



# Agenda Ordinary Council Meeting

18<sup>th</sup> June 2019



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## CERTIFICATION

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"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 13<sup>th</sup> day of June 2019.



Heidi Marshall  
**ACTING GENERAL MANAGER**

## Table of Contents

Item	Page
1 Confirmation of Minutes .....	1
2 Public Question Time .....	1
3 Responses to Public Questions.....	2
4 Councillor’s Questions on Notice.....	4
5 Councillor’s Questions Without Notice.....	4
6 Responses to Questions Without Notice .....	4
7 Late Agenda Items .....	5
8 Declaration of Pecuniary Interest .....	5
9 Conflict of Interest .....	5
10 Leave of Absence .....	5
11 Petitions .....	5
12 Workshops & Information Forums .....	6
13 Public Meetings.....	7
14 Publications/Reports Tabled for Council Information .....	7
15 Reports to be Received.....	7
15.1 Whitemark Community Gym Special Committee.....	7
16 Councillors’ Reports .....	8
17 Mayor’s Report.....	8
18 Development Services and Planning Applications.....	10
18.1 Development Application – Jason Noble.....	10
Commercial Zone .....	14
18.2 Development Application Report.....	24
19 Notice of Motion .....	25
19.1 Notice of Motion – Mayor Annie Revie – General Manager Recruitment Process ..	25
20 Finance .....	27
20.1 Schedule of Fees & Charges 2019/20.....	27
20.2 Rates and Charges for 2019/20 .....	29
21 Governance .....	35
21.1 Councillor Resolution Report .....	35

# Flinders Council Ordinary Meeting - Agenda

## Tuesday 18<sup>th</sup> June 2019

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**Venue** Flinders Arts and Entertainment Centre, Whitemark  
**Commencing** 9.30am

**Attendees - Councillors** Mayor Annie Revie  
Deputy Mayor David Williams  
Sharon Blyth  
Aaron Burke  
Peter Rhodes  
Rachel Summers

**Apologies** Vanessa Grace  
**Attendees - Staff** Heidi Marshall | Acting General Manager  
Darron Baker | Executive Officer (minute taker)

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## 1 Confirmation of Minutes

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### RECOMMENDATION

**That the Minutes from the Ordinary and Closed Council Meetings held on 21 May 2019 be confirmed.**

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## 2 Public Question Time

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

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

*The basis on which questions may be asked is*

- 1. All questions will be addressed through the Chair (being the Mayor in normal circumstances) who will answer them as she/he sees fit. Under no circumstances will members of the gallery be permitted to address or question either elected members or officers of the Council. The Chair may delegate answers to the appropriate Councillor or staff member if appropriate.*
- 2. Persons addressing the Chair must pay the respect due to that office. Failure to do so may mean their address is terminated without notice.*
- 3. Where the answer cannot be provided immediately, it will be provided in writing within 14 days and tabled at the following Ordinary Council Meeting.*
- 4. All questioners are encouraged to register their intent to question with the General Manager before the meeting. Preference will be given to those who have so registered.*
- 5. Question time shall not extend longer than 30 minutes and may be divided into two 15 minute sessions.*
- 6. The actual timing of the session(s) is to be immediately after the opening of the meeting and advertised with the notice of meeting.*

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## 3 Responses to Public Questions

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### 21 May 2019 Meeting

#### Question 1: Garry Blundstone

What are the opinions of each councillor on the construction of a marina/safe harbor at Lady Barron? For either a positive or negative answer could they give a short summary to support their answer?

#### Mayor's Response

Questions asked in the context of an Ordinary Council Meeting may only be answered by the Mayor, who is the spokesperson for the Council. As I wrote in my recent article in the Island News, Council does indeed support the Safe Harbour Project. Council was in limbo for a while regarding the grant announced by Senator Steve Martin, simply because the Federal Government went into caretaker mode (re-election) before there was time for the funding deed to be dealt with.

#### Question 2: Garry Blundstone

Of the Federal Government grant of \$4.8 million, has an application been made by Council to accept the grant?

#### Mayor's Response

We have a letter from the Deputy Prime Minister stating the promise of the funding and requiring Council to provide additional information for assessment, which we are currently doing. We are far from being the only council who are in this situation. With regard to signing the deed, we simply have to wait until the government, and relevant government departments assess our submission, at which time we would expect to have a grant deed sent to us.

#### Question 3: Michael Buck

Three or four years ago, former Flinders Council Mayor Shirley Holloway donated a piece of land that allowed access to White Beach. It was budgeted to be upgraded but nothing was undertaken. The track is used by the local community on a regular basis and it has become overgrown with poor visibility. Can council consider upgrading the access?

#### Mayor's Response

At the December 2014 Council Meeting, Council agreed to a budget allocation of \$8,000 to cover associated costs in securing access to White Beach, as follows:

*"962.12.2014 Moved: Deputy Mayor M Cobham Seconded: Cr D Williams*

*Council notes progress to date on securing access to White Beach and approves:*

- commencement of the title registration process for land transfer from the land owner to Council;*
- acceptance of the reserved road as a public road;*
- continuation of liaison with Parks and Wildlife Service for sale, transfer and adherence of the land parcel to ensure the entire track from the end of the reserved road is within the White Beach Conservation Area;*
- continued liaison with Crown Lands Services to secure a license/lease over the White Beach track located on the White Beach Conservation Area; and*
- the allocation of \$8,000 to cover associated costs.*

*CARRIED UNANIMOUSLY (7-0)"*

To the best of my knowledge, these actions and the Council decisions are completed. At the time, there was never any intention to carry out any construction works, other than the occasional minor slashing; merely a desire to secure legal access, a situation that remains today.

There has never been a construction budget allocation for the White Beach Access. If upgrade works were desired for this access road, this project would need to compete with a raft of other road projects that Council needs to fund annually.

**Question 5: Doreen Lovegrove**

Are councillors aware that, when we went from Warden to Mayor, and I cannot remember the year, many people wanted Furneaux Islands Council as our name?

**Mayor's Response**

Thank you for your question. I was not aware that many community members wished for our municipality to be named Furneaux Islands Municipality. Thank you taking the time to bring that to my attention.

As you would have observed from the recent ordinary meeting, I put forward a motion to this effect. Unfortunately, from my point of view, the motion was lost. The issue is one that I wholeheartedly believe in for reasons stated in my report in the meeting agenda. I think it possible that the issue was one of timing rather than lack of support from other councillors. It is an issue that I will pursue – although regulations do not support a lost motion being reintroduced for quite some time.

**Question 6: Garry Blundstone**

Why, according to the FTI Consulting Report, has the structural deficit of \$635,000.00 in 2015 increased to \$1,593,000.00 in 2018? An increase of \$985,000.00 in four years.

**Mayor's Response**

The financial operations of Council are complex and FTI Consulting's response merely stated what appeared in the Council's Audited Financial Statements. The operating deficits shown include depreciation, which is a non-cash item based on revaluation of assets. This can vary, especially as it has in recent years. Many assets have been upgraded, thereby increasing the depreciation and the resultant operating deficit. The operating deficit will also vary according to the expenditures undertaken and services provided. These have increased as a direct result of the Council undertaking more services as per the adopted strategic and annual plans at the time, for example, the introduction of new services such as the community gyms in Whitemark and Lady Barron.

From observation, it would appear, that the Council in 2015, amongst other things, embarked on a stronger community economic development focus. This is certainly shown in the amount of increased capital assets that have been constructed in the past four years and as such, have weakened Council's financial reserves.

As an example, Council agreed to fund \$770,000 towards upgrades of Flinders and Cape Barren Islands' telecommunications, which will significantly increase the operating deficit for last year, and this financial year, above the norm. The Council addressed and explained this issue in the 2018/19 Budget and the 2018/19 Budget explanations, through public sessions and later through Council's adopted Long-Term Financial Plan.

As a general comment, it would appear that the level of operating deficit that currently exists is more reflective of the true long-term position, rather than what occurred four or five years ago.

**Question 7: David Anderson**

What is the Council's position regarding the grants promises for the safe harbor project of \$5.7 million from the Federal and State Governments? I am worried that if it is not accepted it leaves a very bad image for future funding from governments.

**Mayor's Response**

As I wrote in my recent article in the Island News, Council does indeed support the Safe Harbour Project. Council was in limbo for a while regarding the grant announced by Senator Steve Martin, simply because the Federal Government went into caretaker mode (re the recent election) before there was time for the funding deed to be dealt with. I will be writing to the new Bass MP, Bridget Archer, and to Senator Wendy Askew, seeking their support in pursuing the funding further.

At the Special Council Meeting addressing the funding, council voted to sign off on the funding with the proviso that Council, in itself, facilitates the project rather than owning the project outright. Council, with the information currently in hand, believes that our limited income deters ongoing liability for funding needed beyond the government grants.

Council is currently working with various stakeholders to determine accurately our way forward from here. There is no question of the project being rejected by Council. I will clarify in Island News when there is more information to communicate.

**RECOMMENDATION**

**That the responses to the public questions from 21 May 2019 Council Meeting be noted.**

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**4 Councillor's Questions on Notice**

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None received.

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**5 Councillor's Questions Without Notice**

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*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.*

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**6 Responses to Questions Without Notice**

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**21 May 2019 Meeting****Question 3: Cr Vanessa Grace**

Can Council please have an update on the Bluff Track drain?

**Mayor's Response**

The ownership and responsibility for the Bluff Track Dain is still to be determined. Both the Tasmanian Irrigation Trust (the successor body for the Rural Water Commission who picked up the former Furneaux Drainage Trust responsibilities), plus Water Operations Branch of the

Department of Primary Industries, Parks, Water and Environment have been contacted to assist in clarifying this issue. We are awaiting formal advice.

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## **7 Late Agenda Items**

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Nil

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## **8 Declaration of Pecuniary Interest**

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*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.*

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## **9 Conflict of Interest**

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*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.*

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## **10 Leave of Absence**

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Nil

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## **11 Petitions**

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Nil



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## 12 Workshops & Information Forums

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File No. COU/0205

### **Council Workshop – 4 June 2019**

Council held a Workshop on the following subjects:

- Item 1 Gums Quarry
- Item 2 Provision of Fuel on Island
- Item 3 Cabinet Meeting and Strategy
- Item 4 Rates Estimates
- Item 5 Budget Introduction & Preparations
- Item 6 User Fees & Charges
- Item 7 Closed Resolution Report - Confidential

### **Councillors in Attendance**

Mayor Annie Revie

Cr Aaron Burke

Cr Vanessa Grace (Items 2 – 7)

Cr Peter Rhodes

Cr Peter Rhodes

Cr Rachel Summers

Cr Sharon Blyth

### **Apologies**

Nil

### **Staff in Attendance**

Heidi Marshall

Vicki Warden

Darron Baker

Brian Barnewall

Malcolm Sharp

Kara Hallas

A/General Manager

Executive Officer

Executive Officer (Items 1 – 4)

Works and Airport Manager (Items 1 – 3)

Sharp Airlines (Item 6 via phone)

Regulatory Services Officer (Item 6)

### **RECOMMENDATION**

**That the Council Workshop held on 4 June 2019 be noted.**

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## 13 Public Meetings

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Nil

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## 14 Publications/Reports Tabled for Council Information

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Nil

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## 15 Reports to be Received

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### 15.1 Whitemark Community Gym Special Committee

**File Reference** CDV/0702

**Annexure** 15.1.1 Whitemark Community Gym Special Committee meeting 29 May 2019 Unconfirmed Minutes

#### **OFFICER'S REPORT (Heidi Marshall, A/General Manager):**

The unconfirmed minutes of the Whitemark Community Gym Special Committee meeting held Wednesday, 29 May 2019, have been provided for consideration. The minutes outline what the Committee has been working on to date and can now be noted by Council.

#### **RECOMMENDATION**

**That the unconfirmed minutes of the Whitemark Community Gym Special Committee meeting held 29 May 2019 be noted.**

## 16 Councillors' Reports

None received.

## 17 Mayor's Report

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

21/5	Ordinary and Closed Council Meeting
21/5	Meeting with General Manager Bill Boehm
21/5	Meeting with Heidi Marshall
21/5	Administration
22/5	Meeting with Acting General Manager
22/5	Sign-off of General Manager Bill Boehm
23/5	Administration
24/5	Administration
27/5	Flight Launceston – Mayor's Workshop
28/5	Visited Furneaux Freight in Bridport – met with Sharon Lovell, Director Furneaux Freight
29/5	Meeting Liz Frankham in relation to Food and Crayfish Festival
30/5	Mayor's Workshop
31/5	Flight Whitemark – returning from Mayor's Workshop
2/6	Worked with Acting General Manager
3/6	Meeting with Acting General Manager, Island News & Administration
4/6	Council Workshop
5/6	Meeting with Alan Tuxworth in relation to update Fire Service Flinders Island
5/6	Administration
6/6	Administration plus Kristy Scott
7/6	Phone calls from Acting General Manager Heidi Marshall in relation to Telstra project & Safe Harbour
8/6	Market Stall in relation to Multi-Purpose Centre Hospital Auxiliary

### CORRESPONDENCE IN

12/5	Jason Noble	Letter re planning application
14/6	Local Government Association of Tasmania (LGAT)	Feasibility study State-wide waste arrangements
16/5	Rebecca White	Labor view
20/5	LGAT	Web sessions for councillors
20/5	LGAT	Peer advisors
20/5	Tasmanian Young Achiever Awards	Invite to attend
20/5	R Summers	Webinars for Councillors
21/5	S Blyth	Webinar for councillors
21/5	Regional Development Authority	Regional Population Symposium
23/5	Bronwyn Stubbs	Airport Map
23/5	LGAT	Mayors' Workshop
23/5	Dion Lester	Key points from State Budget
27/5	Andrew Thomson	Update from Burberry re Safe Harbour
27/5	SRA	Unable to submit proposal re General Manager recruitment

27/5	Annie Venville	Possible collaboration with university
27/5	Senator W Askew	Response regarding Safe Harbour
28/5	David Richardson	KPMG unable to offer proposal re General Manager Recruitment
28/5	James Ower	Recruitment General Manager
29/5	Ronald Wise	Copy of letter to General Manager re Palana fencing of gardens
30/5	Searson Buck	General Manager Recruitment
31/5	Christina Holmdahl	Peer mentoring
31/5	Senator W Askew	Response in relation to Safe Harbour
3/6	James Ower	Recruitment proposal re General Manager position
3/6	John Loudon	Visit of CEO Community Transport Scheme
4/6	Tasmanian Government	Housing initiative
6/6	Darryl Butler	Copy of letter re Palana public space
6/6	Annie Venville	Potential Victoria University collaboration – strategic planning
6/6	LGAT	Media statement re future govt initiative container buyback scheme
7/6	Phil Vickers	West Coast Council inhouse recruitment
7/6	Amanda Blyth	Upgrade Flinders Trails

### **CORRESPONDENCE OUT**

12/5	Jason Noble	Response re planning intention
14/5	Gillian Woods	Letter of appreciation of piano
14/5	Furneaux Freight	Letter in relation to Mayor's visit to Bridport office
20/5	All Councillors	Re web training by LGAT
20/5	Tasmanian Young Achiever Awards	Declining invitation
20/5	LGAT	Councillors' interest in webinar
20/5	Kristy Scott	HR Support/Recruitment
21/5	LGAT	Councillor interest in web training
21/5	Bronwyn Stubbs	Airport map
22/5	Garry Blundstone	Letter response Council meeting
24/5	Recruitment agencies	Invitation to recruitment agencies for General Manager position
26/5	David Anderson	Response to question asked at meeting
26/5	Doreen Lovegrove	Letter in response to question asked at meeting
26/5	Flinders Island Business Inc. Board	Letter Housing Working Party
26/5	Senator W Askew	Safe harbour deed
28/6	KPMG	Thanks for their response
28/6	Ronald Wise	Palana issue
28/5	James Ower	Thanks for response
29/5	RDA	Declining to attend population symposium
31/5	Christina Holmdahl	Peer mentoring
31/5	Senator W Askew	Information Update – Safe Harbour
3/6	Garry Blundstone	Public Questions Response
3/6	Annie Venville	Collaboration with Victoria University re strategic planning
4/6	Mark Cooper	Visit to the island

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

**That the Mayor's report be received.**

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## 18 Development Services and Planning Applications

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***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.***

### 18.1 Development Application – Jason Noble

<b>Action</b>	<b>Decision</b>
<b>Applicant</b>	Jason Noble
<b>Officer</b>	Karin van Straten (Senior Consultant Town Planner)
<b>Approved by</b>	Andrew Brown (Consultant Municipal Planner)
<b>File Reference</b>	DA2019018
<b>Annexures</b>	18.1.1 Plans 18.1.2 Traffic Impact Assessment

Proposal:	Service station
Location:	3 Robert Street, Whitemark
Zoning:	Commercial
Special Areas:	None
Representations:	none

### INTRODUCTION

The proposal is to re-use/re-open the service station at 3 Robert Street, Whitemark.

#### Statutory Timeframes

Date Received:	16/04/2019
Advertised:	1/05/2019
Closing date for representations:	15/5/2019
Request for further information:	N/A
Information received:	N/A
Extension of time granted:	22/05/2019
Extension of time expires:	18/06/2019
Decision due:	18/06/2019

#### The Proposal

The proposal is to re-open/re-use the service station at 3 Robert Street, Whitemark. The proposal includes a general clean-up of the site and recommissioning of the existing underground storage tanks; and, with the required approvals of Council, EPA and Work Place Standard, operate a service station from the site again.

The applicant had an environmental site assessment done to determine amongst other things that the tanks had not leaked in the past. The report showed no contamination and due to the fact that the tanks are well above the water table, it is unlikely to be affected by premature corrosion.

Prior to recommissioning, the tanks and lines will be leak tested. The applicant will also have an Underground Petroleum Storage System loss monitoring program in place when operating.

Should there be a problem putting the existing tanks back into use due to failing the integrity testing, new tanks would be installed either above or below ground.

The site plan shows the southern access of 13m off Robert Street and the eastern access 10m off Walker Street.

The application did not include any signage. Any application for signage will require a separate assessment.

### **Subject site and surrounding area**

The site also contains a 42m<sup>2</sup> building; the fuel tanks are still in ground and the bowsers are still in place. The site ceased to operate as a service station more than 10 years ago. Surrounding land uses are a mix of residential and commercial and include a butcher and church to the north; to the south are Lees Automotive, a shop and further down Walker Street - the pub. To the east are dwellings along Lagoon Road with Service Tasmania, a park and a bakery whilst along Robert Street are the CWA shop and Police Station.



**Subject site**

## REFERRALS

The application was referred to Council's Environmental Health Officer and the Works & Airport Manager.

The Environmental Health Officer provided conditions regarding environmental management of the site and proposed operation should Council approve the proposal. The Works & Airport Manager had concerns about the safe access and egress of the subject site. A Traffic Impact Assessment (TIA) was prepared by Pitt & Sherry and formed part of the documents used to assess this proposal.

The Traffic Impact Assessment stated the following:

The current driveway access from both Robert Street and Walker Street do not meet the requirements of the Australian standards AS2890.1-2004 (parking and driveway access for passenger vehicles) and AS2890.2-2018 (parking and driveway access standards for commercial vehicles).

- The analysis and discussions in the TIA are summarised as follows:
- The additional traffic generated by the site is not expected to have a significant impact on the safety and operation of the surrounding road network.
- Sight distances are considered adequate at the site accesses.
- The location of the driveways does not meet the Australian Standards in their current form. These can be narrowed to improve sight distances and reduce crash risk.
- There are some limitations for vehicle circulation within the site with the fuel bowsers in their current location. By slightly moving the bowsers, vehicle circulation around the site can be improved.



**Drawing No. LN19136-P03 dated 06/06/2019 by Pitt & Sherry: showing the relocated bowzers.**

**NOTIFICATION**

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

**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.

**STATUTORY REQUIREMENT**

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

**PLANNING ASSESSMENT**

An assessment against the relevant planning controls is made below:

**Part 5 – Zoning**

The proposal is generally consistent with the Intent, and Desired Future Character and Zone Guidelines of the Commercial zone.



## Commercial Zone

### 5.5.1 Zone Intent

The zone is intended as the principal location for commercial, administrative and civil functions. Appropriate use or development include retailing (eg. shops, supermarkets, hotels), commercial service activities (eg. banks, consulting rooms, business and professional offices) and social support and development (eg. meeting rooms, libraries, galleries, government agencies) and other services that will support the services/economy of the Islands.

**Officer comment: the proposed service station complies with the Zone Intent.**

### 5.5.2 Desired Zone Character and Zone Guidelines

- (a) In Whitemark, future commercial administrative and civil use or development will be focused in the designated area around Lagoon Road, Patrick Street and Walker Street. Within this area new buildings and alterations to existing buildings will reflect the generally commercial character and scale of existing buildings and will reinforce an image of intensive "main street" commercial activity. Buildings should be sited close to the street.
- (c) Carparking areas should be sited so that they do not dominate the streetscape. Parking on street and/or on site behind or between buildings is appropriate. Parking required for operational purposes (e.g. service station) should be located to satisfy the operational purpose.
- (d) Advertising signs in the zone may be colourful but should be restrained in their impact. Imposing sky signs, large billboards and tall free-standing signs which project above normal roof height will not be acceptable.

**Officer comment: complies with (a); (b) and (d) are not applicable to this assessment; with regards to (c) the Traffic Impact Assessment stated the following:**

**The current driveway access from both Robert Street and Walker Street do not meet the requirements of the Australian standards AS2890.1-2004 (parking and driveway access for passenger vehicles) and AS2890.2-2018 (parking and driveway access standards for commercial vehicles).**

**The analysis and discussions in the TIA are summarised as follows:**

- **The additional traffic generated by the site is not expected to have a significant impact on the safety and operation of the surrounding road network.**
- **Sight distances are considered adequate at the site accesses.**
- **The location of the driveways does not meet the Australian Standards in their current form. These can be narrowed to improve sight distances and reduce crash risk.**
- **There are some limitations for vehicle circulation within the site with the fuel bowsers in their current location. By slightly moving the bowsers, vehicle circulation around the site can be improved.**

### 5.5.3 Subdivision Standards

There are no minimum lot size or dimension requirements. However, the lot should be of sufficient size to accommodate onsite effluent disposal.

**Officer comment: not applicable to this assessment.**

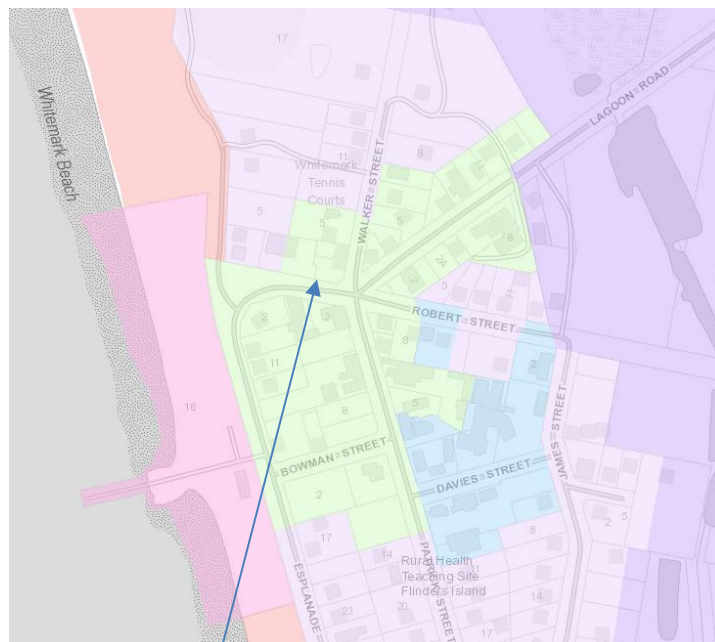
#### 5.5.4 Development Standards

- (a) The maximum height of buildings is 8.0 metres.
- (b) Buildings may be erected up to any boundary.
- (c) Habitable buildings should be zoned 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.

**Officer comment: no buildings are proposed – not applicable to this assessment.**

#### 5.5.5 Table of Use or Development

**Officer comment: the proposal is Discretionary.**



**Subject site**

- Commercial
- Environmental Management Recreation
- Low Density Residential
- Port
- Public Purpose
- Residential
- Rural
- Rural Residential
- Village

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

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); (b) to (e) is Not applicable to this 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); (b) to (g) is not applicable to this assessment.**

### 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: not applicable to this application. These issues mainly pertain to residential use.**

### 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 (e.g. from fire, flood or landslip). In situations where risk may exist, use and development shall be appropriately sited and designed to provide an acceptable level of protection and safety for future users. In particular.
  - i. Lands subject to flood risk are those subject to a greater than one in a 100 year flood interval (1% probability), and land, the natural surface level of which is below 3 metres Australian Height Datum (AHD); and
  - ii. Land which comprises soils of known or suspected instability, has a slope greater than 1 in 4, or is filled or reclaimed land, are deemed to constitute an unstable land hazard; and

- iii. Use and development in bushfire prone areas will comply with the provisions of Schedule 7 Development in Bushfire Prone Areas or some other provisions acceptable to Council and the Tasmania Fire Service.
- (d) Potentially incompatible Uses or Developments shall be adequately and appropriately located, sited and designed to avoid conflict. Level 2 activities or sources of pollution shall be sited in accordance with the following:
- i. Use or Development for a use of land that is a Level 2 activity under the provisions of the Environment Management and Pollution Control Act 1994 shall not be allowed within the lesser distance from a residential zone than that recommended by the Director of Environmental Management.
  - ii. Use or Development of land that is not a Level 2 activity, but which Council nonetheless considers will or has the potential for environmental harm, shall not be allowed within a lesser distance from a residential zone than that determined by Council after taking into account the advice from the Director of Environmental Management.
  - iii. A dwelling unit shall not be erected within a lesser distance of any established Level 2 activity or other use of land which Council considers a source of pollution, than that determined by Council taking into account the advice from the Director of Environmental Management.
- (e) Activities involving extensive site works, such as quarrying, shall be suitably sited, screened, and rehabilitated where appropriate, to protect the ecological and visual qualities of the area.
- (f) Use or development shall be of a suitable form and siting to avoid any adverse impact on any watercourse and vice versa. Use or development (including the siting of effluent disposal systems) shall be setback a minimum of 40 metres, or such distance as is required, from a watercourse to avoid degradation of water quality.
- (g) Use of land in the vicinity of those watercourses identified in Schedule 3 shall provide Riparian Reserves in an appropriate location and form.

**COMMENT: complies with (a) and (c); (b), (d) – (g) is not applicable to this 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 to this assessment.**

#### 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: (a), (d) - (g) and (k) is Not Applicable to this assessment; the proposal can comply with (b), (h), (i) and (j) if the recommendations of the TIA and conditions of approval with regards to access and traffic flow through the site are adhered to. (c) is a matter of access for all and is considered as part of the building assessment. A standard condition in compliance with this can form part of any planning approval.**

#### 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); (b) to (g) is not applicable to this assessment.**

#### 6.8 Social Interest

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

**COMMENT: the proposal suits community interest by providing a service station in Whitemark. It is believed there is only one other further down the street and this may be closing soon.**

#### 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: (a) and (d) are not applicable to this assessment; the proposal will not require any cost to the community in compliance with (b); council advertised the proposal to which no representations were received; and also required a Traffic impact Assessment from a suitably qualified consultant in compliance with (c).**

#### **RECOMMENDATION**

**That the application for a Service Station in the Commercial Zone, by Jason Noble for land located at 3 Robert Street, Whitemark (Lot 2 on Plan 128870) 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 the applicant 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.

### AMENDED PLANS REQUIRED

2. Prior to the commencement of any work and/use, amended plans must be submitted for approval by Council. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided.

The plans must show the relocation of the bowsers as per Drawing No. LN19136-P03 dated 06/06/2019 by Pitt & Sherry

### ACCESS

3. Prior to the commencement of the use, the access to the site from Robert Street and Walker Street must be redesigned and reconstructed in compliance with AS2890.1:2004 and AS2890.2:2018 to the satisfaction of Council's Works & Airport Manager.
4. Buildings and spaces intended for public access must provide for satisfactory use and access by the disabled in compliance with the requirements of the National Construction Code in relation to AS1428.1-1988.

### ENVIRONMENTAL MANAGEMENT

5. Strict compliance with the *Environmental Management and Pollution Control (Underground Petroleum Storage Systems) Regulations 2010* must be maintained at all times during the operation, management, ownership and/or decommissioning of the storage system.
6. Prior to the commencement of the use, the Equipment Integrity Testing, in accordance with section 32 of the *Environmental Management and Pollution Control (Underground Petroleum Storage Systems) Regulations 2010*, must be submitted to Council and the Environment Protection Authority (TAS). This permit does not come into effect until Council have provided written authority to commence.

**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 DA2019018. 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](http://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 concluded its meeting as a Planning Authority under Section 25 of the Local Government (Meeting Procedures) Regulations 2015.*

## 18.2 Development Application Report

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Kara Hallas   Development Services Administration
<b>File Reference</b>	PLN/0105
<b>Annexures</b>	18.2.1 Planner's Information Report – May 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 18.2.1, Planner's Information Report – May 2019, provided by West Tamar Council.

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

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

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## 19 Notice of Motion

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### 19.1 Notice of Motion – Mayor Annie Revie – General Manager Recruitment Process

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Mayor Annie Revie
<b>Officer</b>	Heidi Marshall   A/General Manager
<b>File Reference</b>	PER/1500
<b>Annexures</b>	19.1.1 Recruitment Agencies Proposals (Elected Members only) 19.1.2 Partial In-House Recruitment Process 19.1.3 Draft General Manager Position Description

#### NOTICE OF MOTION

That Council suspends the operation of Regulation 22 of the *Local Government (Meeting Procedures) Regulations 2015*, in accordance with Regulation 22 (9), to consider recruitment proposals to recruit a General Manager and select a method of recruitment and agency; and to finalise and adopt a position description for the General Manager position.

#### COUNCILLOR'S REPORT

Following the resignation of former General Manager, Bill Boehm, as from 31 May 2019, Council commenced a recruitment process to fill the contractual position of General Manager.

Council invited the following eight recruitment agencies to submit a proposal to undertake recruitment of a General Manager and a draft Position Description was provided as a guide:

- Adecco
- Chandler McCleod
- Hays
- KPMG
- Ranstaad
- Red Giant
- Searson Buck
- SRA

Two recruitment proposals were received by the required date, from Hays of Launceston and Searson Buck of Hobart (Annexure 19.1.1).

After discussion with the Committee charged with setting the process in motion, (Mayor Annie Revie, Councillors Rachel Summers and Peter Rhodes) I have also prepared a proposal for a partial in-house recruitment process as an option for council consideration. I have done this for the following reasons:

- Council is currently in challenging circumstances financially. A recruitment agency may charge between \$15,000 and \$30,000 to undertake recruitment. In addition, there will be flights and accommodation for short-listed candidates. A partial in-house process would cost \$4,000 maximum, plus flights and accommodation for short-listed candidates.
- I am aware that a large number of recruitments these days are done by agencies. However, this in no way means that the right person will be recruited.
- At least two people out of the three charged with setting the process in play, have significant experience in recruitment: writing position descriptions and performance criteria; setting questions; and interviewing candidates for senior positions.

If Council resolves to select the partial in-house recruitment process for recruitment, I suggest that Council's HR Consultant, Kristy Scott, be engaged to support the process. I have

consulted the West Coast Council Mayor, Phil Vickers, regarding Kristy's recent participation in their General Manager recruitment process. His Council was very happy with the process and the outcome.

Other issues for Council consideration include:

- whether interviews should be before the whole council or just a panel, to meet the short-listed candidates face-to-face and observe and assess how they perform in interview; and
- whether to include an independent panelist (or two) - a mayor from another municipality or / and someone from the Local Government Association of Tasmania – to add an independence factor to the recruitment process.

A council workshop has been scheduled for 17 June 2019 for Council to discuss the recruitment proposals, the interview process and the draft position description. This workshop will help inform Council's consideration of this motion.

### **PREVIOUS COUNCIL CONSIDERATION**

170.05.2019 and 171.05.2019 21 May 2019 (Closed Council)

### **PREVIOUS COUNCIL DISCUSSION**

Council Workshop 17 May 2019 (scheduled)

### **OFFICER'S REPORT**

The recruitment of the new General Manager is a matter for Council to decide.

### **STATUTORY REQUIREMENTS**

*Local Government Act 1993*

### **POLICY/STRATEGIC IMPLICATIONS**

No policy exists on this matter.

### **BUDGET AND FINANCIAL IMPLICATIONS**

There is no budget allocation for recruitment in the current financial year. An appropriate allocation can be made in the 2019/20 Budget.

### **RISK/LIABILITY**

For the stability of the organisation, it is imperative that a new General Manager be recruited as soon as possible.

### **VOTING REQUIREMENTS**

Simple Majority

### **MOTION**

**Mayor Annie Revie**

**That Council suspends the operation of Regulation 22 of the *Local Government (Meeting Procedures) Regulations 2015*, in accordance with Regulation 22 (9), to consider recruitment proposals to recruit a General Manager and select a method of recruitment and agency; and to finalise and adopt a position description for the General Manager position.**

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## 20 Finance

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### 20.1 Schedule of Fees & Charges 2019/20

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Heidi Marshall   A/General Manager
<b>File Reference</b>	FIN/0701
<b>Annexure</b>	20.1.1 DRAFT Fees & Charges Schedule 2019/20

#### INTRODUCTION

Under Section 205 of the *Local Government Act 1993*, Council can impose fees and charges with respect to the listed activities within the Act. These activities include the use of any property or facility owned by Council; and any application, licence, permit, registration granted by the Council.

#### PREVIOUS COUNCIL DISCUSSION

Council Workshop 4 June 2019

#### PREVIOUS COUNCIL CONSIDERATION

Nil

#### OFFICER'S REPORT

Fees and charges have been reviewed in detail and aligned with the Strategic Long-Term Financial Plan. Major changes have been suggested in respect of the methodology by reviewing and benchmarking costs to other northern Tasmanian councils.

As many of the fees and charges and their methodologies of cost structure have not been reviewed for many years, the costs in some segments have been significantly increased.

The Strategic Long-Term Financial Plan identified that an increase of \$230,000 per year is necessary to achieve airport sustainably. This is because of the significant capital costs to maintain the airport runways. Airport passenger tax and landing fees have significantly increased by 20% to align with the Strategic Long-Term Financial Plan to achieve airport financial sustainability. The 20% increase will however only generate 30% of the necessary \$230,000 per annum (\$69,000). The shortfall of \$161,000 per annum still remains.

#### STATUTORY REQUIREMENT

*Local Government Act 1993*

#### POLICY/STRATEGIC IMPLICATIONS

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

#### BUDGET AND FINANCIAL IMPLICATIONS

High. If fees and charges are not adopted, budget income will not be achieved.

#### RISK/LIABILITY

Maintaining Council in a sound financial position is a critical function of a Council. The impact of an increase in airfares (1.5% – 2%) could have an impact on the long-term strategic development of tourism and population growth.

#### VOTING REQUIREMENTS

Simple Majority

**RECOMMENDATION**

Pursuant to Section 205 of the *Local Government Act 1993*, that Council adopts the Fees & Charges as per the attached schedule (Annexure 20.1.1).

## 20.2 Rates and Charges for 2019/20

<b>Action</b>	<b>Decision</b>
<b>Proponent Officer</b>	Council Officer Heidi Marshall   A/General Manager Dianne Walsh   Finance Officer
<b>File Reference Annexures</b>	FIN/0701 and FIN/1205 <i>20.2.1 Rates Summary</i> <i>20.2.2 Adjustment Factors</i> <i>20.2.3 Land Use Codes</i>

### INTRODUCTION

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

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

In prior years, at the July 2017 Ordinary Meeting of Council, following a thorough review of Council's rating system, Council decided to move to a Capital Value (CV) based rating system with a Fixed Charge component and in the process introduce differential rating.

In 2019, the adjusted Capital Valuation on properties (which occurs every two years) has been conducted by the Office of the Valuer General. A full revaluation of capital values occurs every six years.

Rates may vary from year to year based on a combination of changes in the capital value of properties, changes in the rate in the dollar applied, and changes in fixed charge component.

This report puts forward the proposed rates resolution for the 2019/20 Budget which is in line with these actions.

### PREVIOUS COUNCIL DISCUSSION

4 June 2019                      Council Workshop

### PREVIOUS COUNCIL CONSIDERATION

Nil

### OFFICER'S REPORT

Due to the significant implications of the cost of resurfacing the airport long runway in 2020 (\$1.8 million), the following recommendation aims to increase Council's income, generated from general rates, by 5% in 2019/20 (excluding new properties). This recommendation is in line with requirements as outlined in the Strategic Long-Term Financial Plan.

An adjustment to property valuations has been conducted by the Office of Valuer General (OVG), which will impact on individual properties, ranging from 0% to 20%, as per Annexure 20.2.1.

In addition to the OVG increase in capital valuations, I recommend that Council increases the rates in the dollar by 5% and the fixed charge component by 5%.

This is in line with the Strategic Long-Term Financial Plan which required a 10% increase in 2019/20. The additional 5% (\$96,680) is required to contribute towards the shortfall in user fee airport income of \$161,000 per annum (refer Agenda Item 19.1 User Fees and Charges).



### Fire Services Contribution

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

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

The amount generated, less legislated collection costs, will be forwarded to the State Fire Commission who has indicated that the minimum levy will be \$41 per assessment.

### Payments

The payment provisions within the proposed resolution including penalty and daily interest charges are in accordance with the Act, consistent with previous years, in accordance with Council's Rating and Charges Policy and in line with practices in other Councils.

## **STATUTORY REQUIREMENT**

*Local Government Act 1993*

## **POLICY/STRATEGIC IMPLICATIONS**

4. Strategic, Efficient and Effective Organisation – Responding to risks and opportunities.
- 4.3 Ensure Council meets its statutory obligations and manages corporate and community risk.
  - 4.3.9 An integrated and strategic approach to financial and asset management.

## **BUDGET AND FINANCIAL IMPLICATIONS**

The adoption of this resolution will provide the framework to raise the necessary funds for the implementation of the Annual Plan 2019/20 and to achieve Council's strategic outcomes detailed in Council's Strategic Plan. It also aligns with the Strategic Long-Term Financial and Asset Management Plans of the Council.

In the next three years, Council's reserve balances will drastically reduce due to significant capital projects, such as the Telecommunications upgrade and Airport runway upgrade, as well as the repayment of our loans. All of these projects have generated significant benefits to the community. As only 40% of our revenue is generated from rates and user fees, future sustainability heavily relies on rateable income and user fees.

The implications of the rates resolution and achieving a 5% rate rise, is essential to Council's immediate financial health.

## **RISK/LIABILITY**

High.

At present, to address our financial needs and sustainability, we have few options available. Government grants require long term relationship building and with no sure outcomes. Therefore, our only reliable mechanisms remain with rates and user fees.

## **VOTING REQUIREMENTS**

Absolute Majority

## **RECOMMENDATION**

In accordance with the provisions of the *Local Government Act 1993*, the Flinders Council hereby makes the following rates and charges for the period commencing 1 July 2019 and ending 30 June 2020:

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

- (a) 'Act' means the *Local Government Act 1993*;
- (b) 'Council' means the Flinders Council;
- (c) 'land' has the meaning given to that term in section 86 of the Act;
- (d) 'Land Use Codes' means the relevant subcategories, of the use or predominant use of the land, set out as uses of land in the most recent Land Use Codes provided to the councils by the Valuer-General and published on the internet by the Tasmanian Government as part of the Land Information System Tasmania;
- (e) 'Municipal Area' means the municipal area of the Council as defined in section 3 of the Act;
- (f) 'rateable land' means all land excepting land exempt by operation of section 87(1) of the Act; and
- (g) Super Land Use Group means the groups of Land Use Codes set out in column B of Annexure 19.2.3 to this resolution.

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

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

- (a) a rate 0.4123319 cents in the dollar of Capital Value; and
- (b) a Fixed Charge in the amount of \$400.

2.2. Pursuant to section 107(1) of the Act, Council hereby varies the general rate (as previously made) according to one or more of the following factors:

- (a) the use or predominant use of the land;
- (b) the non-use of land;
- (c) the locality of the land; and/or
- (d) the prescribed factor of Land Use Codes pursuant to r.33(c) of the *Local Government (General) Regulations 2015* (here referred to as Land Use Codes),

in accordance with the following Variation Table:

<b>VARIATION TABLE</b>		
<b>Locality</b>	<b>Use/Non-use/Land Use Codes</b>	<b>Variation</b>
<b>Flinders Island Bass Strait Islands</b>	<b>Rateable land subject to any Land Use Code within the Super Land Use Group "Commercial" EXCEPTING the following:</b> <ul style="list-style-type: none"><li>• C40 (Hotel / Motel);</li><li>• P32 (Transport – Aviation);</li><li>• P321 (Transport-Aviation-Private); and</li><li>• V2 (Vacant-Commercial).</li></ul>	<b>The rate of 0.4123319 is increased to 0.494798 cents in the dollar of Capital Value</b>

<b>VARIATION TABLE</b>		
<b>Locality</b>	<b>Use/Non-use/Land Use Codes</b>	<b>Variation</b>
	(i.e. Non-Vacant Commercial)	
<b>Flinders Island Bass Strait Islands</b>	Rateable land subject to the Land Use Code C40 (Hotel / Motel). (i.e. Non-Vacant Commercial – Hotel / Motel)	The rate of 0.4123319 is increased to 0.536031 cents in the dollar of Capital Value
<b>Flinders Island Bass Strait Islands</b>	Rateable land subject to any of the following Land Use Codes: <ul style="list-style-type: none"> <li>• P32 (Transport – Aviation); and</li> <li>• P321 (Transport-Aviation-Private).</li> </ul> (i.e. Non-Vacant Commercial – Aviation)	The rate of 0.4123319 is increased to 0.556648 cents in the dollar of Capital Value
<b>Flinders Island Bass Strait Islands</b>	Rateable land subject to any Land Use Code within the Super Land Use Group “Residential” EXCEPTING the following: <ul style="list-style-type: none"> <li>• V5 (Vacant-Rural Residential);</li> <li>• V4 (Vacant-Englobo/Broad Hectares);</li> <li>• V1 (Vacant-Residential); and</li> <li>• V (Vacant Land).</li> </ul> (i.e. Non-Vacant Residential)	The rate of 0.4123319 is reduced to 0.391715 cents in the dollar of Capital Value
<b>Cape Barren Island</b>	Rateable land subject to any Land Use Code within the Super Land Use Group “Commercial” EXCEPTING V2 (Vacant-Commercial). (i.e. Non-Vacant Commercial)	The rate of 0.4123319 is increased to 0.453564 cents in the dollar of capital value
<b>Cape Barren Island</b>	Rateable land subject to the Land Use Codes within the Super Land Use Group “Residential” EXCEPTING the following: <ul style="list-style-type: none"> <li>• V5 (Vacant-Rural Residential);</li> <li>• V4 (Vacant-Englobo/Broad Hectares);</li> <li>• V1 (Vacant-Residential); and</li> <li>• V (Vacant Land).</li> </ul> (i.e. Non-Vacant Residential)	The rate of 0.4123319 is reduced to 0.350482 cents in the dollar of Capital Value
<b>Cape Barren Island</b>	<ul style="list-style-type: none"> <li>• Rateable land subject to any of the Land Use Codes within the Super Land Use Group “Community Services” that is not vacant. (i.e. Non-Vacant Community Services)</li> </ul>	The rate of 0.4123319 is reduced to 0.371098 cents in the dollar of Capital Value

VARIATION TABLE		
Locality	Use/Non-use/Land Use Codes	Variation
	<ul style="list-style-type: none"> <li>• Rateable land subject to any of the Land Use Codes within the Super Land Use Group “Industrial” that is not vacant. (i.e. Non-Vacant Industrial)</li> <li>• Rateable land subject to any of the Land Use Codes within the Super Land Use Group “Primary Production” that is not vacant. (i.e. Non-Vacant Primary Production)</li> <li>• Rateable land subject to any of the following Land Use Codes: <ul style="list-style-type: none"> <li>~ V2 (Vacant-Commercial);</li> <li>~ V5 (Vacant-Rural Residential);</li> <li>~ V4 (Vacant-Englobo/Broad Hectares);</li> <li>~ V1 (Vacant-Residential); and</li> <li>~ V (Vacant Land).</li> </ul> </li> </ul>	

### 3 Fire Service Contribution

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

- (a) a rate of 0.3620900 cents in the dollar of Assessed Annual Value with a minimum amount payable of \$41.00.

### 4 Separate Land

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

### 5 Adjusted Values

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

### 6 Payment of Rates & Charges

- 6.1 Pursuant to section 124 of the Act, the rates and charges as set out in parts 2 and 3 of this resolution will be payable in two instalments with the following payment schedule:**
- (a) the first instalment must be made on or before the 31<sup>st</sup> day of October 2019; and**
  - (b) the second instalment must be made on or before the 28<sup>th</sup> day of February 2020.**
- 6.2 Pursuant to section 124(5) of the Act, where a ratepayer fails to pay any instalment within 21 days of the date on which that instalment falls due for payment, Council may require the ratepayer to pay the full amount owing for the financial year.**
- 6.3 Pursuant to section 128 of the Act, if any rate or instalment is not paid on or before the date it falls due for payment Council imposes the following penalties:**
- (a) a penalty of 10% of the amount of the unpaid rate or instalment; and**
  - (b) a daily interest charge 0.023013% (8.4% per annum) in respect of the relevant outstanding amount.**

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## **21 Governance**

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### **21.1 Councillor Resolution Report**

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Heidi Marshall   A/General Manager
<b>File Reference</b>	COU/0600
<b>Annexures</b>	21.1.1 Councillor Resolution Report May 2019 21.1.2 Councillor Resolution Report June 2019

#### **INTRODUCTION**

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

#### **PREVIOUS COUNCIL CONSIDERATION**

The report is presented on a monthly basis.

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

At the May Council Meeting, the incorrect Resolution Report was presented for Council information. As a result, both the May 2019 and the June 2019 Councillor Resolution Reports are included as annexures to this agenda item.

#### **VOTING REQUIREMENTS**

Simple Majority

#### **RECOMMENDATION**

**That the Councillor Resolution Reports for May 2019 and June 2019 be noted.**

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## **Meeting Closed**

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