governments before concluding that there is justification for above inflation increases in 2018/19 and potentially beyond.  
Before incorporating an increase in rates by an amount, excluding natural growth, of 15.0%, into the budget, options for having a reduced figure and phasing this in over several years were considered and preferred.  
However, given the significance of the level of decline in Council's financial reserves and budget commitments over the next 3-4 years, this option is not considered viable as it would have hamstrung future operations and put the financial viability of the Council at significant risk; and
- Maintenance of operations at current base case levels with a Capital Works Program that can be prudently managed whilst also meeting funding obligations under the Roads to Recovery Program.

Details of the 2018/19 Budget Estimates are shown in Annexure 17.

#### **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.
    - 4.3.12 Annual budget estimates and reviews.
5. Corporate Governance and Intergovernmental Relations
  - 5.1 Support the capacity and productivity of our organisation and a culture of professionalism, compliance, innovation and service.
    - 5.1.3 Achieve a sustainable balance of income, investment and recurrent expenditure.
      - 5.1.3.3 Deliver the new Budget Estimates for the proceeding financial year.

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

The adoption of the 2018/19 Budget Estimates as presented represents the absolute minimum approach that can prudently be recommended to implement the Annual Plan 2018-19 and to achieve Council's strategic outcomes detailed in Council's Strategic Plan. It also accords with the Long Term Financial and Asset Management Plans of the Council which, when combined, avoid Council being put in a financially unviable position.

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

Very High.

Given the significance of the level of decline in Council's financial reserves and budget commitments over the next 3-4 years, there is a real risk to Council's overall financial viability if not implemented as proposed, putting the Council and Community at significant risk.

Section 90(1) of the Act requires Council to pass its Budget Estimates for the 2018/19 financial year no later than 31 August 2018.

**VOTING REQUIREMENTS:**

Absolute Majority

**OFFICER'S RECOMMENDATIONS:**

That in accordance with the provisions of Section 82 of the *Local Government Act 1993*, the Budget Estimates for the Financial Year 1 July 2018 to 30 June 2019 be adopted.

**DECISION:**

|                      |
|----------------------|
| <b>E. GOVERNANCE</b> |
|----------------------|

**Item E1: Council's Annual Regulatory Compliance Checklist - 2018/19**

|                          |   |
|--------------------------|---|
| <b>ACTION</b>            | <b>Decision</b>                                     |
| <b>PROPONENT</b>         | Council Officer                                     |
| <b>OFFICER</b>           | Bill Boehm, General Manager                         |
| <b>FILE REFERENCE</b>    | GOV/1200  |
| <b>ASSOCIATED PAPERS</b> | <i>Annexure 18: Regulatory Compliance Checklist</i> |

**INTRODUCTION:**

At the July Council meeting, Council requested the development of an annual Regulatory Compliance Checklist as an effective way for staff to report legislative and regulatory compliance to Council on an annual basis.

**PREVIOUS COUNCIL DISCUSSION:**

165.07.2018                      19 July 2018

*"All legislative and regulatory compliance related to Council activities as recorded in the Council's Annual Regulatory Compliance Checklist, are met."*

167.07.2018                      19 July 2018

*"That Council, subject to the Regulatory Compliance Checklist being approved by Council, incorporates the following minor administrative amendment to the 2015 Strategic Plan under Strategic Direction No. 4.3 "Ensure Council meets its statutory obligations and manages corporate and community risk" by removing the following Outputs:*

- Development undertaken in accordance with relevant development standards and legislative requirements;*
- Regulatory building processes comply with Department of Justice requirements;*
- Annual Plans and Reports prepared in accordance with the Local Government Act 1993;*
- Code of Conduct reviewed as per S28 2 (c) of the Local Government Act 1993;*
- Register of Interests for staff and Elected members maintained as required under the Local Government Act 1993;*
- Municipal Revaluation and valuation adjustment factors;*
- Requirements of the Public Interest Disclosure Act 2002 complied with by responding to disclosures;*
- Requirements of the Right to Information Act 2009 complied with by responding to applications for information disclosure;*
- Annual budget estimates and reviews;*
- Financial management processes comply with Tasmanian Audit Office requirements;*
- Input into the State Government "Sustainability Indicators" project provided;*
- Public officers educated and trained in ethical conduct to comply with Section 32 of the Integrity Commission Act 2009;*
- Compliance of airport operations with requirements of CASA and other regulators;*

- *Financial Statements include Financial and Asset Management Sustainability Indicators in accordance with the Local Government Act 1993;*
- *Create annual rates invoice, supplementary valuations and annual adjustment factors processed;*
- *Roads to Recovery reporting requirements met;*
- *Mineral Resource returns to Mineral Resource Tasmania;*
- *Superannuation and Taxation obligations met;*
- *Annual Fire Levy returns submitted to the State Fire Commission;*
- *Requirements of the Public Health Act 1997 are met;*
- *Requirements of the Dog Control Act 2000 are met;*
- *Requirements of the Building Control Act 2000 are met; and*
- *Requirements of the Environment Protection Agency (EPA) regulations are met;*

*and replacing them with the following Output:*

- *All legislative and regulatory compliance related to Council activities as recorded in the Council's Annual Regulatory Compliance Checklist, are met."*

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

Motion 167.07.2018 at the July Council Meeting approved a minor amendment to the current Strategic Plan, conditional on Council approving an annual Regulatory Compliance Checklist.

Staff have developed a checklist (*Annexure 19*) that includes the legislative and statutory compliance Outputs identified for removal from the Strategic Plan under Strategic Direction No. 4.3, as per motion 167.07.2018. As the Checklist will be a useful governance tool, additional compliance items related to business planning have also been added and will continue to be added as items arise.

For each Item in the Checklist, the timetable shows in grey the month the item needs to be actioned. Once the item has been actioned, the grey will be changed to orange to show that it has been completed. The Checklist is based on a financial year and the completed Checklist will be brought to Council for consideration in July of each new financial year.

The annual Regulatory Compliance Checklist is now presented for Council consideration. Once approved, as per Motion 167.07.2018, the relevant Outputs can be removed from Council's Strategic Plan.

The Actions in the 2018/19 Annual Plan as part of this Agenda have been prepared based on the assumption that Council adopts the Regulatory Compliance Checklist.

#### **STATUTORY REQUIREMENT:**

*Local Government Act 1993*

*Audit Office 2000*

*Public Interest Disclosure Act 2002*

*Right to Information Act 2009*

*Dog Control Act 2000*

*Public Health Act 1997*

**POLICY/STRATEGIC IMPLICATIONS:**

4. Strategic, Efficient and Effective Organisation
  - 4.3 Ensure Council meets its statutory obligations and manages corporate and community risk.

**BUDGET AND FINANCIAL IMPLICATIONS:**

Nil

**RISK/LIABILITY:**

Low Risk

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

That Council:

1. Approves the Annual Regulatory Compliance Checklist (Annexure 19).
2. Removes the following Outputs for Council's Strategic Plan:
  - Development undertaken in accordance with relevant development standards and legislative requirements;
  - Regulatory building processes comply with Department of Justice requirements;
  - Annual Plans and Reports prepared in accordance with the *Local Government Act 1993*;
  - Code of Conduct reviewed as per S28 2 (c) of the *Local Government Act 1993*;
  - Register of Interests for staff and Elected members maintained as required under the *Local Government Act 1993*;
  - Municipal Revaluation and valuation adjustment factors;
  - Requirements of the *Public Interest Disclosure Act 2002* complied with by responding to disclosures;
  - Requirements of the *Right to Information Act 2009* complied with by responding to applications for information disclosure;
  - Annual budget estimates and reviews;
  - Financial management processes comply with Tasmanian Audit Office requirements;
  - Input into the State Government "Sustainability Indicators" project provided;
  - Public officers educated and trained in ethical conduct to comply with Section 32 of the *Integrity Commission Act 2009*;
  - Compliance of airport operations with requirements of CASA and other regulators;
  - Financial Statements include Financial and Asset Management Sustainability Indicators in accordance with the *Local Government Act 1993*;
  - Create annual rates invoice, supplementary valuations and annual adjustment factors processed;

- Roads to Recovery reporting requirements met;
- Mineral Resource returns to Mineral Resource Tasmania;
- Superannuation and Taxation obligations met;
- Annual Fire Levy returns submitted to the State Fire Commission;
- Requirements of the *Public Health Act 1997* are met;
- Requirements of the *Dog Control Act 2000* are met;
- Requirements of the *Building Control Act 2000* are met; and
- Requirements of the Environment Protection Agency (EPA) regulations are met;

and replaces them with the following Output:

- All legislative and regulatory compliance related to Council activities as recorded in the Council's Annual Regulatory Compliance Checklist, are met."

**DECISION:**

**Item E2: 2018/2019 Annual Plan**

|                          |  |
|--------------------------|--|
| <b>ACTION</b>            | <b>Decision</b>  |
| <b>PROPONENT</b>         | Council Officer  |
| <b>OFFICER</b>           | Bill Boehm, General Manager                                      |
| <b>FILE REFERENCE</b>    | ADM/0200   |
| <b>ASSOCIATED PAPERS</b> | <i>Annexure 19: DRAFT Flinders Council Annual Plan 2018/2019</i> |

**INTRODUCTION:**

Section 71 of the *Local Government Act 1993* requires Council to prepare an Annual Plan for the municipal area each financial year. An Annual Plan is to be consistent with the Strategic Plan and include a statement of the manner in which Council is to meet the goals and objectives of the Strategic Plan. A summary of the major strategies to be used in relation to its public health goals and objectives is also required.

This report fulfills this statutory requirement.

**PREVIOUS COUNCIL CONSIDERATION:**

Annually

**OFFICER'S REPORT:**

The Annual Plan is the document upon which Council's operations and service delivery will be based for 2018/2019. The Plan sets out actions, tasks and projects to be undertaken in the year ahead and how these relate to Council's Strategic Plan. In this instance, the Actions under Strategic Direction: 4.3 in the Annual Plan have been prepared based on the assumption that Council adopts the Regulatory Compliance Checklist.

Of utmost importance is that this document forms part of the budget process. The Annual Plan identifies Council's significant service delivery activities and provides the link between the budget, strategic objectives and measurement tools to track achievements towards these outputs.

The 2018/2019 year will see Council continue to provide cost-effective and community-focused service provision combined with the development and implementation of important strategic documents to guide the Council, Community and service provision in the years ahead.

Council has a statutory requirement to align its services and operations with a Strategic Plan. This Plan is critical to ensuring that the goals and aspirations of the Municipality are taken into account when Council sets its annual priorities, operational plans and budget allocations.

Adoption of the Annual Plan is recommended.

**STATUTORY REQUIREMENT:**

*Local Government Act 1993*



**POLICY/STRATEGIC IMPLICATIONS:**

## 4. Strategic, Efficient and Effective Organisation

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

4.3.3 Annual Plans and Reports prepared in accordance with the *Local Government Act 1993*.

4.3.3.1 Prepare and deliver an Annual Plan and Annual Report.

**BUDGET AND FINANCIAL IMPLICATIONS:**

Minimal. Budget implications are contained in the Budget Estimates.

**RISK/LIABILITY:**

No unforeseen risks so long as the Annual Plan is adopted.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

That Council receives and adopts the Flinders Council Annual Plan 2018/2019 and authorises the General Manager to:

1. Make a copy of the Annual Plan available for public inspection at the Council office during ordinary business hours; and
2. Provide the Director of Local Government and the Director of Public Health with a copy of the Annual Plan.

**Item E3: Councillor Resolution Report**

|                          |  |
|--------------------------|--|
| <b>ACTION</b>            | <b>Information</b>   |
| <b>PROPONENT</b>         | Council Officer  |
| <b>OFFICER</b>           | Bill Boehm, General Manager                                  |
| <b>FILE REFERENCE</b>    | COU/0600   |
| <b>ASSOCIATED PAPERS</b> | <i>Annexure 20: Councillor Resolution Report August 2018</i> |

**INTRODUCTION:**

This report identifies the actions taken and actual costs associated with implementing resolutions passed by elected members up to August 2018.

**PREVIOUS COUNCIL CONSIDERATION:**

The report is presented on a monthly basis.

**OFFICER'S REPORT:**

Please read Annexure 21 – Councillor Resolution Report August 2018.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

That the Councillor Resolution Report August 2018 be noted.

**DECISION:**

F. **CLOSED COUNCIL**

Item F1: Closed Council Item

|                          |  |
|--------------------------|--|
| <b>ACTION</b>            | <b>Decision</b>                              |
| <b>PROPONENT</b>         | Council Officer                              |
| <b>OFFICER</b>           | Bill Boehm, General Manager                  |
| <b>FILE REFERENCE</b>    | AER/2000                                     |
| <b>ASSOCIATED PAPERS</b> | <i>Annexure 21: For Elected Members only</i> |

**PREVIOUS COUNCIL CONSIDERATION:**

Nil

**PREVIOUS COUNCIL CONSIDERATION:**

Nil

**REASON FOR CLOSED COUNCIL:**

Item D1 – Proposal for Increased Airport Sustainability is **CONFIDENTIAL** in accordance with Regulation 15(2) (c) (i) of the Local Government (Meeting Procedures) Regulations 2015.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER'S RECOMMENDATION:**

That Council moves into Closed Council.

**DECISION:**

**Meeting Closed**