



Agenda Ordinary Council Meeting

19 February 2019



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 14th day of February 2019.



Bill Boehm
GENERAL MANAGER

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Flinders Council Ordinary Meeting - Agenda

Tuesday 19 February 2019

Venue	Flinders Arts and Entertainment Centre, Whitemark
Commencing	9.00am
Attendees - Councillors	Mayor Annie Revie Deputy Mayor David Williams Sharon Blyth Aaron Burke Vanessa Grace Peter Rhodes Rachel Summers
Apologies	Nil
Attendees - Staff	Bill Boehm General Manager Vicki Warden Executive Officer (minute taker) Brian Barnewall Works and Airport Manager Jacci Viney Projects, Assets and Environmental Health Officer

1 Confirmation of Minutes

RECOMMENDATION

That the Minutes from the Ordinary and Closed Council Meetings held 22 January 2019 be confirmed.

2 Public Question Time

Question 1: Rachel Dallas

Given that the private block at Emita near the museum recently cleared by Council was infested with Bridal Creeper (a weed of national significance) and Onion Weed (a declared weed in Tasmania) and also possibly the white snails that are infesting areas such as Allports Beach and Killiecrankie, was it appropriate for Council to dispose of the waste from that clearing at the old Emita Tip site?

What is Council's policy in regard to responsibly disposing of environmental weeds?

How does Council monitor and control environmental weeds and pests?

Would Council consider reinstating a Natural Resource Management Officer?

Response:

1. The old tip site has been used over the years by many people in the Emita area for dumping of green waste and there was a stockpile already at the site. As Council will be cleaning the site up in the short to medium term, we thought it appropriate to dump the material from the clearing of the block for the purpose of allowing the Museum to have the appropriate Bush Fire Management setbacks. Council will monitor the old tip site for control of weeds.
2. Council does not have a policy for the disposal of environmental weeds but as stated the site will be monitored for weeds.

3. Council controls weeds on roadsides, landfill / transfer station sites and quarries through the use of herbicides. In built up areas Council uses steam weeding for grass and weed control where possible.
4. Several years ago, Council operated a partnership with the Natural Resource Management (NRM) North Association and employed a Natural Resource Management Officer. The program of delivery of NRM services has significantly altered and Council has, for some time, not been actively involved. The matter was raised at the 2018/19 budget deliberations but with no change to the current situation. The Council is still represented on the NRM North Association Group A. Any potential revisiting of this program would require substantial funding changes and impact the current budget.

3 Responses to Public Questions

22 January 2019 Meeting

Question 3: Cr Sharon Blyth on behalf of John O Dell

I am writing to get preventive health enacted... that's the one that has no bells nor whistles but saves you heaps in the long run.

1. The bridge near the airport needs a footbridge on the side. With the hands-on talent around, it would not cost a lot. I would put aside half a day a week to help no charge. Someone will be hit by a vehicle soon. Lots of pedestrians use it.
2. The wire mesh between the Airside and the public through which luggage trolleys pass, is old, very rusty and showers people adjacent with small bits of flaking rust. Won't be forever before a passenger or loader gets some in their eye.

Mayor's Response

1. Council applied for funding through the Vulnerable Road Users Grant for a pedestrian bridge over Pats River in 2017 at a cost of \$220,000, with \$200,000 to be provided by the grant and \$20,000 by Council. Unfortunately, this application was not successful. However, a new round of funding is now out and Council can reapply, although it has not been budgeted for.

Palana Road (up until the Airport entrance) and Pats River Bridge are owned by the Department of State Growth who have, in the past, shown no intention of financing a pedestrian bridge. We will now look at applying for a fully funded pedestrian bridge.

2. I am pleased to report that the replacement of the baggage gates has been budgeted for in the current financial year. We are currently waiting on the contractor to proceed with the works.

Question 4: S Blyth on behalf of Dennis Cooper

Can Council please advise whether Sharp Airlines is up to date with their landing fee payments?

Mayor's Response

I am unable to provide a detailed answer to your question. Information relating to a commercial transaction with Council must be treated as commercial in confidence. I am sure you will understand why this has to be the case.

Question 5: Cr Vanessa Grace on behalf of Jo Willis

Can a sign please be erected to show where the Lady Barron toilets and showers are situated? People ask at the shop all the time.

Mayor's Response

This request has been added to the Works and Services Request list. It will be completed as the council employees work their way through the list.

Members of the public can put this type of request to Council at any time via a Works and Services Request - either by contacting reception staff directly or by completing the request form on council's website.

Question 6: Cr Vanessa Grace on behalf of Tony Harper

The block in front of Tony's house is a fire hazard. Can Council please rectify?

Mayor's Response

The *Local Government Act 1993* provides for Councils to abate a public nuisance. This includes the risk of fire. If an inspection shows there is, or is likely to be, a direct fire risk on private property that presents an immediate risk to life or property on adjoining land, then the *Local Government Act 1993* assigns councils with the responsibility to clear a hazard at the owner's expense, if the owner does not do so inside a specified time.

The inspection of the block in front of your residence in Lady Baron on 25 January 2019 **did not show there to be the risk described above**. The land had vegetation broken up by cleared areas. Additionally, the land was on the other side of a cleared 20 metre road reservation with a six metre bitumen road.

It is always preferable that the owner of the block in question be approached by neighbours first in regard to fire safety. Such an approach in the first instance would hopefully resolve the issue without the need for an official inspection. It would also most likely be an approach appreciated by the owner. If the owner does not respond positively and the problem worsens significantly, please bring the matter to Council's attention again.

Question 7: Cr Vanessa Grace on behalf of Jill Hammond

Can the sides of the road i.e. walk ways at Lady Barron, be cleared of overlying scrub and people's personal items? Jill believes Aaron Burke used to do it.

Mayor's Response

Unfortunately, our workforce is small due to ours being the smallest income municipality in the State. This means that work cannot always be done as soon as it is requested. However, your request has been added to the Works and Services Request List and will be carried out as soon as possible.

Members of the public can put this type of request to Council at any time via a Works and Services Request - either by contacting reception staff directly or by completing the request form on council's website.

Question 8: Cr Vanessa Grace on behalf of Dawn Zelman

Can all the boxthorn be cleared from the Whitemark foreshore and can the inlet to the Whitemark foreshore be attended to? There are pipes with wire sticking out of them, the edge is eroded and there is a star picket near the edge of the track.

Mayor's Response

Council staff have met with Parks and Wildlife(P&W) staff recently and P&W have confirmed that they have responsibility for the foreshore areas. P&W have very limited resources on the Island and are often unable to attend to issues such as this requested. They will note the boxthorn and address the problem as soon as possible.

Responsibility for the old pipes is unclear at the moment. To the best of Council and P&W's knowledge, they were originally placed there as part of a land drainage system. This will be clarified as we move forward and something done as soon as possible. However, due to low resources, this may take some time.

Members of the public can put this type of request to Council at any time via a Works and Services Request - either by contacting reception staff directly or by completing the request form on council's website.

Question 9: Deputy Mayor David Williams on behalf of David Heap

The international organisation "Parkrun" is hoping to establish their free Saturday community run and walk down the Bluff Track in Whitemark. However, it is noted that the track has recently suffered some severe damage from coastal erosion. Can Council please recognise the importance of this fitness facility to our community and affect a repair to the track as a matter of expediency?

Mayor's Response

Council Staff have recently met with Parks and Wildlife (P&W) Staff on this matter and it was confirmed that P&W have responsibility for the Bluff Track. Unfortunately, P&W have very low resources on the Island, there being only two staff for a very large area. They have confirmed that they will undertake to make the Bluff Track safe. However, they also flagged that if they consider the track a risk to public safety there will be no alternative but to close it off for a time.

Whilst Council and P&W have provided some funding previously to improve the track, there appears to be no long-term funding arrangement in place for P&W to maintain this track as a pedestrian walking / cycle trail. This situation will need to be followed up and clarified as we go forward.

RECOMMENDATION

That the responses to the public questions from the 22 January 2019 Council Meeting be noted.

4 Councillor's Questions on Notice

Question 1. Deputy Mayor David Williams

Understanding that a part of Emita Hall is being renovated, is it possible that things can be so arranged as to allow the weekly table tennis group to have limited access? There are of course safety issues to be considered but the builder should be able to work within those to provide such access.

Response

It was originally intended that dual access (especially to the playground) could be accommodated but subsequent advice, including legal advice, is that the builder is responsible for the site (takes possession) and therefore is highly liable for the health and safety of persons on, what is now, **his** building site. This responsibility generally only includes his workmen and it is extremely difficult for the builder to uphold his responsibility for others that are not under his control or on site when he is not. At this stage, Council has relinquished possession of the site while it is under the contractor's control and will take back possession once the works are complete. The playground is included as part of the site and the general public have been advised of this.

RECOMMENDATION

That the Councillor's question on notice and the response be noted.

5 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.

6 Late Agenda Items

Nil

7 Declaration of Pecuniary Interest

In accordance with Regulation 8 of the Local Government (Meeting Procedures) Regulations 2015, Councillors are required to declare any pecuniary interest that they, or any of their close associates, may have in any matter appearing on the agenda, or any supplementary item to the agenda, before any discussion on that matter.

8 Conflict of Interest

In accordance with the Part 2, paragraph 6 of the Local Government (Model Code of Conduct) Order 2016, Councillors are required to declare any conflict of interest, be in actual, perceived or potential, that they may have regarding any matter appearing on the agenda, or any supplementary item to the agenda before any discussion on that matter commences.

9 Leave of Absence

Nil

10 Petitions

Nil

11 Workshops & Information Forums

File No. COU/0205

Council Workshop – 22 January 2019

Council held a Workshop on the following subject:

- Item 1 Finance

Councillors in Attendance

Mayor Annie Revie
Deputy Mayor David Williams
Cr Sharon Blyth

Cr Aaron Burke
Cr Vanessa Grace
Cr Peter Rhodes

Apologies

Cr Rachel Summers

Staff and Consultants in Attendance

Bill Boehm
Heidi Marshall
Vicki Warden

General Manager
Accountant
Executive Officer (note taker)

Council Workshop – 5 February 2019

Council held a Workshop on the following subjects:

- Item 1 Tasmanian Planning Scheme
- Item 2 Northern Tasmania Development Corporation (NTDC) Update
- Item 3 Confidential Update
- Item 4 Community Shed
- Item 5 Review of Local Government Act
- Item 6 Council Values – as per 334.12.2018
- Item 7 Common Seal

Councillors in Attendance

Mayor Annie Revie
Deputy Mayor David Williams
Cr Sharon Blyth (Items 1 – 3)

Cr Vanessa Grace
Cr Peter Rhodes
Cr Rachel Summers (Items 1 – 4)

Apologies

Cr Aaron Burke

Staff and Consultants in Attendance

Bill Boehm	General Manager	
Vicki Warden	Executive Officer (note taker)	
Robyn Cox	Manager Strategic Planning and Development Services	Item 1
Commissioner John Ramsay	Tasmanian Planning Commission	Item 1
Maree Tetlow	CEO Northern Tasmania Development Corporation	Item 2
Mark Edwards	Page Seager Lawyers (via phone)	Item 3
Brian Barnewall	Works and Airport Manager	Item 3 & 4
Jacci Viney	Projects, Assets and Environmental Health Officer	Item 3 & 4

Council Workshop – 12 February 2019

Council held a Workshop on the following subject:

- Item 1. Local Provisions Schedule

Councillors in Attendance

Mayor Annie Revie

Deputy Mayor David Williams

Cr Sharon Blyth

Cr Aaron Burke

Cr Vanessa Grace

Cr Peter Rhodes

Apologies

Cr Rachel Summers

Staff and Consultants in Attendance

Bill Boehm

Robyn Cox

Kara Hallas

Debbie Steer

General Manager

Strategic Planner

Development Services Administration

Community and Economic Development Officer (in part)

RECOMMENDATION

That the Council Workshops held 22 January, 5 and 12 February 2019 be noted.

12 Public Meetings

Nil

13 Publications/Reports Tabled for Council Information

Nil

14 Reports to be Received

Furneaux Group Aviation Special Committee

File No: COM/0104

Annexure: 14.1: *Furneaux Group Aviation Special Committee meeting 29 January 2019 Unconfirmed Minutes*

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

The unconfirmed minutes of the Furneaux Group Aviation Special Committee meeting held Tuesday 29 January 2019 have been provided for consideration. The minutes outline what the Committee has been working on to date and can now be accepted by Council.

RECOMMENDATION

That the unconfirmed minutes of the Furneaux Group Aviation Special Committee meeting held Tuesday 29 January 2019 be noted.

Flinders Council Audit Panel

File No: FIN/0401

Annexure: 14.2: *Flinders Council Audit Panel meeting 29 January 2019 Unconfirmed Minutes*

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

The unconfirmed minutes of the Flinders Council Audit Panel meeting held Tuesday 29 January 2019 have been provided for consideration. The minutes outline what the Committee has been working on to date and can now be accepted by Council.

RECOMMENDATION

That the unconfirmed minutes of the Flinders Council Audit Panel meeting held Tuesday 29 January 2019 be noted.

15 Councillors' Reports

None received.

16 Mayor's Report

Action	Information
Proponent	Mayor A Revie
File Reference	GOV/0900
Annexures	Nil

DIARY

DATE	ACTIVITY
28/01/19	Writing Island News Mayor's Notes
29/01/19	Audit Panel meeting Meeting with Roy McCormick Furneaux Group Aviation Special Committee meeting
01/02/19	Meeting with Aronn Daw re setting up joint working party to address waste on the Island Meeting with General Manager
05/02/19	Council Workshop
08/02/19	Meeting with Crs Rhodes and Blyth Meeting with Michael Buck
11/02/19	Meeting with group of Killiecrankie residents at Killiecrankie
12/02/19	Council Workshop
13/02/19	Meeting War on Waste working party at Hydro

CORRESPONDENCE IN

DATE	FROM	SUBJECT
18/01/19	Tas Land Conservancy	Annual Report
18/01/19	Senator Nick McKim	Offer to act as Instrument of Authority re Citizenship ceremonies
18/01/19	J Klug	Potential subdivision of land
22/01/19	TasWater	Annual Report
25/01/19	Hon Michael McCormack	Roads to Recovery funding allocation
30/01/19	Local Government Association of Tasmania (LGAT)	Invitation to attend International Women's Day Event
30/01/19	Tas Community Fund	Newsletter
31/01/19	Frances Henwood	Alcohol at Furneaux Islands Festival events
01/02/19	Planning Policy Unity	Information on amending local planning framework
06/02/19	Tas Health Service	Breast Screen mobile screening unit visit
06/02/19	LGAT	Media Release re awards for excellence to sectoral women
08/02/19	Carole Crute	Work needing attention in Lady Barron

CORRESPONDENCE OUT

DATE	TO	SUBJECT
31/01/19	Frances Henwood	Response re alcohol Furneaux Islands Festival events
04/02/19	David Heap	Response to public question – Bluff Track and Park Run
04/02/19	Dawn Zelman	Response to public question – Whitemark Foreshore
04/02/19	Jill Hammond	Response to public question – roadside clearing at Lady Barron
07/02/19	LGAT	Attendance at session on revision of Local Government Act

DATE	TO	SUBJECT
07/02/19	John O'Dell	Response to public question - query on Palana Road and Airport gate between airside and passenger side
07/02/19	Jo Willis	Response to public question - sign needed in Lady Barron
07/02/19	Tony Harper	Response to public question - query of fire hazard
10/02/19	Dennis Cooper	Response to public questions - Sharp Airlines

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Mayor's report be received.

17 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.

17.1 Development Application – JT and RK Nicholls

Action	Decision
Applicant	JT & RK Nicholls
Officer	Karin van Straten (Senior Consult Town Planner)
Approved by	Andrew Brown (Consultant Municipal Planner)
File Reference	DA2018055
Annexures	17.1.1 Plans 17.1.2 Representation

Proposal:	Extractive industry
Location:	Palana Road, Lughrata
Zoning:	Rural
Special Areas:	None
Representations:	One

INTRODUCTION

The subject site comprises of 2 adjoining titles on the eastern side of Palana Road. The titles have a combined area of 80.79ha and the depth of the lots are between 976m and 1.57km to the rear boundary. Both lots slope down towards Palana Road falling down approx 50m over a distance of 1000m. The subject site has been previously used for a small mining operation and this proposal and report is to provide and obtain the required approvals. The surrounds are undeveloped and contains interspersed single dwellings and native vegetation.

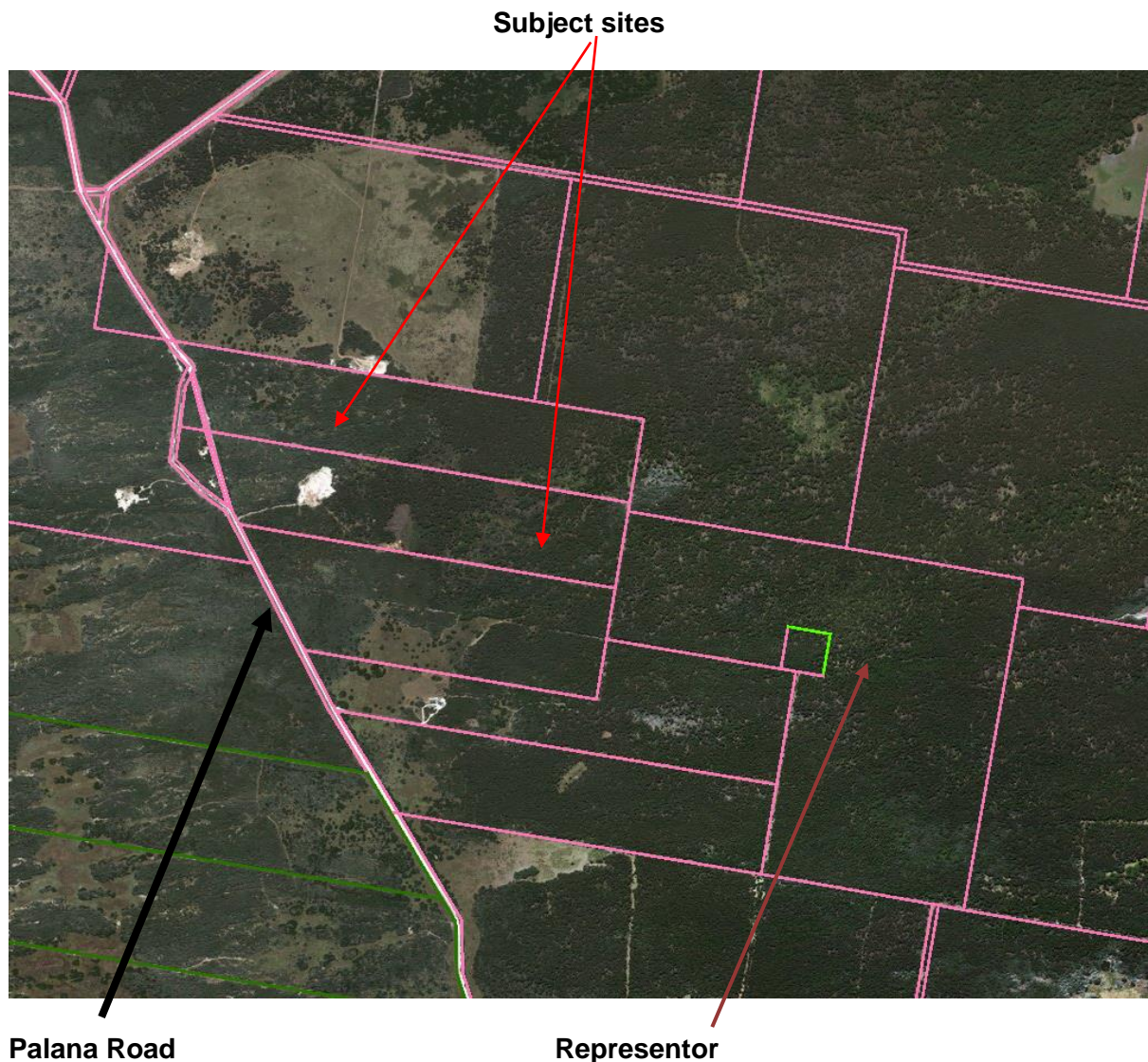
TasVeg 3.0 identify the vegetation on the subject site as:

Allocasuarina verticillata forest – a non-eucalypt forest and woodland over the majority of the site.

Coastal scrub on alkaline sands towards to the frontage of Lot 2.

Coastal grass and herffield towards the frontage of lot 1.

Towards the rear of the 2 title, where no works are proposed is a threatened native community Eucalyptus viminalis – Eucalyptus globulus coastal forest and woodland. This is approx 1km from the proposed mining site.



Statutory Timeframes

Date received:	29/8/2018
Request for further information:	12/09/2018
Advertised:	23/1/2019
Closing date for representations:	7/2/2019
Decision due:	19/2/2019 with consent

OFFICER'S REPORT

The Proposal

The proposal is to utilise part of the subject site to mine lime sand for a 10 year period. The yearly production will be 4500m³. The operation will continue at the existing mining site and over the next 10 years will expand at a rate of 1ha of cleared vegetation every 5 years to monitor environmental impacts and determine the viability of the operation. The operation will be intermittent due to the seasonal demand that is most prevalent between spring and autumn. An existing access will be used and a maximum of 6 truck movements are expected per day with a maximum of 30 per week. The hours of operation will be 8am to 4pm weekdays and 10am to 3pm weekends.

Earthmoving equipment will be used to remove the topsoil and vegetation and this will be removed and stored at designated areas on the site. This will be used to backfill the excavated

area when the operation moves onto a new area of works. Revegetation of areas where the mining has been completed will be revegetated by natural revegetation (seeds in backfill material) and regrowth and by reseedling as required. Weeds will also be identified, monitored and controlled as part of the mining operation.

Surface lime sand will be removed by front end loader and loaded on trucks to be taken to farms on the island to spread and raise the pH level of the soil. Nuisance impacts will be controlled by only allowing covered loads to leave the site and loads will not exceed the tray walls of trucks.

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 5 – Zone provisions

Part 6 Use and development principles

Part 3 – consideration of applications for planning permits (3.10)

Council shall take into consideration the following:

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

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

Use

The proposed lime sand mining/extractive industry use is considered.

5.8.1 Zone Intent

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

COMMENT: The Subject Site is characterised in part by small portions of ‘open farmland’ where vegetation has been removed and in most part by ‘areas of native vegetation and substantial unspoiled landform’. The landscape also contains interspersed single dwellings. The proposed mining use will continue in a cleared area and is proposed to be expanded with accompanied vegetation clearing at a rate of 1ha every 5 years. Although the landform will change over a period of time, given the proposed quantity of extraction (4500m³ per year), it will only utilise a small portion of the total 80.79ha of the site.

5.8.2 Desired Zone Character and Zone Guidelines

- (a) *The use or development of small existing rural lots for the purpose of residential living shall only be approved where such use or development is compatible with any existing or potential agricultural use of that land or surrounding lands.*

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

COMMENT: Criteria (a) is not applicable. In relation to (b), no buildings are proposed. Should this be proposed in future, a separate planning approval will be required subject to architectural drawings and elevations provided and in response to the zone intent to the satisfaction of the Responsible Planning Authority prior to the use and development works commencing at the Subject Site.

Land clearance at a rate of 1ha every 5 years is proposed as required. This will be screened from the road by existing vegetation, whilst works areas that are no longer in use will be rehabilitated and revegetated with natives and weeds managed and controlled. With respect to (c), the applicant must respond and adhere to the Quarry Code of Practice requirements for the duration of the operation. Criteria (d) is not applicable.

Development

The proposed development associated with the quarry use is considered.

5.8.4 Development Standards

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

- ii. *The adjoining land and uses and zones*
- iii. *The position of existing buildings and setbacks in the immediate area;*
- iv. *Consideration of any representations received as a result of the notification under Section 57 of the Act.*

(f) *The external walls, roof, paving and other large surface areas of buildings shall be finished with non-reflective materials and colours that harmonise with the natural landscape or shall be substantially screened by landscaping.*

(g) *A house on any lot which contains only class 4, 5, 6 or 7 land is discretionary and may only be approved if any existing or potential development and use of agricultural land in the vicinity is likely to receive no impact, or only minor impact from the establishment of the residence taking into account:*

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

COMMENT: No buildings are proposed.

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

The application included the applicant's application to Mineral Resources Tasmania – Notice of Marking out of mining lease – this included relevant information regarding the lime sand mining, area of operation, volume of sand mined, access, vegetation removal and rehabilitation and revegetation of the discontinued mining areas.

The application was referred to Council's Infrastructure Department. A condition of approval regarding vegetation removal to provide adequate sight distance north of the entrance along Palana Road was required.

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

One representation was received was the landowner to the east of the subject site. A summary of the representation is provided below, with planning comments. A full copy of the representation is provided as part of the meeting agenda.

Issue	Planning comment
Council should not approve this proposal. Representor's land contains precious and threatened plant species that must be protected and a natural sanctuary for Flinders Island flora and fauna. Council must not be complicit in destroying it by approving a mine which would result in this natural reserve being suffocated with sand particles and dust and turned into sand dunes.	The proposal is for a limited mining operation on a limited area of a large parcel of land. Only 1 ha of vegetation will be cleared every 5 years and the areas that are not being used for the mining operation anymore will be rehabilitated and revegetated. A condition requiring dust suppression as part of the operation – for both the mining site and the stockpiles will form part of any approval. The existing native vegetation between the proposed mining area and the representors land will act as a natural

Issue	Planning comment
	dust filter/buffer area between the proposed operation and the representors land.

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

- (a) *landslip, soil instability, or erosion;*
There is no mapped landslip or stability issues at the sites of the proposal.
- (b) *excessive slope;*
Not at the site of the proposal.
- (c) *ponding or flooding;*
None known at the sites of the proposal.
- (d) *bush fire hazard;*
None.
- (e) *a Protected Catchment District under Water Management Act 1999;*
No.
- (f) *any Special Area Provisions in Part 7;*
Not applicable.
- (g) *pollution; and*
The proposal states that all loads leaving the site will be covered and no load will be higher than the tray wall of truck.
- (h) *other hazards to safety or health.*
The Quarry Code of Practice and Occupational Health and Safety Regulations will manage this.

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;*
The proposal will only occupy a relatively small part of the large 80.79ha site. Only 2 ha of vegetation will be removed over a 10 year period and the disused mining areas will be rehabilitated, revegetated and weeds controlled.
- (b) *adjoining land;*
The adjoining land is vacant from development and contains interspersed single dwellings and native vegetation.
- (c) *the streetscape and/or landscape;*
The proposed mining operation will be screened from the road by existing vegetation.
- (d) *the natural environment;*
Only 2 ha of vegetation will be removed over a 10 year period and the disused mining areas will be rehabilitated, revegetated and weeds controlled.

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

None identified.

- (f) *buffer zones, attenuation areas*

The Subject Site is not affected by any buffers.

- (g) *easements;*

none exists.

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

Not applicable.

- (i) *any received pollution;*

one.

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

none.

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

Refer to (b).

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

The existing road access and infrastructure is adequate for the proposed use.

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 proposed lime sand mining operation will utilise a small portion of an 80.79ha parcel. The adjoining parcels are vacant of development only containing interspersed single dwellings and native vegetation. It is not considered that the proposal will affect future use and/or development of the surrounding sites or vice versa.

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

No landscaping forms part of this proposal. The proposed mining activity and vegetation removal will be screened from the adjoining properties and the road. No night work is proposed, so no illumination forms part of this proposal. No buildings/amenities forms part of this proposal.

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

It is proposed that the existing access will remain. Council's Infrastructure department required vegetation trimming to provide adequate and safe sight distance north of the access along Palana Road.

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

The only energy consumption that this proposal will require is fuel for earthmoving equipment.

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

The proposal is a private undertaking - it does not pose a risk to the safety or well being of the community. The access will be clearly sign posted to ensure the safety of all persons entering and egressing from the subject site.

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 5 – Zone

COMMENT: Discussed under Part 3 point 1 above.

Part 6 – Use and Development Principles

This part of the planning scheme provides principles that development must be consistent with. Some are clearly not relevant to this proposal. Furthermore, most have been addressed in a more specific part of this report.

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

6.1 Use

- (a) Use or development shall not unreasonably impact on any existing or intended use of development of neighbouring land.
- (b) Subdivision of land shall be carried out in accordance with the subdivision provisions for the zone within which the land is located or where that is not appropriate in accordance with:
 - (i) the requirements of the intended use, and
 - (ii) the Zone Intent, or alternatively by
 - (iii) an approved Development Plan that has been adopted by Council and inserted as a provision in the Scheme.
- (c) Residential Zones shall be protected from encroachment by incompatible use or development.
- (d) Rural Industrial operations shall be appropriately located and designed to avoid any detrimental effects on neighbouring land use or development, particularly in respect of atmospheric emissions, solid waste disposal and water pollution, soil erosion, noise or visual quality.
- (e) Mining and quarrying operations shall be located and carried out in a form which does not conflict with surrounding land use or development, scenic values and the environment.

COMMENT: complies with (a), (d) and (e); (b) and (c) is Not Applicable to this proposal and 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.

- (b) Subdivision layout, particularly roads, shall take adequate account of land contours and the need to avoid visual scarring.
- (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.
- (d) Landscaping of use or development shall be of a type, form, variety(s) and character which is suited to the intention of the zone, the area and the nature of the use or development.
- (e) Where trees are an important element in the character of an area they should be retained.
- (f) Signs shall be consistent in type, scale and location, with the intention of the zone, the streetscape and the building or structure on which they are positioned or to which they otherwise relate.
- (g) Forestry use or development, particularly plantations, shall be appropriately sited and planned to protect the visual quality and character of the countryside generally, and from important viewing locations in particular.

COMMENT: complies with (a), (c), (d) and (f); (b) and (g) is Not Applicable to this proposal and assessment. With regards to (e) 1 ha of vegetation will be removed every 5 years, area not in use anymore will be rehabilitated and revegetated.

6.3 *Amenity*

- (a) Adequate public open space shall be provided in areas of new subdivision, to meet the recreational and open space requirements of the community generally and particularly the new owners of the lots created by subdivision.
- (b) Use or development shall accord all existing and/or future occupiers with adequate and reasonable levels of amenity, especially in relation to privacy, sunlight, aspect, views and noise disturbance.
- (c) Dwellings shall provide an adequate amount and appropriate type of private open space, to meet the expected lifestyle requirements of occupants. Such private open space shall provide adequate privacy, be exposed to reasonable levels of sunshine and directly accessible from the dwelling to which it belongs.

COMMENT: complies with (b); (a) and (c) is Not Applicable to this proposal and 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.
- (d) Potentially incompatible Uses or Developments shall be adequately and appropriately located, sited and designed to avoid conflict. Level 2 activities or sources of pollution shall be sited in accordance with the following:
 - (i) Use or Development for a use of land that is a Level 2 activity under the provisions of the Environment Management and Pollution Control Act 1994 shall not be allowed within the lesser distance from a residential zone than that recommended by the Director of Environmental Management.
 - (ii) Use or Development of land that is not a Level 2 activity, but which Council nonetheless considers will or has the potential for environmental harm, shall not be allowed within a lesser distance from a residential zone than that determined by Council after taking into account the advice from the Director of Environmental Management.
 - (iii) A dwelling unit shall not be erected within a lesser distance of any established Level 2 activity or other use of land which Council considers a source of pollution, than that determined by Council taking into account the advice from the Director of Environmental Management.
- (e) Activities involving extensive site works, such as quarrying, shall be suitably sited, screened, and rehabilitated where appropriate, to protect the ecological and visual qualities of the area.
- (f) Use or development shall be of a suitable form and siting to avoid any adverse impact on any watercourse and vice versa. Use or development (including the siting of effluent disposal systems) shall be setback a minimum of 40 metres, or such distance as is required, from a watercourse to avoid degradation of water quality.
- (g) Use of land in the vicinity of those watercourses identified in Schedule 3 shall provide Riparian Reserves in an appropriate location and form.

COMMENT: complies with (a), (b), (e) and (f); (c), (d) and (g) is Not Applicable to this proposal and assessment

6.5 Heritage

- (a) Use or Development shall be undertaken in areas and in a manner which conserves items, sites, areas and customs of historic and cultural value.
- (b) Any Use or Development carried out on or in the vicinity of an item, site, area, feature or customary activity (including Aboriginal sites and shipwrecks) or conservation value, shall adequately respect its historic and cultural integrity.
- (c) The protection and conservation of items, sites, areas, features and customary activities of historic and cultural importance applies to those previously identified and listed in the Scheme, and those which subsequently become known to Council.
- (d) Where an item, site, area, feature or customary activity has or may have historic or cultural importance, Council may require a Statement of Cultural Significance to be prepared.
- (e) Use or development shall be carried out in accordance with the principles and practices of the *Burra Charter*.

- (f) Use or Development involving any historic building or group of buildings shall adequately respect the design and construction elements of the building(s) and particularly the relationship of spaces, orientation, form, mass, scale, fenestration, detailing, style, materials and colour.
- (g) Areas of identified conservation value, including National Parks and Nature Reserves, shall be protected from inappropriate use or development and detrimental land management practices including land clearance, within such areas and adjacent areas outside them.

COMMENT: Not applicable.

6.6 Access and Parking

- (a) All new lots must be provided with satisfactory pedestrian and vehicular access to a public street.
- (b) All Use or Development shall provide satisfactory pedestrian and vehicular access which is suited to the volume and needs of future users.
- (c) Buildings and spaces intended for public access shall provide for satisfactory use and access by the disabled; the requirements of the Building Regulations in relation to AS1428.1-1988 shall be met.
- (d) Road widths shall be appropriate to the road function, expected traffic type and volume, and future subdivision potential of the subject and surrounding land.
- (e) Footpaths shall normally be required in areas of new subdivision except where low vehicle traffic volumes are anticipated, in which case a footpath one side only or no footpath may be appropriate.
- (f) Road intersections shall be kept to a minimum with the use of existing roads, service roads and/or shared driveways being encouraged where appropriate.
- (g) Intersections of roads, footpaths and foot crossings and driveways shall provide adequate safety for all users and shall satisfy the relevant requirements of Schedule 4.
- (h) New Use or Development shall provide a suitably constructed driveway of a width to provide for the safe ingress and egress of the anticipated volume of traffic associated with the Use or Development
- (i) New Use or Development shall provide adequate car parking to provide for the demand it generates and shall be capable of being safely accessed.
- (j) On site turning shall be provided for development involving significant traffic volumes, heavy vehicle types and/or on roads which carry significant amounts of traffic.
- (k) New Use or Development in Bushfire Prone Areas will require access that complies with the provisions of Schedule 7, Development in Bushfire Prone Areas.

COMMENT: complies with (b), and (h); others are Not Applicable to this proposal and assessment.

6.7 Services

- (a) Use or Development shall be provided with adequate and appropriate services which are suited to the lifestyle requirements of people, the nature of the location, and the ability of the community to provide.
- (b) Lot size and arrangement shall be adequate and appropriate to ensure an acceptable level of servicing, particularly in relation to waste disposal.
- (c) In areas not serviced with water use or development shall provide adequate water supply and effluent disposal systems. Each dwelling shall provide a

potable water storage facility (minimum capacity of 40kl) to provide for the anticipated number of occupants, and a wastewater disposal system approved by the Council's Environmental Health Officer

- (d) Use or Development in the bushfire prone areas will provide fire protection features and water supplies which comply with Schedule 7.
- (e) Use or Development shall be appropriately sited, designed and constructed to avoid conflict with service mains (including telephone, power, sewer, water and irrigation channels/pipelines). Buildings shall not be erected over any service main or within any easement providing for same whether utilised or not.
- (f) Servicing systems shall use adequate and appropriate design methods and materials to ensure an acceptable life span and allow for adequate maintenance requirements.
- (g) Use or Development shall optimise efficiency in the use of energy and resources. In particular, land should be subdivided on a generally sequential basis (i.e. one area is substantially developed before the next is subdivided), common trenching should be used for different services where appropriate, and solar access maximised.

COMMENT: complies with (a), (e), (f) and (g); (b), (c) and (d) is Not Applicable to this proposal and 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 (e.g. shops, government agencies, telecommunication, health services and educational facilities).

COMMENT: complies insofar as it is relevant. For more detail refer to Part 3 Assessment.

6.9 Administration

- (a) In considering subdivision and/or rezoning proposals, an appropriate balance shall be maintained between current demand and stock available for use or development, and the number of new lots that would be created.
- (b) Use or Development proposals should only be approved where the cost to the public of providing and maintaining services is not exceeded by the economic benefit of the use or development to the community.
- (c) In considering any proposal, Council shall obtain the advice and opinion of other relevant group(s), individual(s) or organisation(s) with direct interest in the proposal.
- (d) A Development Plan for an integrated development may be prepared and adopted by Council for any area in this Scheme,
A Development Plan shall include:
 - (i) The intended use for the land for which the Development Plan has been created;
 - (ii) The reason(s) for selection of the area;
 - (iii) A map showing clearly the area subject to the Development Plan showing principal physical features, including existing use or development, hills/slopes, trees, watercourses and existing services buildings and improvements;

- (iv) The nature, form and capacity of proposed services including water, sewerage disposal, power, telephone, roads, footways and reserves;
- (v) A plan of subdivision with proposed staging showing lot sizes and layouts, building envelopes where appropriate, and physical features intended to be conserved;
- (vi) Any special provisions to be used to control land use and development in the area (e.g. height, form, character, materials, colours etc.);
- (vii) Any other provisions intended to secure the intention of the Plan.

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

COMMENT: complies with (a), (b) and (c); (d) is Not Applicable to this proposal and assessment

STATUTORY REQUIREMENT

The application was made pursuant to section 57/58 of the *Land Use Planning and Approvals Act 1993* (the Act). Determination of the application is a statutory obligation.

POLICY/STRATEGIC IMPLICATIONS

Strategic Focus Area 2: Infrastructure and Services – An Islands’ specific approach to planning and delivery to ensure community and environmental values are maintained.

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.

RECOMMENDATION

That the application for extractive industry, for land at Palana Road, Lughrata, Lot No. 1 on Plan No. 141842 and Lot No. 2 of Plan No. 141842 be **APPROVED** subject to the following conditions:

ENDORSED PLANS

1. The use and/or development must be carried out as shown on the Endorsed proposal by JT & RK Nicholls and described in the endorsed documents to the satisfaction of the Council. Any other proposed development and/or use will require a separate application to and assessment by the Council.

GATES AND FENCES

2. Prior to the use commencing, the operator must fence the mining area and provide a gate at the road frontage.

ACCESS AND SAFETY

3. Prior to the use commencing, clear signage identifying the entrance, speed limits and “Trucks entering” must be erected at the entrance on Palana Road to the satisfaction of the Council.
4. Prior to the use commencing, the vegetation for a distance of 175m north of the entrance must be cut to ground level and maintained at this level for the duration of the operation.

DUST NUISANCE

5. Dust suppression measures must be implemented to minimise dust nuisance from stockpiles and mining operations.

6. All trucks leaving the site must be covered and loads must not exceed the tray walls.

VEGETATION REMOVAL AND REHABILITATION

7. Vegetation removal must only proceed at a rate of 1ha every 5 years.
8. Prior to mining operations starting on the next 1ha of cleared land, the previous area of mining must be revegetated by reseeding and weed control.

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

Permit Notes

Notations

- A. This permit was issued based on the proposal documents submitted for DA2018055. 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.

Appeal Provisions

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

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

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

Permit Commencement.

- F. 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.

17.2 Development Application – DAVROL Rural Management P/L

Action	Decision
Applicant	DAVROL Rural Management P/L
Officer	Karin van Straten (Senior Consult Town Planner)
Approved by	Andrew Brown (Consultant Municipal Planner)
File Reference	DA2018055
Annexures	<i>17.2.1 Development Application</i> <i>17.2.2 Representation</i>

Proposal:	Extractive industry
Location:	2270 Palana Road, Lughrata
Zoning:	Rural
Special Areas:	Ecologically Significant
Representations:	One

INTRODUCTION

The subject site comprises of 2 adjoining titles. One is located wholly on the western side of Palana Road, whilst the adjoining title straddles Palana Road. This proposal is only for use and development of the portion to the west of Palana Road. The titles have a combined area of 483ha but the proposed extractive industry is only for 43.11 ha of the subject titles. Both lots slope down from Palana Road. The subject site has been used for an extractive pit for some time by the current owner to extract lime sand materials for his own rural use. The surrounds are undeveloped and contains interspersed single dwellings and native vegetation.

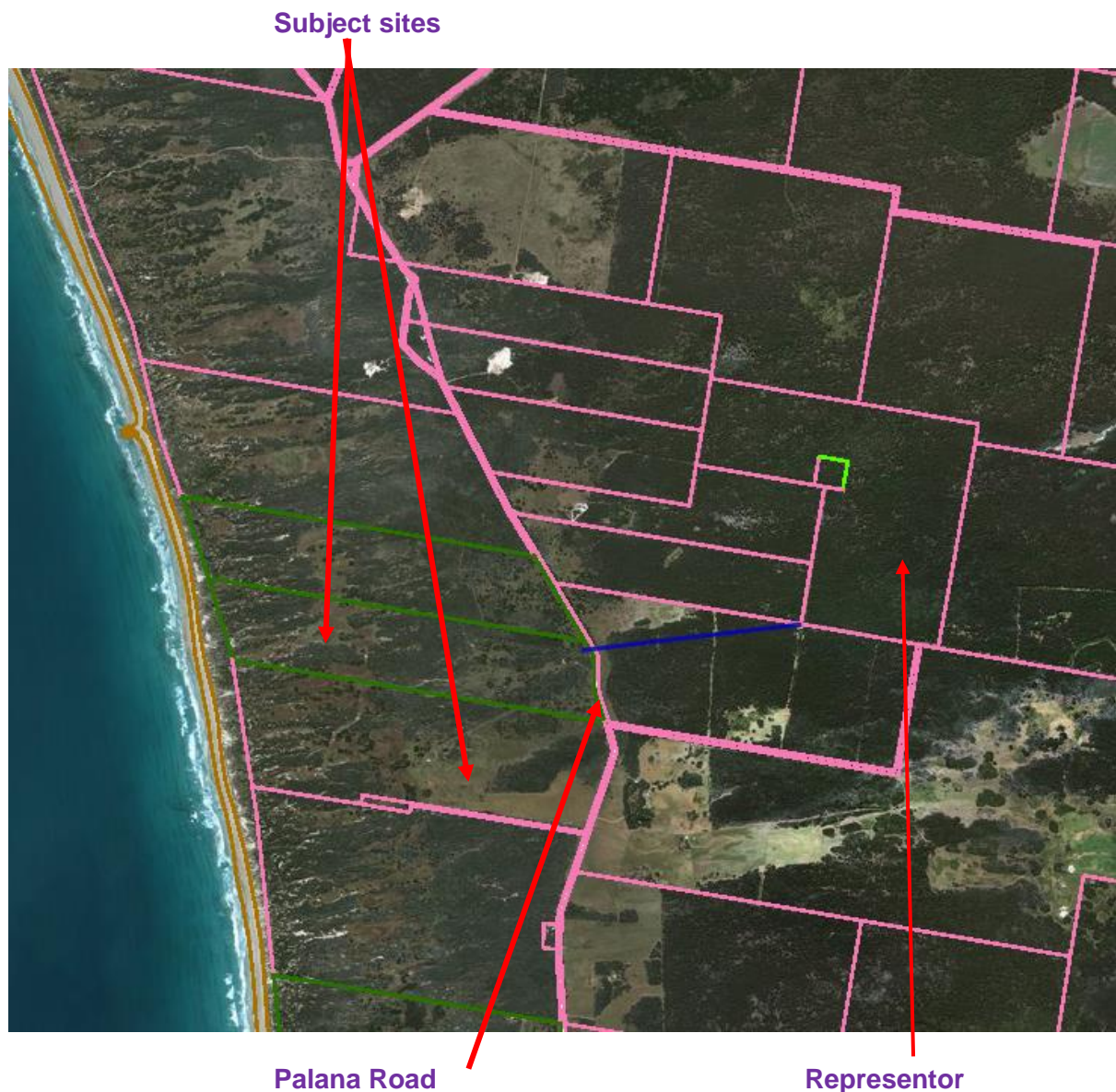
TasVeg 3.0 identify the vegetation on the proposed extractive industry site as:

Scrub, heathland and coastal complexes - Wet heathland and *Leptospermum glaucescens* heathland and scrub.

Non eucalypt forest and woodland - *Allocasuarina littoralis* forest.

Native Grass land - Coastal grass and herbfield.

Threatened Flora has been observed on the edges of the proposed mining site as well as outside of the subject title. If any future activity requires disturbance or removal, it can and will only be done with the approval of DPIPW.



Statutory Timeframes

Date received:	18/01/2019
Request for further information:	None
Advertised:	30/01/2019
Closing date for representations:	13/02/2019
Decision due:	01/03/2019

OFFICER'S REPORT

The Proposal

The proposal is to utilise part (approx 10%) of the subject site to mine lime sand. The yearly production will be 4999m³.

A new access will be constructed as per Council requirements and a maximum of 6 truck movements are expected per day. Due to the seasonal demand for lime sand on the island, these truck movements may increase to ten movements a day during spring to autumn. The hours of operation will be in line with the recommendations of the Tasmanian Quarry Code of Practise, being 7am to 7pm weekdays and 8am to 4pm on Saturday. The operation will be closed on Sundays and public holidays.

The proposed method of extraction is the following:

- Vegetation and topsoil removal and stockpiling
- Excavation of material with a bulldozer or excavator
- Occasional stockpiling of material – most will be directly loaded into trucks for delivery
- Occasional screening to remove coarse vegetation debris and rocks
- Trucks will be loaded with a wheel loader from the pit face or stockpile area

The proposal also provides for a sediment pond with a minimum holding capacity of 50 000 litres. This will be constructed adjacent to the pit and as required filled in with sand and reconstructed as the extraction pit activities moves north and eastwards within the approved mining area.

This proposal does not include any amenities or office buildings.

As the pit expands or other infrastructure is required, vegetation removal will be required. This will be managed in accordance with the Tasmanian Quarry Code of Practice 2017 – and also includes weed management.

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 5 – Zone provisions

Part 6 - Use and development principles

Part 7 – Ecologically Sensitive 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:

Use

The proposed lime sand mining/extractive industry use is considered.

5.8.1 Zone Intent

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

COMMENT: The Subject Site is characterised in part by small portions of 'open farmland' where vegetation has been removed and in most part by 'areas of native vegetation and substantial unspoiled landform'. The proposed mining use will continue and expand from its current small operation that will also require vegetation clearance. Although the landform will change over a period of time, given the proposed quantity of extraction (4999m³ per year), it will only utilise a small portion (approx.. 10%) of the total 483ha subject site. Works areas that are no longer in use will be rehabilitated and revegetated with natives and weeds managed and controlled.

5.8.2 Desired Zone Character and Zone Guidelines

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

COMMENT: Criteria (a) is not applicable. In relation to (b), no buildings are proposed. Should this be proposed in future, a separate planning approval will be required subject to architectural drawings and elevations provided and in response to the zone intent to the satisfaction of the Responsible Planning Authority prior to the use and development works commencing at the Subject Site.

Vegetation clearance will be required within the 43.11ha that this proposal applies to. This removal and rehabilitation must be done in accordance with the Tasmanian Quarry Code of Practice 2017. This proposed operation will be screened from the road by existing vegetation, whilst works areas that are no longer in use will be rehabilitated and revegetated with natives and weeds managed and controlled. With respect to (c), the applicant must respond and adhere to the Quarry Code of Practice 2017 requirements for the duration of the operation. Criteria (d) is not applicable.

Development

The proposed development associated with the quarry use is considered.

5.8.4 Development Standards

- (a) *The maximum height of buildings is 8.0 metres unless it can be satisfactorily demonstrated that a higher structure is required for operational, topographic or other justified purposes.*

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

COMMENT: No buildings are proposed.

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

The application included a full report regarding the proposed use and development.

The application was referred to Council's Infrastructure Department whom required specific conditions regarding access.

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

One representation was received was the landowner to the east of the subject site. A summary of the representation is provided below, with planning comments. A full copy of the representation is provided as part of the meeting agenda.

Issue	Planning comment
<p>Council should not approve this proposal. Representor's land contains precious and threatened plant species that must be protected and a natural sanctuary for Flinders Island flora and fauna. Council must not be complicit in destroying it by approving a mine which would result in this natural reserve being suffocated with sand particles and dust and turned into sand dunes.</p>	<p>The subject site is more than 1km away from the representor's land. The existing native vegetation between the proposed mining area and the representors land will also act as a natural dust filter/buffer area between the proposed operation and the representor's land. The extracted areas will be rehabilitated to native vegetation to restore any temporary impact of the mining operation on the environment. The proposal is for a limited mining operation on a limited area of a large parcel of land. A condition requiring dust suppression as part of the operation – for both the mining site and the stockpiles will form part of any approval.</p>

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

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

Along the north western boundary of CT154620/2 that forms part of the subject site, there are a few small points identified as Low Landslide Hazard Band by the Mineral Resources Tasmanian 2013 classification.

excessive slope;

Not at the site of the proposal.

(b) *ponding or flooding;*

None known at the sites of the proposal.

(c) *bush fire hazard;*

None.

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

No.

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

Ecological Sensitive Areas. The proposed extraction pit will be small at any one point in time and extracted areas will be rehabilitated to native vegetation to restore any temporary impact. Weeds will be managed via a weed spray program.

The extraction area does not include any rare or threatened species. Threatened flora has been observed within the subject site and on the edges of the mining area, should the removal or disturbance of this be required for the extension of the extractive industry, a permit would be sought from the Department of Primary Industries, Parks, Water and Environment.

(f) *pollution; and*

All loads leaving the site must be covered and no load must be higher than the tray wall of truck. No water courses are present within the proposed extraction area and the access road will manage surface water flows.

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

The Quarry Code of Practice and Occupational Health and Safety will manage this.

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;*

The proposal will only occupy a relatively small part (approx 10%) of the large 483ha subject site. The proposed extraction pit will be small at any one point in time and extracted areas will be rehabilitated to native vegetation to restore any temporary impact.

(b) *adjoining land;*

The adjoining land contains interspersed single dwellings and native vegetation.

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

The proposed mining operation will be screened from the road by existing vegetation.

(d) *the natural environment;*

(e) **The proposed extraction pit will be small at any one point in time and extracted areas will be rehabilitated to native vegetation to restore any temporary impact.**

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

None identified.

(g) *buffer zones, attenuation areas*

The Subject Site is not affected by any buffers.

(h) *easements;*

none exists.

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

Not applicable.

(j) *any received pollution;*

None.

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

none.

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

Refer to (b).

6. *whether the proposed use or development will be supplied with an adequate level of infrastructure and services, and if there is any necessity to improve deficient access,*

roads or road junctions, water, sewerage, electricity or transport services and the like, without detriment to existing users;

The existing road access and infrastructure is adequate for the proposed use.

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

The proposed lime sand mining operation will utilise a small portion (approx 10%) of a 483ha parcel. The adjoining parcels contains interspersed single dwellings and native vegetation. It is not considered that the proposal will affect future use and/or development of these site.

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

No landscaping forms part of this proposal. The proposed mining activity and vegetation removal will be screened from the adjoining properties and the road. No night work is proposed, so no illumination forms part of this proposal. No buildings/amenities forms part of this proposal.

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

It is proposed to construct a new access. Council's Infrastructure Department required specific conditions pertaining to the access and access road. This will form part of any approval.

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

The only energy consumption that this proposal will require is fuel for earthmoving equipment.

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

The proposal is a private undertaking - it is not considered to pose any risk to the safety or wellbeing of the community. The access must be clearly sign posted to ensure the safety of all persons entering and egressing from the Subject Site is acceptable.

14. 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 5 – Zone

COMMENT: Discussed under Part 3 point 1 above.

Part 6 – Use and Development Principles

This part of the planning scheme provides principles that development must be consistent with. Some are clearly not relevant to this proposal. Furthermore, most have been addressed in more specific part of this report.

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

6.1 Use

- (a) Use or development shall not unreasonably impact on any existing or intended use of development of neighbouring land.
- (b) Subdivision of land shall be carried out in accordance with the subdivision provisions for the zone within which the land is located or where that is not appropriate in accordance with:
 - (i) the requirements of the intended use, and
 - (ii) the Zone Intent, or alternatively by
 - (iii) an approved Development Plan that has been adopted by Council and inserted as a provision in the Scheme.
- (c) Residential Zones shall be protected from encroachment by incompatible use or development.
- (d) Rural Industrial operations shall be appropriately located and designed to avoid any detrimental effects on neighbouring land use or development, particularly in respect of atmospheric emissions, solid waste disposal and water pollution, soil erosion, noise or visual quality.
- (e) Mining and quarrying operations shall be located and carried out in a form which does not conflict with surrounding land use or development, scenic values and the environment.

COMMENT: complies with (a), (d) and (e); (b) and (c) is Not Applicable to this proposal and 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.
- (b) Subdivision layout, particularly roads, shall take adequate account of land contours and the need to avoid visual scarring.
- (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.
- (d) Landscaping of use or development shall be of a type, form, variety(s) and character which is suited to the intention of the zone, the area and the nature of the use or development.
- (e) Where trees are an important element in the character of an area they should be retained.
- (f) Signs shall be consistent in type, scale and location, with the intention of the zone, the streetscape and the building or structure on which they are positioned or to which they otherwise relate.
- (g) Forestry use or development, particularly plantations, shall be appropriately sited and planned to protect the visual quality and character of the countryside generally, and from important viewing locations in particular.

COMMENT: complies with (a), (c), (d) and (f); (b) and (g) is Not Applicable to this proposal and assessment. With regards to (e) native vegetation will be removed as the extractive activities expand, areas not in use anymore will be rehabilitated and revegetated.

6.3 *Amenity*

- (a) Adequate public open space shall be provided in areas of new subdivision, to meet the recreational and open space requirements of the community generally and particularly the new owners of the lots created by subdivision.
- (b) Use or development shall accord all existing and/or future occupiers with adequate and reasonable levels of amenity, especially in relation to privacy, sunlight, aspect, views and noise disturbance.
- (c) Dwellings shall provide an adequate amount and appropriate type of private open space, to meet the expected lifestyle requirements of occupants. Such private open space shall provide adequate privacy, be exposed to reasonable levels of sunshine and directly accessible from the dwelling to which it belongs.

COMMENT: complies with (b); (a) and (c) is Not Applicable to this proposal and 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.
- (d) Potentially incompatible Uses or Developments shall be adequately and appropriately located, sited and designed to avoid conflict. Level 2 activities or sources of pollution shall be sited in accordance with the following:
 - (i) Use or Development for a use of land that is a Level 2 activity under the provisions of the Environment Management and Pollution Control Act 1994 shall not be allowed within the lesser distance from a residential zone than that recommended by the Director of Environmental Management.
 - (ii) Use or Development of land that is not a Level 2 activity, but which Council nonetheless considers will or has the potential for environmental

harm, shall not be allowed within a lesser distance from a residential zone than that determined by Council after taking into account the advice from the Director of Environmental Management.

- (iii) A dwelling unit shall not be erected within a lesser distance of any established Level 2 activity or other use of land which Council considers a source of pollution, than that determined by Council taking into account the advice from the Director of Environmental Management.
- (e) Activities involving extensive site works, such as quarrying, shall be suitably sited, screened, and rehabilitated where appropriate, to protect the ecological and visual qualities of the area.
- (f) Use or development shall be of a suitable form and siting to avoid any adverse impact on any watercourse and vice versa. Use or development (including the siting of effluent disposal systems) shall be setback a minimum of 40 metres, or such distance as is required, from a watercourse to avoid degradation of water quality.
- (g) Use of land in the vicinity of those watercourses identified in Schedule 3 shall provide Riparian Reserves in an appropriate location and form.

COMMENT: complies with (a), (b), (e) and (f); (c), (d) and (g) is Not Applicable to this proposal and assessment.

6.5 Heritage

- (a) Use or Development shall be undertaken in areas and in a manner which conserves items, sites, areas and customs of historic and cultural value.
- (b) Any Use or Development carried out on or in the vicinity of an item, site, area, feature or customary activity (including Aboriginal sites and shipwrecks) or conservation value, shall adequately respect its historic and cultural integrity.
- (c) The protection and conservation of items, sites, areas, features and customary activities of historic and cultural importance applies to those previously identified and listed in the Scheme, and those which subsequently become known to Council.
- (d) Where an item, site, area, feature or customary activity has or may have historic or cultural importance, Council may require a Statement of Cultural Significance to be prepared.
- (e) Use or development shall be carried out in accordance with the principles and practices of the *Burra Charter*.
- (f) Use or Development involving any historic building or group of buildings shall adequately respect the design and construction elements of the building(s) and particularly the relationship of spaces, orientation, form, mass, scale, fenestration, detailing, style, materials and colour.
- (g) Areas of identified conservation value, including National Parks and Nature Reserves, shall be protected from inappropriate use or development and detrimental land management practices including land clearance, within such areas and adjacent areas outside them.

COMMENT: Not applicable.

6.6 Access and Parking

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

- (c) Buildings and spaces intended for public access shall provide for satisfactory use and access by the disabled; the requirements of the Building Regulations in relation to AS1428.1-1988 shall be met.
- (d) Road widths shall be appropriate to the road function, expected traffic type and volume, and future subdivision potential of the subject and surrounding land.
- (e) Footpaths shall normally be required in areas of new subdivision except where low vehicle traffic volumes are anticipated, in which case a footpath one side only or no footpath may be appropriate.
- (f) Road intersections shall be kept to a minimum with the use of existing roads, service roads and/or shared driveways being encouraged where appropriate.
- (g) Intersections of roads, footpaths and foot crossings and driveways shall provide adequate safety for all users and shall satisfy the relevant requirements of Schedule 4.
- (h) New Use or Development shall provide a suitably constructed driveway of a width to provide for the safe ingress and egress of the anticipated volume of traffic associated with the Use or Development
- (i) New Use or Development shall provide adequate car parking to provide for the demand it generates and shall be capable of being safely accessed.
- (j) On site turning shall be provided for development involving significant traffic volumes, heavy vehicle types and/or on roads which carry significant amounts of traffic.
- (k) New Use or Development in Bushfire Prone Areas will require access that complies with the provisions of Schedule 7, Development in Bushfire Prone Areas.

COMMENT: complies with (b), and (h); others are Not Applicable to this proposal and assessment.

6.7 Services

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

COMMENT: complies insofar as it is relevant. For more detail refer to Part 3 Assessment.

6.9 Administration

- (a) In considering subdivision and/or rezoning proposals, an appropriate balance shall be maintained between current demand and stock available for use or development, and the number of new lots that would be created.
- (b) Use or Development proposals should only be approved where the cost to the public of providing and maintaining services is not exceeded by the economic benefit of the use or development to the community.
- (c) In considering any proposal, Council shall obtain the advice and opinion of other relevant group(s), individual(s) or organisation(s) with direct interest in the proposal.
- (d) A Development Plan for an integrated development may be prepared and adopted by Council for any area in this Scheme,
A Development Plan shall include:
 - (i) The intended use for the land for which the Development Plan has been created;
 - (ii) The reason(s) for selection of the area;
 - (iii) A map showing clearly the area subject to the Development Plan showing principal physical features, including existing use or development, hills/slopes, trees, watercourses and existing services buildings and improvements;
 - (iv) The nature, form and capacity of proposed services including water, sewerage disposal, power, telephone, roads, footways and reserves;
 - (v) A plan of subdivision with proposed staging showing lot sizes and layouts, building envelopes where appropriate, and physical features intended to be conserved;
 - (vi) Any special provisions to be used to control land use and development in the area (eg. height, form, character, materials, colours etc.);
 - (vii) Any other provisions intended to secure the intention of the Plan.

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

COMMENT: complies with (a), (b) and (c); (d) is Not Applicable to this proposal and assessment

Part 7 – Special Area Provisions

7.3 Ecologically Sensitive Areas

7.3.1 These areas have been identified as important for the maintenance of natural processes, for the conservation of rare, endangered or threatened species, as refuges for migratory bird species or as reservoirs of biodiversity.

7.3.2 The objectives of the Ecologically Sensitive Areas are:

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

7.3.3 Notwithstanding any other provision in this Scheme, within the Ecologically Sensitive Area any application for Use or Development (other than those prohibited within the zone) shall be considered as a discretionary Use or Development in accordance with Clause 3.5. Am RZ02/02 25/3/03

7.3.4 In consideration an application for Use or Development within the Ecologically Sensitive Areas and whether to impose conditions Council shall consider the following matters:

- (a) The objectives listed in Clause 7.3.2;
- (b) The effect of the proposed Use on the natural values of the land;
- (c) The siting of buildings, structures, works and effluent disposal systems in relation to natural vegetation, watercourses and wetlands;
- (d) The likely ecological impact of building, clearing, excavation, drainage works, access construction, vehicular traffic, fences, firebreaks or the deposition of fill;
- (e) The adequacy of proposed management and whether any special works or practices are required to protect the ecological values of the site;
- (f) Whether access to particular sites should be restricted on a seasonal or more frequent basis in order to conserve the reproductive potential of species;
- (g) The identification of natural values, including the presence of any rare, threatened or endangered species and what management requirements may be necessary;
- (h) The need for management approaches to prevent the importation of weeds, soil diseases or toxic substances that may contaminate the land. Am RZ02/02 25/3/03

COMMENT: The proposed area of the mining activities/lease does not contain any threatened vegetation communities listed under the Nature Conservation Act 2002 or the Environment Protection and Biodiversity Conservation Act 1999. A number of threatened species have however been observed on the edge of the mining lease. The vegetation present in the proposed mining area is mostly coastal scrub – the most common vegetation in the Marshall Bay area. Sand extraction areas where vegetation removal is required will be rehabilitated and the temporary impact on the ecology restored via native revegetation and weed management. If any threatened species – fauna or flora on the subject site require disturbance or removal, it can and will only be done with the approval of DPIPWE.

STATUTORY REQUIREMENT

The application was made pursuant to section 57/58 of the *Land Use Planning and Approvals Act 1993* (the Act). Determination of the application is a statutory obligation.

POLICY/STRATEGIC IMPLICATIONS

Strategic Focus Area 2: Infrastructure and Services – An Islands’ specific approach to planning and delivery to ensure community and environmental values are maintained.

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.

RECOMMENDATION

That the application for extractive industry, for land at 2270 Palana Road, Lughrata, Lot No. 1 on Plan No. 160313 and Lot No. 2 of Plan No. 154620 be **APPROVED** subject to the following conditions:

ENDORSED PLANS

1. The use and/or development must be carried out as shown on the Endorsed proposal by DAVROL Rural Management Pty Ltd and described in the endorsed proposal documents by Van Diemen Consulting to the satisfaction of the Council. Any other proposed development and/or use will require a separate application to and assessment by the Council.

ACCESS AND SAFETY

2. Prior to the use commencing, clear signage identifying the entrance, speed limits and “Trucks entering” must be erected at the entrance on Palana Road to the satisfaction of the Council.
3. The access road must be shifted 55m to the north to achieve the minimum sight distance.
4. The access road must be no less than 300mm below the Palana Road level for the first 10m to achieve minimum sight distance.
5. A minimum 6m long 300mm culvert and rural headwalls must be installed adjacent to the boundary line as part of the access road construction.

DUST NUISANCE

6. Dust suppression measures must be implemented to minimise dust nuisance from stockpiles and mining operations.
7. All trucks leaving the site must be covered and loads must not exceed the tray walls.

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

Permit Notes

Notations

- A. This permit was issued based on the proposal documents submitted for DA2019001. 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.

Appeal Provisions

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

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

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

Permit Commencement.

- F. 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.

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

17.3 Development Application Report

Action	Information
Proponent	Council Officer
Officer	Kara Hallas Development Services Administration
File Reference	PLN/0105
Annexures	17.3.1 Planner's Information Report – January 2019

INTRODUCTION

This report provides Councillors with an overview of the applications for the current period as per motion 249.09.2015, passed at the 24 September 2015 Council Meeting when Council requested monthly data from the West Tamar Council planning consultancy service.

Permitted applications are assessed under section 58 of the *Land Use Planning and Approvals Act 1993* (the Act) and are not advertised. If applications classified as Permitted meet all development and use standards, they must be granted a permit, with or without conditions.

Discretionary applications are assessed under section 57 of the Act and are exhibited for a two week period during which submissions may be received from the public. If a submission is received, the planners report for that application is considered by Council. Discretionary applications where no submissions are received, as well as applications with a Permitted pathway, are approved under delegation to the General Manager.

The numbering of applications relates to the electronic filing system. Numbers are allocated to Planning (DA), Building (BA) and Plumbing (PA) applications as they are received. This may mean that planning numbers are not sequential if for example, a development requires a building application but is exempt from a planning application.

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 17.3.1, Planner's Information Report – January 2019, provided by West Tamar Council.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Planner's Information Report – January 2019 be received.

18 Notices of Motions

18.1 Notice of Motion – Safe Harbour Action Group – Marine Access & Safe Harbour Project

Action	Decision
Proponent	Councillor Peter Rhodes
Officer	Bill Boehm General Manager
File Reference	COM/0402
Annexures	18.1.1 Burbury Consulting – Fee Estimate 18.1.2 Terms of Reference 18.1.3 Report 6 February 2019 meeting

NOTICE OF MOTION

1. That Council notes the Terms of Reference and earlier reports of the Safe Harbour Action Group constituted under the Flinders Island Destination Action Plan (Annexure 18.1.2);
2. That Council receives the report of the Safe Harbour Action Group meeting held on 6 February 2019 (Annexure 18.1.3); and
3. That Council considers the proposal from Burbury Consulting and agrees to fund the Development Application phase of the Marine Access and Safe Harbour project (Annexure 18.1.1).

COUNCILLOR'S REPORT

The Marine Access and Safe Harbour (MASH) project has been progressed to the stage where preparing a Development Application and the associated requirements in relation to Crown Land Services and the Tasmania Parks and Wildlife Service is the next logical step.

Development Application lodgement will confirm the Council's commitment to the project in terms of community safety and as a potential economic driver for the local economy. Lodgement will also allow the community to access full details of the proposal and have the opportunity to have input for and against the proposal.

The fee estimate for progressing the proposal to the DA lodgement is in the range of \$28,490 - \$34,290. This amount is reasonable for the work required and within the limits of Council's previously indicated support.

PREVIOUS COUNCIL CONSIDERATION

57.02.2011	17 February 2011
120.04.2011	21 April 2011
128.04.2011	21 April 2011 Closed Council
598.07.2013	18 July 2013
232.09.2017	21 September 2017
300.12.2017	14 December 2017
292.10.2018	11 October 2018

Part 3 of motion no. 292.10.2018 states that Council:

“Undertakes work to improve the economic case for a future funding submission that addresses a number of potential risk factors which include demonstrating that the site tenure has been secured, development assessment has been obtained, that the ongoing operational costs have been accommodated into future budgets and that the value of in-kind contributions have been substantiated.”

PREVIOUS COUNCIL DISCUSSION

Council Workshop 6 July 2017
Council Workshop 31 August 2017

OFFICER'S REPORT

This project is Council's highest economic development project in its adopted Priority Projects List.

Securing Building Better Regions Funding is a challenge as competition is tight with only one in five projects being funded in the round. There was not much deficient in Council's previous submission and any new submission will need to address a number of potential risk factors which include demonstrating that the site tenure has been secured, development assessment has been obtained, not just likely to be approved, and that the ongoing operational costs have been accommodated into future budgets. The previous submission also had letters of support, but it would have been preferable if the support letters indicated the actual in-kind investment in in-kind \$ or actual demonstrated employment outcomes.

In order to advance the project, it is essential that the works as outlined through this notice of motion are advanced, a situation that has already been agreed to by Council at the October 2018 Council Meeting (292.10.2018).

From a process viewpoint, it is suggested that it would be preferable that Council endorse in principle the recommendations from the Safe Harbour Group. However, as there has been no budget yet allocated, the allocation of funds should be considered in Council's six- month Budget Review.

If this is considered appropriate, an amendment to item 3 of the notice of motion could be proposed along the following suggested lines:

"That Council notes the proposal from Burbury Consulting to fund the Development Application phase of the Safe Harbour project (Annexure 18.1.1) and that the budget allocation be considered in Council's six-month budget review."

STATUTORY REQUIREMENTS

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS

3. Access and Connectivity

3.1 Maintain or better the standard of sea access to the Islands.

3.1.2 Economic viability of developing an all-weather recreational and leisure vessel

3.1.2.1 Continue to advocate and explore opportunities to advance the adopted Flinders Island Marine Access and Safe Harbour Project.

BUDGET AND FINANCIAL IMPLICATIONS

Development Application

The fee estimate for progressing the proposal to the DA lodgement is in the range of \$28,490 - \$34,290. This amount is reasonable for the work. A variation to the 2018/19 Budget will be required.

Future Project

Based on a rounded up \$5.6 million development cost, the local (Council / State / Others) 25% contribution required is \$1.4 million. Previously the State Government agreed to contribute an amount of \$0.9 million. Once the amount of State / Other contribution is known, the balance will need to come from Council's resources.

Any formal Council allocation will only be required if Council's Building Better Regions Funding application is successful, in which case it will need to be incorporated into the 2019/20 Budget or beyond. It may be possible that external investment opportunities can be realised if the Council is successful in obtaining the grant; in which case, this amount could potentially reduce Council's own source contribution.

As with all capital projects there will be long term financial implications which will need to be addressed. Unlike many other asset projects however, this project is predicted to have future positive revenue streams for sections of the community. The costs to operate Council's operations will also have to be factored in and this weighed up against the benefits

RISK/LIABILITY

The key issue associated with this proposed motion is that there is a window of opportunity in which to utilise the in-depth work that has already been undertaken by consultants given that the previous assessments have a limited life. The initial process with Parks and Council will address the alignment of both approval processes and it is likely (and anticipated) that the documentation prepared for the Development Application can be utilised for the Reserve Activity Assessment, without the need for additional studies.

With respect to the overall project there is currently a major safety issue for boats traversing the area due to a lack of a safe harbour between mainland Australia and Tasmania. Whilst this is not the responsibility of Council per say, never-the-less, for this aspect to be improved it is essential that Council takes a lead role as we have potentially the best site available.

The project also has the potential to be a major tourism and economic drawcard to visitation and is supported by Flinders Island Business Incorporated. It is one of those rare projects that fulfil Federal and State Government aims as key drivers but will not otherwise eventuate without positive affirmative action by Council.

The reputational risk and potential missed economic development growth opportunities if there is no concerted attempt to facilitate the project are significant, especially at this time given the level of apparent positive community and political support.

VOTING REQUIREMENTS

Simple Majority

MOTION

Cr P Rhodes

- 1. That Council notes the Terms of Reference and earlier reports of the Safe Harbour Action Group constituted under the Flinders Island Destination Action Plan (Annexure 18.1.2);**
- 2. That Council receives the report of the Safe Harbour Action Group meeting held on 6 February 2019 (Annexure 18.1.3); and**
- 3. That Council considers the proposal from Burbury Consulting and agrees to fund the Development Application phase of the Safe Harbour project (Annexure 18.1.1).**

18.2 Notice of Motion – Flinders Council Organisational Values

Action	Decision
Proponent	Councillor Peter Rhodes
Officer	Bill Boehm General Manager
File Reference	COU/0204
Associated Papers	Nil

NOTICE OF MOTION

1. That Council adopts and promulgates a set of values for the Flinders Council.
2. That Council endorses the following as an initial value set:

“Flinders Council:

- is apolitical, performing its functions in an impartial and professional manner;
- is an organisation in which employment decisions are based on merit;
- provides a workplace that is free from discrimination and recognises and utilises the diversity of the Furneaux community it serves;
- has the highest ethical standards;
- is openly accountable for its actions, within the framework of managerial responsibility to the Mayor and Councillors assembled and the Furneaux public;
- is responsive to the Mayor and Councillors assembled in providing frank, honest, comprehensive, accurate and timely advice and in implementing the Government's policies and programs;
- delivers services fairly, effectively, impartially and courteously to the Furneaux public and is sensitive to the diversity of the Furneaux public;
- has leadership of the highest quality;
- establishes workplace relations that value communication, consultation, co-operation and input from employees on matters that affect their workplace;
- provides a fair, flexible, safe and rewarding workplace;
- focuses on achieving results and managing performance;
- promotes equity in employment;
- provides a reasonable opportunity to all eligible members of the community to apply for Council employment; and
- provides a fair system of review of decisions taken in respect of employees.”

3. That the Flinders Council Values be published on the Council website, circulated to all staff and incorporated into new staff induction materials.

COUNCILLOR'S REPORT

Corporate or organisational values are philosophies or principles that guide an organisation's internal conduct. They also guide its relationship with its residents, ratepayers, and those with whom it has contact. These are often referred to as ‘core values’ and are usually incorporated into relevant documents and/or published as a stand-alone statement of values.

This motion was submitted in January 2015 but not placed on that month's Agenda.

The values presented were those in effect for the Australian Public Service at that time (since modified). They are presented again as a basis for Council's consideration in formulating a set of organisational values.

It is envisaged that an endorsed set of values would form the basis from which the Council's Code of Conduct can be reviewed at a later date.

PREVIOUS COUNCIL CONSIDERATION

334.12.2018

18 December 2018

PREVIOUS COUNCIL DISCUSSION

Council Workshop 5 February 2019

OFFICER'S REPORT

As part of an ongoing leadership development program for Councillors, at a Council Workshop on 16 November 2018 facilitated by Paul Muller from the Institute of Project Management, Councillors discussed how best to work with each other as a team and identified the following values to guide Councillors' actions and council-based relationships:

At the December Council Meeting the following Motion was passed:

"334.12.2018

That Council adopts the following values as an initial guide to Councillors' actions and council-based relationships: Humour; Forgiveness; Truthfulness; Critical Thinking; Honesty; Skillful Decision Making; Respect Mutual and Unconditional; Welcoming; Courage (Confidence); Supportive; Engagement; Openness / Transparency; Politeness; Efficiency; Communication; Positivity; Teamwork; Integrity; and Caring; and that this matter be further discussed at the next available workshop."

At the February Councillor Workshop these values were further briefly discussed.

The proposed Notice of Motion, whilst noble in intent and perhaps potentially in part in its application, relates to Council as an organisation. There has been no time to workshop and discuss with staff and elected members the notions proposed, so as to put a local flavor to it. It has been acknowledged that this is based on a Public Service Charter, essentially being proposed for debate and, if agreed to, imposed.

It is therefore potentially in conflict with the values that Council has adopted as an initial guide to Councillors' actions and council-based relationships. Examples are as:

- *Skillful Decision Making & Critical Thinking*
Skillful and critical thinking requires more than one point of view for discussion.
- *Respect Mutual and Unconditional, Engagement, Teamwork*
These values can be best met by canvassing ideas and being inclusive of a range of stakeholders.
- *Positivity*
Having something driven from a top down approach on an organisation, even for noble aims, may not be a positive action that leads to a positive result.

The development of organisational values is always best undertaken in an inclusive manner. Group developed initiatives are usually always better than ones that are imposed.

Perhaps this Notice of Motion should be seen in the context of Rotary International's Four-Way Test which is a nonpartisan and non-sectarian ethical guide for Rotarians to use for their personal and professional relationships. The test has been in existence for over 60 years, being translated into more than 100 languages.

Of the things we think, say or do:

1. Is it the TRUTH?
2. Is it FAIR to all concerned?
3. Will it build GOODWILL and BETTER FRIENDSHIPS?
4. Will it be BENEFICIAL to all concerned?

Such a potentially important statement of principles should therefore be put through an inclusive process so as to build positive relationships.

Council has many priorities to consider at the moment which include a large array of essential “learnings”. How this stacks up in priority terms remains to be seen.

In addition, some of the specific suggested content relates to operational requirements that would be covered in the General Manager’s expectations.

Given the current priorities of Council and to ensure inclusivity, I would suggest that the matter of organisational values as suggested in this Notice of Motion be revisited as part of the strategic planning exercise scheduled for October this year, where overall community involvement will be encouraged. Any organisational value statements that may then follow on will reflect those opinions of the community and lead further weight to an inclusive Council in touch with its constituents and staff.

STATUTORY REQUIREMENTS

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS

No policy exists on this matter. “What is important is seldom urgent and what is urgent is seldom important”. Strategically in priority terms, it would rank in low importance, but this rating would likely improve if an overall inclusive community type approach were taken as part of a future community plan with this element an outcome.

BUDGET AND FINANCIAL IMPLICATIONS

Nil. Some potential resourcing issues.

RISK/LIABILITY

The Council has operated successfully without a formal set of operational values. There is a risk to the organisation if a set of values is imposed without collective “buy in.” If the approach is “inclusive” with good engagement than this can have a positive impact.

VOTING REQUIREMENTS

Simple Majority

MOTION

Cr P Rhodes

1. That council adopts and promulgates a set of values for the Flinders Council.

2. That council endorses the following as an initial value set:

“Flinders Council:

- **is apolitical, performing its functions in an impartial and professional manner;**
- **is an organisation in which employment decisions are based on merit;**
- **provides a workplace that is free from discrimination and recognises and utilises the diversity of the Furneaux community it serves;**
- **has the highest ethical standards;**
- **is openly accountable for its actions, within the framework of managerial responsibility to the Mayor and Councillors assembled and the Furneaux public;**
- **is responsive to the Mayor and Councillors assembled in providing frank, honest, comprehensive, accurate and timely advice and in implementing the Government's policies and programs;**

- delivers services fairly, effectively, impartially and courteously to the Furneaux public and is sensitive to the diversity of the Furneaux public;
- has leadership of the highest quality;
- establishes workplace relations that value communication, consultation, co-operation and input from employees on matters that affect their workplace;
- provides a fair, flexible, safe and rewarding workplace;
- focuses on achieving results and managing performance;
- promotes equity in employment;
- provides a reasonable opportunity to all eligible members of the community to apply for Council employment; and
- provides a fair system of review of decisions taken in respect of employees.”

3. That the Flinders Council Values be published on the Council website, circulated to all staff and incorporated into new staff induction materials.

19 Governance

19.1 Report on TasWater Owners Representatives Group General Meeting (AGM)

Action	Information
Proponent	Council Officer
Officer	Bill Boehm General Manager
File Reference	COU/0312
Annexures	19.1.1 TasWater AGM Unconfirmed Minutes 29.11.2018 meeting

INTRODUCTION

On 29 November 2018, the General Manager attended the TasWater Owners Representatives Group General Meeting (AGM). The following report on the meeting is provided.

PREVIOUS COUNCIL CONSIDERATION

Reports on TasWater meetings are usually provided under Councillor Reports.

PREVIOUS COUNCIL DISCUSSION

Nil

OFFICER'S REPORT

The main outcomes of the report are listed below.

1. Election of Chief Owners' Representative and Deputy Chief Owners' Representative

Mayor Doug Chipman was declared elected as Chief Owners' Representative.

Mayor Bridget Archer was declared elected as Deputy Chief Owners' Representative.

2. Ownership and Governance Matters

The Board Chairman introduced the report, noting:

- The Board has received advice that the legislation is in substantially the same form as incorporated into the Information Memorandum issued to Owner Councils in July 2018;
- The legislation will be proclaimed and take effect shortly;
- The Government's equity contribution will be received, and shares issued, in early January 2019;
- Once the new Constitution and Shareholders' Letter of Expectation have taken effect, the Company Secretary will initiate regional elections for membership of the Board Selection Committee, which will comprise either six or seven members; and
- Once the Board Selection Committee has been formed, it will meet to consider the vacancy on the Board created by the Board Chairman's retirement.

3. Annual Report

The Board Chairman introduced the report, noting several key achievements over the 2017/18 financial year:

- The resolution of the ownership debate has enabled TasWater to develop a very positive relationship with the State Government, and to bring focus to key projects;
- The removal of all Public Health Alerts has delivered compliant water services to a number of small towns around the state;
- A record capital expenditure of \$164M was achieved, even though we did not complete all of the planned projects for the year;

- Efficiency gains of \$10M were achieved, and productivity remains a key focus for the business. Efficiency gains are captured in our budgeting and planning processes, monitored through ongoing reporting to the Board and externally reviewed on an annual basis;
- In light of the strong financial performance, the Board determined to bring forward some expenditure to address some of the ongoing challenges facing the business;
- The Board had previously targeted an interest cover ratio (ICR) of two times. The MOU modelling shows that the ICR will fall slightly below this for a short period of time and then recover;
- The State Government has accepted the principle, previously endorsed by Owners' Representatives, that TasWater will contribute to the relocation of the Macquarie Point STP to reflect the benefit we (and our customers) will derive;
- The capital works program will continue to be essentially set between TasWater and our regulators and will be provided to our Owners through the Corporate Plan. This will provide transparency around the prioritisation of projects;
- We have been in discussions with the State Government in relation to funding arrangements for certain projects not captured within our capital program (e.g. Macquarie Point STP relocation, Launceston sewerage, and the potential introduction of sewerage services to Freycinet);
- The establishment of the Capital Delivery Office (CDO) will provide capacity to deliver additional projects in parallel, but any impacts upon the capital works program will be brought back to our Owners; and
- We are cognisant of significant number of major infrastructure projects underway and planned across Australia in the next few years, and the potential risks relating to costs in the market. The CDO is designed to enable us to deliver our program more efficiently and ensure that we can attract and retain appropriate resources. We have kept unions informed throughout the process and do not anticipate any industrial relations issues.

4. Quarterly Report to Owners - Progress update to 30 September 2018

The Chief Executive Officer spoke to a presentation, highlighting:

- We are working with the Department of Health and Human Services to ensure fluoridation performance improves and expect to meet our target. References in the Report to fluoride being unsafe are related to the risks to our people in managing the fluoridation process, not risks to consumers;
- 100% of our potable systems are microbiologically compliant and we are focusing on preventing *E.coli* into the future;
- We are expecting to meet or slightly exceed our target on effluent volume compliance, and to finish just under the target in relation to dry weather spills;
- NPAT \$7.7M (against budget of \$7.8M), but expecting to meet our year end target;
- Operating expenditure for the quarter was higher than budget, mainly due to depreciation, but we are on track to meet our target of \$4.0M in sustainable cost savings;
- We are on track to meet our year end capital expenditure target, with a number of major projects completed during the quarter;
- All of our customer satisfaction metrics are tracking positively to target, however we continue to seek to improve customer experiences;
- Whilst the numbers of complaints are continuing to decrease, this remains a key area for the business. The largest category of complaints relates to water quality and a number of projects have been implemented to address this area of concern; and
- Our safety performance has plateaued over the past 12 months, although most incidents are low severity. The Board and management team remain committed to our Zero Harm program and a number of initiatives have been put in place to regain momentum in safety improvement.

STATUTORY REQUIREMENT

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS

4. Strategic, Efficient and Effective Organisation

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

BUDGET AND FINANCIAL IMPLICATIONS

Nil

RISK/LIABILITY

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council notes the officer's report on the 29 November 2018 TasWater Owners Representatives Group General Meeting (AGM).

19.2 Audit Panel – Standing Invitation to Attend as Guest

Action	Decision
Proponent	Council Officer
Officer	Bill Boehm General Manager
File Reference	FIN/0401
Annexures	19.2.1 Revised Audit Panel Charter

INTRODUCTION

At the 23 March 2017 Council Meeting, a motion was passed by Council precluding the Mayor from having a standing invitation to attend Audit Panel meetings as an observer. At an Audit Panel meeting held 29 January 2019, to which the Mayor was expressly invited to attend, the issue was discussed and the Panel confirmed that there was no known reason to preclude the Mayor from attendance as an observer. This item addresses this matter.

PREVIOUS COUNCIL CONSIDERATION

50.03.2017 & 51.03.2017	23 March 2017
40.02.2018	15 February 2018

PREVIOUS COUNCIL DISCUSSION

Audit Panel Meetings	3 February 2017 & 29 January 2019
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OFFICER'S REPORT

The history of Council's decision to preclude the Mayor from receiving a standing invitation to attend Audit Panel meetings is as follows (emphasis added for clarity purposes):

1. At the Audit Panel meeting on 3 February 2017, the composition of the Panel and its modus operandi were discussed and the Panel made the following recommendation:

"Flinders Council Audit Panel membership to be altered so that it be made up of an independent chairperson from off Island and it is to include the two current independent members. The two Councillor members step down from the Panel. Further it is recommended that the Mayor or any another Councillor have a standing invite to attend the meetings as an observer."

2. Cr Stockton put the following Notice of Motion to the 23 March 2017 Council meeting which encompassed the Panel's recommendation and also addressed the Council delegate nomination going forward as well as transitional arrangements:

"Notice of Motion:

1. *That Council accepts the advice of Council's Audit Panel such that the Flinders Council Audit Panel membership be altered so that it be made up of an independent Chairperson from off-island, to include the two current independent members and that the two Councillor members step down from the Panel.*
2. *That Councillor Willis be appointed as Council's observer representative on the Audit Panel and that any other Councillor has a standing invitation to attend any meeting as an observer.*
3. *That Council authorises the General Manager to seek out suitable candidates for presentation to Council for review and decision.*
4. *That Council allocates an appropriate budget to support the Panel's work.*
5. *That Chair, John Dick, remains as Audit Panel Chair until an appointment is made.*
6. *That Council allocates appropriate secretarial support to assist the Panel in its work."*

3. After consideration, Council passed an amendment to the Notice of Motion which then became the following substantive motion no. 50.03.2017:

1. *“That Council accepts the advice of Council’s Audit Panel such that the Flinders Council Audit Panel membership be altered so that it be made up of an independent Chairperson who may be from off-island, to include the two current independent members and that the two Councillor members step down from the Panel.*
2. *That any other Councillor except the Mayor has a standing invitation to attend any meeting as an observer.*
3. *That Council authorises the General Manager to seek out suitable candidates for presentation to Council for review and decision as a Chairperson.*
4. *That Council allocates an appropriate budget to support the Panel’s work.*
5. *That the Council acknowledges the contribution to the Audit Panel that John Dick has made free and gratis and confirms that he remains as Audit Panel Chair until an appointment to the position of Chairperson is made at which time he will revert to an ordinary independent member of the Audit Panel.*
6. *That Council allocates appropriate secretarial support to assist the Panel in its work.”*

4. At the 15 February 2018 Council Meeting, Council endorsed the Audit Panel Charter as recommended by the Audit Panel at their 13 December 2017 meeting, which included the following statement under section 3 Composition and Tenure:

“In addition, any other Councillor, except the Mayor, has a standing invitation to attend any meeting of the Panel as an observer.”

At the recent meeting of the Audit Panel held 29 January 2019, the Panel discussed and confirmed that there was no known reason to preclude the Mayor from attendance as an observer. Whilst there are provisions which preclude the Mayor from being a member of an Audit Panel, these do not apply when the Mayor is acting as an observer. I am of the view that this subtlety was not fully appreciated at the time.

In any case, the Audit Panel Chair had previously invited the Mayor to attend meetings as an observer as the Mayor’s attendance is seen as adding to the Panel’s operations. The Mayor has indicated that being able to attend the Audit Panel meetings greatly improves her understanding generally.

The recommendation, if agreed to, will result in a small element of the previous Council decision being overturned but as outlined without any practical effect.

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.

4.3.5 Flinders Council Audit Panel functions effectively and efficiently.

4.3.5.1 Support the functions of the Flinders Council Audit Panel.

BUDGET AND FINANCIAL IMPLICATIONS

Nil

RISK/LIABILITY

Low

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1. Rescinds part 2 of motion no. 50.03.2017;**
- 2. Resolves that all Councillors, including the Mayor, receive a standing invitation to attend Audit Panel meetings as observers; and**
- 3. Adopts the revised Audit Panel Charter as per Annexure 19.2.1.**

19.3 Audit Panel – Membership

Action	Decision
Proponent	Council Officer
Officer	Bill Boehm General Manager
File Reference	FIN/0401
Annexures	Nil

INTRODUCTION

The tenure for Audit Panel members, as per the Audit Panel Charter, is for a period of four years. Two panel members were appointed on 26 March 2015 therefore their tenure will cease in March 2019.

PREVIOUS COUNCIL CONSIDERATION

76.03.2015 26 March 2015

PREVIOUS COUNCIL DISCUSSION

Nil

OFFICER'S REPORT

Section 3 Composition and Tenure of the Audit Panel Charter, adopted 15 February 2018 states the following:

"The Audit Panel will comprise of a minimum of 3 members which shall be made up of an independent Chairperson, who may be located remote from Flinders Island, plus at least two independent members..."

Audit panel members are appointed for a period of up to four years.

Audit panel members may be re-appointed at the approval of the Council. "

Independent Chair Mark Scanlon was appointed to the Audit Panel by Council on 21 September 2017 for 4 years. Independent members Diana Droog and John Dick were appointed at the 26 March 2015 Council Meeting.

Diana Droog has indicated her willingness to continue in the role for another four years. John Dick has confirmed his desire to step down from the Panel and his willingness to continue until a replacement can be found. In doing so, John mentioned that the deliberations of the Panel had improved markedly with the Panel's commitment to greater openness and transparency.

As an entity, the Audit Panel have performed well, as is the case on an individual level.

Order 5 (4) of the *Local Government (Audit Panels) Order 2014* requires Council to appoint the members of its Audit Panel.

STATUTORY REQUIREMENT

Local Government Act 1993

Local Government (Audit Panels) Order 2014

POLICY/STRATEGIC IMPLICATIONS

4. Strategic, Efficient and Effective Organisation

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

4.3.5 Flinders Council Audit Panel functions effectively and efficiently.

4.3.5.1 Support the functions of the Flinders Council Audit Panel.

BUDGET AND FINANCIAL IMPLICATIONS

Nil. Budget has already been factored in.

RISK/LIABILITY

There is a high risk to Council if the Audit Panel does not function effectively with experienced personnel, given the important role that they have in providing independent advice.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1. Re-appoints its independent members to Council's Audit Panel for the following Terms:**
 - a. Diana Droog for a further four years; and**
 - b. John Dick until such time that his position can be filled.**
- 2. Thanks John Dick for his contribution and work undertaken as initially Chair and later as an independent member of Council's Audit Panel.**
- 3. Advertises for a suitable person to replace John Dick as Council's other independent Panel member.**

19.4 Signatories to the Use of the Common Seal

Action	Decision / Information
Proponent	Council Officer
Officer	Bill Boehm General Manager
File Reference	GOV/1000
Annexures	19.4.1 <i>Sample of sealed plans</i>

INTRODUCTION

This report has been prepared for the purposes of updating the current administrative arrangements regarding the keeping and use of Council's common seal.

PREVIOUS COUNCIL CONSIDERATION

203.08.2017 17 August 2017
343.12.2018 & 344.12.2018 18 December 2018

PREVIOUS COUNCIL DISCUSSION

Council Workshop 5 February 2019

OFFICER'S REPORT

At the 18 December 2018 Council Meeting, Council passed the following motion *no. 344.12.2018*:

"That Council authorises the following to witness the use of the Flinders Council Common Seal on the following basis:

*General Manager, and
either the Executive Officer
or the Finance Officer*

*Mayor or Deputy Mayor
and one other Councillor*

*All transactions duly authorised by Council or
within the power of the officer excepting the
sealing of final plans for the purposes of section
89 of the Local Government (Building and
Miscellaneous Provisions) Act 1993.*

*All other instances including the sealing of final
plans for the purposes of section 89 of the Local
Government (Building and Miscellaneous
Provisions) Act 1993."*

At the time this item was under consideration, Council agreed to further discuss the matter of signatories to the common seal. The matter was discussed at the 5 February 2019 Council Workshop.

The following advice was received from relevant parties to better inform that discussion.

Relevant Legislation

Section 19 of the *Local Government Act* 1993 (Act) relevantly provides that:

- each council is a body corporate with perpetual succession and a common seal;
- the common seal of a council is to be kept and used as authorised by that council;
- the execution of a document sealed by a council is to be attested by such persons as the council determines.; and
- all courts and persons acting judicially must take judicial notice of the common seal on a document and presume that it was duly sealed by a council.

Nature of the Common Seal

Councils have and use common seals by virtue of the fact that they are bodies corporate.

The most significant aspect of a council's common seal is that courts, tribunals and like bodies must assume that, where a common seal is present on an instrument, the council has sealed the document (this is the concept of 'judicial notice').

There are only a few instances in which a council must use its common seal to execute or 'seal' an instrument, the most common examples being:

1. the approval of final plans of subdivision under s.89(1) of the *Local Government (Building and Miscellaneous Provisions) Act 1993*; and
2. the making of by-laws under s.161 of the Act.

Apart from those cases where legislation requires use of the common seal, a council can execute documents, instruments, etc. via the signature of a staff member or (in some cases) a legal representative, provided that the execution is supported by either:

- a) a relevant council delegation; or
- b) a resolution of council.

Third parties often request the use of the common seal in circumstances where, strictly speaking, it isn't required. Requests of this nature are usually motivated by a desire to secure the benefit of judicial notice, or to otherwise provide a level of comfort to the third party.

The Keeping and Use of the Common Seal

The common seal is a sensitive item and should be securely stored when not in use. Failure to secure the common seal may result in the production of fraudulent documents that attempt to impose binding legal obligations upon Council. Councils are free to determine their own procedures in this respect and Flinders Council keeps the seal within a locked safe.

The requirement that the use of the common seal be 'authorised' by council means no more than it is open to Council to authorise the use of the common seal (either generally or on a case by case basis), and the seal should only be used as so authorised. The power to authorise in this context should not be confused with 'delegation'. Council could conceivably authorise the General Manager to keep and use the common seal as they see fit, or on only a certain species of document (i.e. leases, land sale contracts, etc.). There is no need to authorise use of the common seal for those matters that require the common seal to be applied; indeed, no other approach is available. It is also recommended that the common seal not be used on all documents.

The requirement that execution of a document sealed by a council is to be attested (i.e. witnessed) by such persons as the council determines, simply means that Council can determine who witnesses the 'affixing' of the common seal to a document. Again, councils can make a general determination or operate on a case by case basis. The power to determine witnesses in this context should not be confused with delegation.

Advice obtained is that a default general determination that the General Manager (and in his absence, another senior Council officer) be required to witness all use of the common seal, and then record that use in a register.

Delegation – s.89(1) *Local Government (Building and Miscellaneous Provisions) Act 1993*

Whilst s.89(1) of the *Local Government (Building and Miscellaneous Provisions) Act 1993* requires final plans of subdivision to be sealed using council's common seal, there is nothing preventing Council from delegating the power in s.89(1) to the General Manager using s.22(1) of the Act. The limitations in s.22(3) of the Act don't extend to s.89(1), and the *Local Government (Building and Miscellaneous Provisions) Act 1993* doesn't have its own discrete delegation provision to consider.

Advice Received from Titles Office

The Titles Office has confirmed that they do not require the Mayor and another Councillor to affix the common seal to final plans, even though the template provided to surveyors includes this provision. They do however require the seal to be affixed to the Council Approval page and that the schedule of easements and every sheet of the folio plan is signed by council. Any documents lodged with the Titles Office that have been sealed by a council are presumed to have been sealed correctly, as per s19 of the *Local Government Act*. The Titles Office provided a sample of approval pages of final plans sealed by various councils to illustrate the approaches taken (Annexure 19.4.1).

Summary

The advice received confirms that it is common practice for councils to authorise their General Manager under section 19(3) and section 19(5) of the Act to keep, use and witness the affixing of the common seal as and when required in order to give effect to Council's decision making. Such authorisation can also be extended to other council officers.

These authorisations are not delegations made pursuant to section 22 of the Act; they are documented authorisations made for the purposes of section 19 of the Act which remain in force unless amended or revoked. As such, these authorisations must be granted to positions (e.g. General Manager) rather than named individuals.

The key point is that this authorisation only extends to matters where the document being signed and sealed is in accordance with a council decision or one delegated to the General Manager.

For practical purposes, in case the General Manager is absent, other substitutes should be identified.

Put simply, this aspect is an administrative matter. There is no need for the Councillors or Mayor to be involved. The only exception would be in relation to the General Manager's Contract where, if for some reason the contract needed to be signed and sealed, then that should be done as part of a specific resolution of Council confirming the appointment.

STATUTORY REQUIREMENT

Local Government Act 1993, s19

Local Government (Building and Miscellaneous Provisions) Act 1993, s89

POLICY/STRATEGIC IMPLICATIONS

No policy exists on this matter.

BUDGET AND FINANCIAL IMPLICATIONS

Nil

RISK/LIABILITY

Minimum

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1. authorises the General Manager, Executive Officer and Finance Officer to witness the use of the Flinders Council Common Seal; and**
- 2. that all persons with this authorisation receive suitable training in the exercise of that authority.**

19.5 Natural Resource Management (NRM) North Association Group A Representation

Action	Decision
Proponent	Council Officer
Officer	Bill Boehm General Manager
File Reference	GOV/1100
Annexures	Nil

INTRODUCTION

At the November Council Meeting, Council appointed two representatives to the Natural Resource Management (NRM) North Association Group A. Since that time, council has received notification from NRM that only one representative is required.

This provides an opportunity for Council to address this change.

PREVIOUS COUNCIL CONSIDERATION

321.11.2018 11 November 2018

OFFICER'S REPORT

Several years ago Council operated a partnership with the NRM North Association. At the time, Council was represented on this Association, as was the then Furneaux NRM Steering Committee through Council's NRM Officer. Although the Steering Committee has since disbanded and the program of delivery of NRM services has significantly altered, Council has maintained two Councillor representatives to the Association.

At the November Council Meeting, Council elected Crs Aaron Burke and Vanessa Grace as representatives to the Association, requiring their attendance at one only AGM meeting per year.

Since that time, staff have been notified by NRM that, as the Furneaux NRM Steering Committee no longer exists, Flinders Council is only entitled to appoint one representative to the Association. NRM has asked for confirmation as to who that representative will be, either Cr Aaron Burke or Cr Vanessa Grace.

Council must consider who of the two standing representatives will be appointed to the position. It could be possible to appoint one with the other as a proxy.

STATUTORY REQUIREMENT

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS

4. Strategic, Efficient and Effective Organisation

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

BUDGET AND FINANCIAL IMPLICATIONS

Nil

RISK/LIABILITY

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

For Council to decide.

19.6 Quarterly Report on the Northern Tasmania Development Corporation Ltd.

Action	Information
Proponent	Council Officer
Officer	Bill Boehm General Manager
File Reference	COU/0305
Annexures	19.6.1 Northern Tasmania Development Corporation's Progress Report December 2018

INTRODUCTION

As permitted under Section 21 (c), Enterprise Powers of the *Local Government Act 1993*, Flinders Council become a member of the Northern Tasmania Development Corporation LTD (NTDC) on 1 January 2017. The *Local Government Act 1993* also requires the General Manager to provide a quarterly report to Council on the activities of the NTDC and any adverse developments that may affect the entity's financial viability.

Annexure 19.6.1, is NTDC's report for the October - December 2018 quarter provided to all member councils in addition to the Annual Report noted by Council at the January Council Meeting.

PREVIOUS COUNCIL CONSIDERATION

Reports are provided on a quarterly basis.

OFFICER'S REPORT

As permitted under Section 21 (1c), Enterprise Powers of the *Local Government Act 1993*, Council became a member of NTDC as from 1 January 2017. The NTDC was officially formed in March 2017 with the following primary objectives:

- a) provide pro-active, engaged and strategic regional economic leadership;
- b) consolidate an agreed vision for the development, sustainability and prosperity of the geographic region that the Organisation's Members encompass;
- c) implement a strategic economic action plan based on the Northern Regional Futures Plan framework or similar; and
- d) to provide effective representation and advocacy to State and Federal Government and other stakeholders.

Section 21 (5) of the *Local Government Act 1993* states the following:

"The general manager is to report to the council –

- a) at least once every 3 months in respect of the performance of any activities carried out pursuant to (section 21 (1)) and any strategic issues related to those activities; and*
- b) any adverse developments that significantly affect or are likely to significantly affect the financial viability, the operating viability or any other aspect of any of those activities.*

NTDC provided the Annual Report to member councils in January asking that it be tabled as the update for the October - December 2018 quarter. The report was noted by Council at the January Council Meeting.

Since that time, NTDC has provided member councils with an additional progress report for the December quarter (Annexure 19.6.1). The NTDC Chief Executive Officer also briefed Council at the 5 February 2019 Council Workshop.

The report summarises progress undertaken for the quarter. There are no adverse developments that significantly affect or are likely to significantly affect the financial viability, the operating viability or any other aspect of any of those activities.

STATUTORY REQUIREMENT

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS

4. Strategic, Efficient and Effective Organisation

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

4.1.1 The Furneaux Islands' unique circumstances, isolated community and specific financial needs are understood by key external stakeholders.

4.1.1.3 Maintain membership and actively engage with Northern Tasmania Development Corporation (NTDC), Local Government Association of Tasmania (LGAT) and Tourism Northern Tasmania (TNT).

RISK/LIABILITY

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council notes the General Manager's quarterly report on the activities of the Northern Tasmania Development Corporation and the progress report provided to all member Councils as the October – December 2018 quarter update.

19.7 Code of Conduct for Elected Members

Action	Decision
Proponent	Council Officer
Officer	Bill Boehm General Manager
File Reference	COU/0603
Annexures	19.7.1 Information Sheet – Model Code of Conduct 19.7.2 DRAFT Flinders Council Code of Conduct for Elected Members (version 3)

INTRODUCTION

The *Local Government Amendment (Code of Conduct) Act 2015* commenced in April 2016. Under this legislation, Council is required to follow the Local Government code of conduct framework for Tasmanian Councillors and to adopt the Model Code of Conduct as detailed in the *Local Government (Model Code of Conduct) Order 2016* (the Order) as its code of conduct for elected members.

The *Local Government (Model Code of Conduct) Amendment Order 2018* was gazetted on 26 December 2018, resulting in amendments being made to the Order. These amendments must now be incorporated into the Flinders Council Code of Conduct for Elected Members.

PREVIOUS COUNCIL CONSIDERATION

495.03.2013	28 March 2013
936.11.2014	13 November 2014
101.05.2016	19 May 2016
125.06.2016	16 June 2016

PREVIOUS COUNCIL DISCUSSION

Nil

OFFICER'S REPORT

The *Local Government Amendment (Code of Conduct) Act 2015* incorporated a number of amendments to the *Local Government Act 1993* including a new Local Government code of conduct framework for Tasmanian Councillors.

In April 2016, the *Local Government (Model Code of Conduct) Order 2016* (the Order) was made effective by Order of the Minister for Local Government. Council adopted the Model Code of Conduct as its code of conduct relating to the conduct of its Councillors in June 2016.

The *Local Government (Model Code of Conduct) Amendment Order 2018* was signed by the Minister for Local Government on 7 December 2018 and came into effect when gazetted on 26 December 2018. Under section 28T of the *Local Government Act 1993* (the Act), councils must adopt the amended Model Code within three months of the Order taking effect, the deadline being 26 March 2019. Council is also required to provide a copy of the adopted Model Code to the Director of Local Government within two weeks of adoption.

An information sheet summarising the key changes to the Act and the Order has been provided for Councillors' information (Annexure 19.7.1).

The amendments have been incorporated into the Flinders Council Code of Conduct for Elected Members and is presented for council's consideration.

STATUTORY REQUIREMENT

Local Government Act 1993

Local Government Amendment (Code of Conduct) Act 2015

Local Government (Model Code of Conduct) Order 2016

Local Government (Model Code of Conduct) Amendment Order 2018

POLICY/STRATEGIC IMPLICATIONS

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

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

BUDGET AND FINANCIAL IMPLICATIONS

Nil

RISK/LIABILITY

Council is required to adopt the Code of Conduct, without alteration, by 26 March 2019 to be compliant under the Act.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council adopts the Flinders Council Code of Conduct for Elected Members (version 3).

19.8 Council's 2nd Quarter Report Against the Annual Plan

Action	Information
Proponent	Council Officer
Officer	Bill Boehm General Manager
File Reference	COU/0600
Annexures	19.8.1 Council's 2 nd Quarter Report (October – December 2018)

INTRODUCTION

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

PREVIOUS COUNCIL CONSIDERATION

Previously provided as departmental monthly reports then departmental quarterly reports.

OFFICER'S REPORT

Annexure 19.8.1 Council's 2nd Quarterly Report (October – December 2018), is the second report against the 2018/19 Annual Plan.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Council's 2nd Quarter Report (October – December 2018) be received and accepted by Council.

19.9 Councillor Resolution Report

Action	Information
Proponent	Council Officer
Officer	Bill Boehm General Manager
File Reference	COU/0600
Annexures	<i>19.9.1 Councillor Resolution Report February 2019</i>

INTRODUCTION

This report identifies the actions taken and actual costs associated with implementing resolutions passed by elected members up to January 2019.

PREVIOUS COUNCIL CONSIDERATION

The report is presented on a monthly basis.

OFFICER'S REPORT

Please read Annexure 19.9.1 – Councillor Resolution Report February 2019.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Councillor Resolution Report February 2019 be noted.

19.10 Works Department and Airport Update

Action	Information
Proponent	Council Officer
Officer	Brian Barnewall Works & Airport Manager
File Reference	WAS/0400; ASM/0402, AER/2200
Associated Papers	Nil

INTRODUCTION

This Item is to provide a brief update to Councillors on recent Works Department and Airport activities.

PREVIOUS COUNCIL CONSIDERATION

Some of the items may have been previously considered by Council or discussed at workshops, however this item does not seek a decision and is to serve as an update on a number of items, some of which may be operational.

PREVIOUS COUNCIL DISCUSSION

See above.

OFFICER'S REPORT

The following matters are provided as an update on the Works and Airport Departments:

1. **Airport Storage Units – Lease agreement**

A draft lease has been presented by Council's lawyers to the proponent and has been accepted. Signing of the lease will be undertaken in the next couple of weeks.

2. **Waste Baler – Tender**

Requests for tender for the waste baler closed on 8 February. The favorable option is the smaller baler proposed at a cost of \$90,350 plus a wrapping machine for \$16,350. This price includes freight to Flinders Island and a day's installation and training with their technician. This option has a lead time of 15 weeks so would hopefully be up and running before the end of the financial year. However, a dearer model (approximately \$20,000) may be required. It is not known yet and will be clearer after discussions with the winning tenderer.

3. **Waste Cell Design**

Planning for the modern waste cells continues. The engineer from Coffey has visited the site and taken multiple soil samples and levels to provide for suitable design of hopefully at least four cells, which could see the longevity of the current tip site expedited. The Hydrogeologist also visited with the engineer and will be presenting a design for leachate management for the cells to be installed. It is hoped that the existing (unused) lined cell can be used, with some modification, for leachate retention.

4. **Resealing**

A number of resealing works have been undertaken including: Bluff Road, Robert Street, Bowman St and Memana Road. Private works regarding sealing have been done for Hydro Tasmania and Mountain Seas Lodge.

5. **Bluff Track Stormwater Washout**

After the recent storm events the stormwater pipe that runs under the Bluff Track and out to the beach was washed away and subsequently the bank eroded, leaving the track very narrow. Council has met with Parks and Wildlife Services (P&W), however there remains uncertainty around the ownership of the stormwater pipe, with P&W reluctant to

replenish the track without the stormwater issue first being resolved. Council continues to investigate.

STATUTORY REQUIREMENT

Nil

POLICY/STRATEGIC IMPLICATIONS

- 4. Strategic, Efficient and Effective Organisation
- 4.2 Support processes, accountability and project delivery through transparent reporting.
- 4.3 Ensure Council meets its statutory obligations and manages corporate and community risk.

BUDGET AND FINANCIAL IMPLICATIONS

Nil at this stage.

RISK/LIABILITY

Low Risk

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Works and Airport Manager's update report be received and noted.

19.11 Review of Tasmania's Local Government Legislation Framework

Action	Decision
Proponent	Council Officer
Officer	Bill Boehm General Manager
File Reference	GOV/1000
Associated Papers	19.11.1 Department Premier & Cabinet Discussion Paper December 2018 19.11.2 Draft Submission 19.11.3 Councillor Comments (Elected Members Only)

INTRODUCTION

The Local Government Division of the Department of Premier and Cabinet has advised Council that the Minister for Local Government is seeking feedback on an important legislative reform to review Tasmania's Local Government Framework and input on a range of matters.

To this end, the Department has prepared and distributed a Discussion Paper (Annexure 19.11.1) and is seeking Council comments by 1 March 2019. Separately, the Local Government Association of Tasmania (LGAT) is also seeking Council feedback by 22 February 2019 so that this can form part of a sector wide submission.

This report provides the basis of such a submission.

PREVIOUS COUNCIL DISCUSSION

5 February 2019 Council Workshop

PREVIOUS COUNCIL CONSIDERATION

Nil

OFFICER'S REPORT

The Government recognises the important and increasingly complex role of local government in the community. It is a vital arm of government in administering legislation and making economic, social and environmental planning decisions to support Tasmania to grow strong, sustainable and vibrant communities, both now and into the future.

To help support this, the Government has committed to reviewing and developing a modern, best-practice legislative framework for local government. The Review will be broad and will deliver a contemporary framework that supports greater innovation, flexibility and productivity; improves efficiency and effectiveness of council services; enhances accountability and transparency and minimises red tape wherever possible.

The Government has appointed an experienced Steering Committee to guide the Review and provide the Minister for Local Government with advice.

As part of this process, a Discussion Paper (Annexure 19.11.1) has been circulated for comment. It poses a number of questions to which feedback is being sought with submissions invited on the principles of how Tasmania's Local Government should be legally established and elected; how it should provide services to its community; and how it should be accountable to its community.

This is a wholesale Review of the legislative framework that creates, empowers and provides councils with a mechanism to work within, rather than a review of the current Local Government Act. The focus of this consultation is on the broad principles that should apply to local government, rather than technical issues in the current legislation.

The Department's Discussion Paper has been circulated to all councillors with those responding (Annexure 19.11.3) providing the basis for a draft submission to be prepared for review and ultimate endorsement.

The Draft submission addresses the specific questions raised in the discussion paper but there is nothing to prevent the Council from providing additional information that is in line with the scope of the review.

The draft submission is attached as Annexure 19.11.2. It is suggested that councillors work through each item and then finalise comments and ultimately endorse a submission, prior to it being sent to the Local Government Legislative Review Team and the Local Government Association of Tasmania.

STATUTORY REQUIREMENT

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS

No policy exists on this matter.

BUDGET AND FINANCIAL IMPLICATIONS

Nil

RISK/LIABILITY

Minimum

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council reviews the Draft Submission into the Review of Tasmania's Local Government Legislation Framework, and once finalised and adopted, authorises the General Manager to send the submission to the Local Government Legislative Review Team and the Local Government Association of Tasmania.

Meeting Closed
