



# Agenda Ordinary Council Meeting

20 October 2020



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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 15<sup>th</sup> day of October 2020.



Warren Groves  
**GENERAL MANAGER**

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# Flinders Council Ordinary Meeting - Agenda

## Tuesday 20 October 2020

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<b>Venue</b>	Flinders Arts and Entertainment Centre, Whitemark
<b>Commencing</b>	9.30am
<b>Attendees – Councillors</b>	Mayor Annie Revie Deputy Mayor David Williams Sharon Blyth Aaron Burke Vanessa Grace Peter Rhodes Rachel Summers
<b>Apologies</b>	Nil
<b>Attendees – Staff</b>	Warren Groves   General Manager Vicki Warden   Executive Officer (minute taker) Jacci Viney   Development Services Coordinator Brian Barnewall   Works and Services Manager Sammi Gowthorp   Community Development and Council Engagement Officer

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### 1 Acknowledgment of Country

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The Mayor will begin by acknowledging the Traditional Owners of the land on which we meet today, the palawa people of the trawulwai Nation. She will recognise their continuing connection to the land, waters and culture of this island, and pay respects to Elders past, present and emerging.

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### 2 Confirmation of Minutes

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#### **RECOMMENDATION**

**That the Minutes from the Ordinary and Closed Council Meetings held 22 September 2020 and the Minutes from the Special Council Meeting held 29 September 2020 be confirmed.**

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### 3 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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## **4 Responses to Public Questions**

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### **From 22 September 2020 Meeting**

#### **Question 1: Chris Fenner**

Will Council gauge the desire of the community to hand the project over to the State Government as per the statement above, alleviating Council of the concern over construction, operating costs, maintenance and depreciation of the breakwater and marina?

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

The motion regarding the TasPorts proposal for the Safe Harbour that was put at the 22 September council meeting was not upheld by Council therefore there is no need to gauge the desire of the community.

#### **RECOMMENDATION**

**That the response to the public question from the 22 September 2020 Council Meeting be noted.**

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## **5 Councillor's Questions on Notice**

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None received.

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## **6 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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## **7 Responses to Councillor's Questions Without Notice**

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### **From 22 September 2020 Meeting**

#### **Question 2: Mayor Annie Revie on behalf of David Grutzner**

Given the current level of interest, concern and confusion in the Community at present, would Council please arrange a public meeting as soon as possible to clarify why a planning permit has been granted for the dwelling on Pot Boil Rd?

## **Response**

I met with you following the Special Council Meeting on 29 September. You asked me questions regarding how Council arrived at its decision regarding the planning application for a dwelling in Pot Boil Road. I was happy to answer your questions and you understood my explanation. On that basis, we both agreed that there was no need to hold a public forum on the topic.

## **RECOMMENDATION**

**That the response to the Councillor's Question Without Notice from the 22 September 2020 Council Meeting be noted.**

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## **8 Late Agenda Items**

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## **9 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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## **10 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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## **11 Petitions**

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## 12 Workshops & Information Forums

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File No. COU/0205

### **Council Workshop – 22 September 2020**

Council held a Workshop on the following subjects:

- Item 1 Airport Advertising Policy
- Item 2 Emita Recreation Ground Cricket Pitch
- Item 3 Community Waste Survey
- Item 4 Airport Review
- Item 5 Council Policies

### **Councillors in Attendance**

Mayor Annie Revie	Cr Vanessa Grace
Deputy Mayor David Williams	Cr Rachel Summers
Cr Sharon Blyth	

### **Apologies**

Cr Aaron Burke  
Cr Peter Rhodes

### **Staff and Consultants in Attendance**

Warren Groves	General Manager
Vicki Warden	Executive Officer
Heidi Marshall	Finance Organisational Performance Manager (Item 1 and 4)
Sammi Gowthorp	Community Development & Council Engagement Officer (Item 2 - 5)
Mick Sherriff	Community Member (Item 2)
Aronn Daw	Hydro Tasmania (Item 2)

### **Council Workshop – 6 October 2020**

Council held a Workshop on the following subjects:

- Item 1 General Manager's Report
- Item 2 Council Policies
- Item 3 Strategic Plan

### **Councillors in Attendance**

Mayor Annie Revie	Cr Vanessa Grace
Deputy Mayor David Williams	Cr Rachel Summers
Cr Aaron Burke	

### **Apologies**

Cr Sharon Blyth  
Cr Peter Rhodes

### **Staff and Consultants in Attendance**

Warren Groves	General Manager
Vicki Warden	Executive Officer

### **RECOMMENDATION**

**That the Council Workshops held 22 September and 6 October 2020 be noted.**



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### **13 Publications/Reports Tabled for Council Information**

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### **14 Reports to be Received**

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None received.

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### **15 Councillors' Reports**

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None received.

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## 16 Mayor's Report

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<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Mayor A Revie
<b>File Reference</b>	COU/0600
<b>Annexures</b>	Nil

### APPOINTMENTS

DATE	DIARY ACTIVITY
15/9/20	Waste Team meeting and administration
17/9/20	Team teleconference Anthony Donald, Warren
17/9/20	Radio Interview – Tas Talks
17/9/20	Meeting Warren Groves
17/9/20	Meeting with Councillors regarding Safe Harbour
17/9/20	Radio interview ABC Drive
18/9/20	Administration
22/9/20	Ordinary Council Meeting and Workshop
23/9/20	Meetings with Councillors, Warren Groves and Greg Alomes, King Island General Manager
24/9/20	Video interview for Telstra
24/9/20	Meeting with Warren Groves and Greg Alomes
24/9/20	Meeting Flinders Councillors and Bridget Archer MP
24/9/20	Dinner with Councillors, Greg Alomes and Warren Groves
25/9/20	Video interviews for Telstra Launch
25/9/20	Official Telstra Launch
25/9/20	Meeting with Heidi Marshall
28/9/20	Administration
30/9/20	Administration
5/10/20	Administration
6/10/20	Council Workshop
8/10/20	Meeting Warren Groves and Vicki Warden priority tasks for year end
10/10/20	Administration
11/10/20	Administration

### CORRESPONDENCE IN

DATE	FROM	SUBJECT
15/9	Northern Tasmanian Development Corporation (NTDC)	Circular economy
16/9	Michael Ferguson	Flinders Island Marine Access Safe Harbour (FIMASH)
18/9	Sarah Courtney	Event restrictions
20/9	Chris Fenner	FIMASH
21/9	Chris Fenner	FIMASH
21/9	Carol Cox	FIMASH
21/9	Chris Parr	FIMASH
21/9	Michelle Hirschfield	FIMASH
21/9	Shane Walsh	FIMASH
22/9	Roger Jaensch	State Planning Scheme
23/9	Carol Cox	Letter of thanks
24/9	Events Tas	Event Ready grant guidelines

24/9	Local Government of Tasmania (LGAT)	TasWater submission to Legislative Council
24/9	Linda Nicol	Campervans
24/9	Guy Barnett	Recreational Fishing Strategy
24/9	Ronald Wise	Waiving of landing fees for Hobart / Flinders trial
25/9	Audit Office	Report
25/9	Chris Fenner	FIMASH
29/9	NTDC	Minutes of members' meeting
29/9	Roger Jaensch	State Planning Framework
1/10	Mark Shelton	Draft Bushfire Mitigation Bill
1/10	Deputy Prime Minister	Formal approval of funds for airport upgrade
2/10	King Island Council	Copy of joint letter to Premier
5/10	Glen Bromfield	Information Technology services
6/10	LGAT	Regional Meetings Code of Conduct
7/10	NTDC	Population Prospectus
7/10	LGAT	Federal Budget Summary
7/10	LGAT	Details of zoom meeting Code of Conduct
7/10	Flinders Island Business Incorporated (FIBI)	Planning Development
8/10	TasWater	Message from the Chair
12/10	Latrobe / Kentish Councils	Appointment of joint Acting General Manager
13/10	Michael Grimshaw	Requesting that Mayor resign
13/10	Katrena Stephenson	Resigning from LGAT
13/10	Examiner	Request for information on Planning Development
13/10	Premier's office	Information on Border Strategy

## **CORRESPONDENCE OUT**

DATE	TO	SUBJECT
4/10	Chris Parr	FIMASH
4/10	Shane Walsh	FIMASH
4/10	Gail Grace	FIMASH
4/10	Michelle Hirschfield	FIMASH
4/10	Chris Fenner	FIMASH
4/10	Bridget Archer	FIMASH update
4/10	Michael Ferguson	FIMASH update
4/10	Ronald Wise	Waiving of landing fees
5/10	David Grutzner	Planning Permit

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

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

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## 17 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.**

### 17.1 Development Application – G Grace

<b>Action</b>	Decision
<b>Applicant</b>	Garry Blenkhorn and Gail Grace
<b>Officer</b>	Karin van Straten (Senior Consultant Town Planner)
<b>File Reference</b>	DA2018/037
<b>Annexures</b>	17.1.1 Additional information letter applicant 17.1.2 Existing Shed 17.1.3 Site Plan 17.1.4 Floor Plan 17.1.5 Representation letter
Proposal:	Change of use to Warehouse
Location:	Lot 1 – 27 Main Road Lady Barron
Zoning:	Port
Special Areas:	Shorelines, Waterbodies and Water Courses Special Area
Representations:	One

#### INTRODUCTION

The proposal is to use the subject site for a warehouse. The applicant proposes to stock and deliver products not readily available on the Island and required by individual farmers and business owners.

#### Statutory Timeframes

Date Received:	28/08/2020
Advertised:	9/09/2020
Closing date for representations:	23/09/2020
Request for further information:	N/A
Information received:	N/A
Extension of time granted:	23/9/2020
Extension of time expires:	21/10/2020
Decision due:	21/10/2020

#### The Proposal

The planning scheme defines the following: **Warehouse** means the use or development of land for the provision of premises, the storage of goods and the carrying out of commercial transactions involving the sale of goods by wholesale, but does not include a Store Yard or Toxic/Dangerous Goods Store.

As mentioned above the proposal is to stock products not readily available on the Island, which currently have to be shipped to the Island when required by individual farmers and business owners.

External lighting is provided from a single sensor light above the access door.  
Noise levels will be low and only limited to when deliveries are received from Furneaux Freight.

The proposed hours of operation is the same as for the existing store – being 6am to 10pm Monday to Sunday.

There will be limited pick up of orders by customers – these volumes are expected to be less than 5 pick up over a seven day period. It is expected that these customers will either park in front of the warehouse for a quick pick up of an ordered product or park in the car park around the corner to walk into the site for the pickup of the ordered product. It is important to mention that the proposal does not include a shop where customers will spend a considerable amount of time browsing; but is merely for a pickup of an ordered product.

Traffic movements on this site will therefore consist of deliveries from the Furneaux freight yard, the applicant loading and delivering products to customers and the less than 5 customers a week collecting orders – these may be driving on to the site or parking around the corner and walking onto the site to collect a pre-ordered product.

The following product range is proposed:

- Water tanks and septic tanks: - delivered to customers directly from the Furneaux freight yard.
- Animal food in bulk bags and 20kg bags: - bulk delivered from the Furneaux freight yard.
- Commercial cleaning products: - sold in boxes to accommodation establishments and commercial cleaners.
- Agricultural products: - delivered directly to farmers by the applicant.
- Timber and hardware items: - Builders to collect direct from the Furneaux freight yard or delivered by applicant.
- Reinforcing mesh: – delivered from or collected from the Furneaux freight yard.
- Plumbing products: - delivered by the applicant.

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

The subject site is an internal lot containing a 165m<sup>2</sup> shed. Access to this subject site is via a roadway off a reserve road. This reserve road provides access from the road that links Main Road/Franklin Parade with the port.

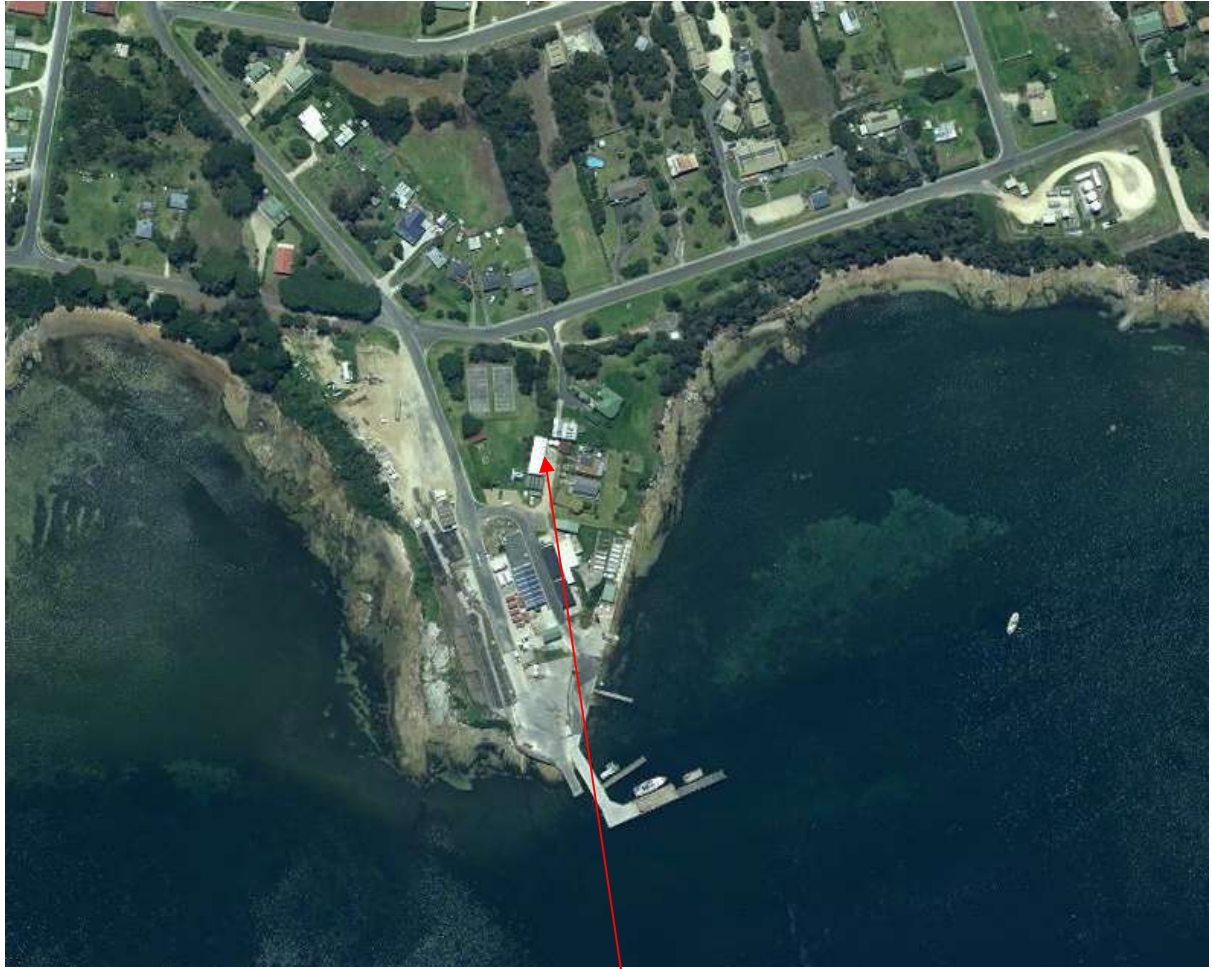
Adjoining land uses are the following:

21 Main Road: Recreation reserve containing the Lady Barron Tennis Pavilion, public park, public toilets and car parking;  
4 Franklin Parade – Lady Barron Police Station;  
27 Main Road – house;  
29 Main Road – house and  
Lady Barron Port.

The title diagram below shows a benefitting easement providing right of way over 29 Main Road to the subject site. The diagram also shows a burdening easement providing right of way over the subject site to 27 and 29 Main Road.

The availability of these rights of way to the various properties is a civil matter between the land owners.

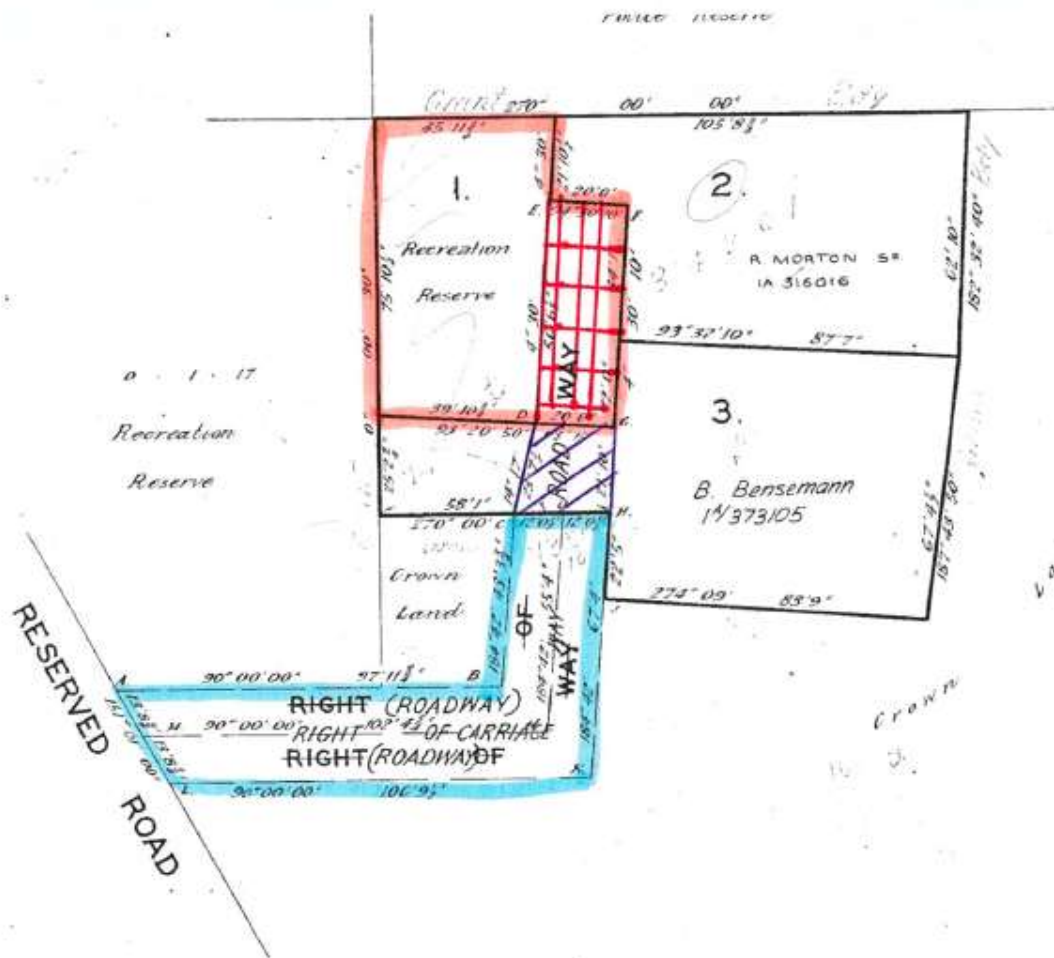
Council should however not issue permission for use and/or development that may jeopardize these civil agreements. The proposal, as described above, have limited traffic movements and it is envisaged that the proposal will not impact on the rights of way available to the mentioned properties.



**Subject site**



**Subject site**



- Road way – access from reserved road to subject site
- Subject site: (Lot 1)
- Right of carriageway over Lot 3 to Lot 1
- Right of carriageway over Lot 1 to Lot 2

**REFERRALS**

The application was referred to Council’s Environmental Health Officer and the Works & Airport Manager. No issues were raised and no special conditions were requested.



## NOTIFICATION

The application was advertised for 14 days in accordance with the Act and 1 representation was received.

Issue raised	Officer comments
<u>Carol Cox</u>	
The representor do not have an objection to the proposed business but is concerned about the access and amenity that will directly impact on the 27 and 29 Main Road.	As mentioned above in this report – the matter of access and rights of way that provides access to the subject site as well as 27 and 29 Main Road is a civil matter and this access cannot be denied and or blocked by any of the parties to it.  The proposed use and its operation has limited traffic movements.
The current store has limited hours of operation – will the warehouse be restricted to the same hours?	The proposed hours of operation is 6am to 10pm Monday to Sunday. This is the current hours of operation of the store.
If approved, can the council apply conditions that do not enable the use of a warehouse to morph into anything greater?	Council can only approve or refuse the application as proposed. Should the use of this subject site morph into another use it will be a matter of enforcement for the council.
The site plan shows a container located on the right of way that restricts access to the warehouse and 27 Main Road. Can this be relocated if the application is approved?	As mentioned above in this report the availability of the right of way access is a civil matter between the parties.
If approved, it is not inconceivable that the amenity of the houses at 27 and 29 Main Road will be negatively impacted.	Residential use is Prohibited in the Port Zone under the current planning scheme. Use and development in this zone is focus on Port related activities – these are considered industrial uses and the planning scheme therefore does not afford houses in this zone any residential amenity.  These houses are existing and it is considered that the proposed change of use will have little to no impact on these house due to little or any change in the operation on the subject site.
The supporting letter states there is parking for 4 cars – this is not shown on the plan.	The car parking referred to in the application is the public car parking next to the park. The subject site also has space available for cars to park for the pickup of items ordered. As mentioned the proposal is not a shop where customers will browse – it will be a short stop, pickup and drive off. The application stated that this pickup traffic is limited to 5 per week.
Request that storage outside must not encroach on the road way.	Any approval must include this condition.

## **POLICY/STRATEGIC IMPLICATIONS**

*The Strategic Plan outlines the vision for the future of the Municipality and the strategic focus areas and outputs that have been identified to support that vision - outputs that support population growth, increased tourism, primary industries and entrepreneurial activity whilst protecting and enhancing the important existing characteristics and lifestyle attributes of our island life.*

**Strategic Focus Area 1: Population Growth** - Council has outlined a clear desire to grow the population to levels that will support greater sustainability, access to a greater range of choice for local services and goods; and increase ongoing service delivery for essential activities associated with health, education, employment and enterprise.

**Rationale** – Industry development, economic development and associated enterprise activity is constrained by the cost of access to goods, markets and customers that is inherit to an island community.

**Strategies** – Foster and support entrepreneurial activity.

**Strategic implementation** – Build local entrepreneurial capability.

## **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**

#### **5.7 Port Zone**

##### **5.7.1 Zone Intent**

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

##### **5.7.2 Desired Zone Character and Zone Guidelines**

- (a) While acknowledging the design requirements of different port-related uses, development should nevertheless take all reasonable measures to limit conflict with the character of the surrounding area (including that under other zoning) and other uses.
- (b) Use or development should be of modest scale and use traditional design elements and orientation to the street, where appropriate. Pitched roofs and broken form are preferred and long, high and continuous walls are not appropriate.
- (c) Advertising signs may be colourful but should be restrained in their overall impact. Typically, signs should be located on the building face or fence or in a low position if free standing. Large signs and those which are out of scale with

the area or the building or structure on which they are located or relate to, as well as those above roof height, are inappropriate.

- (d) Security fencing shall be kept to a minimum. Where required its visual impact should be minimised through such measures as use of dark coloured/finished wire mesh and screening vegetation, and were possible located behind the line of the building facade.

#### 5.7.4 Development Standards

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

**Officer comments: no development is proposed. A change of use is proposed within an existing building.**

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

The proposal complies with the following use principles:

Principles		Complies	Not Applicable
A	Use or development shall not unreasonably impact on any existing or intended use of development of neighbouring land	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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: <ul style="list-style-type: none"> <li>i. the requirements of the intended use, and</li> <li>ii. the Zone Intent, or alternatively by</li> <li>iii. an approved Development Plan that has been adopted by Council and inserted as a provision in the Scheme.</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C	Residential Zones shall be protected from encroachment by incompatible use or development.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Officer comments: the proposal is for a warehouse with limited traffic movements associated with the delivery of stock from the Furneaux Freight yard; deliveries to customers from the site by the applicant and as little as 5 pickups by customers from the site per week. These pickups are by previous arrangement and the proposal does not include a shop where customers can browse before shopping.**

## 6.2 Character

The proposal complies with the following use principles:

Principles		Complies	Not Applicable
A	Use and development shall adequately respect the character of, and future intentions for the area in which it is to be located.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B	Subdivision layout, particularly roads, shall take adequate account of land contours and the need to avoid visual scarring.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E	Where trees are an important element in the character of an area they should be retained.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Officer comments: the proposed use is within the Port Zone and complies with the intent of this zone. The proposal generates limited traffic movements, the only noise will be when deliveries from Furneaux Freight is done by forklift. The only lighting is via a sensor above the doorway and no signage is proposed.**

## 6.3 Amenity

The proposal complies with the following use principles:

Principles		Complies	Not Applicable
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Officer comments: the proposed use is within the Port Zone and complies with the intent of this zone. The proposal generates limited traffic movements, the only noise will be when stock is delivered from Furneaux Freight by forklift. The only lighting is**

via a sensor above the doorway and no signage is proposed. The existing houses at 27 and 29 Main Road are within the Port Zone – an industrial zone where residential use is prohibited and are therefore not afforded any amenity under the planning scheme. It is considered that the proposal with its limited traffic movements, noise and outside lighting will not impact negatively on the existing 2 houses.

#### 6.4 Environment

The proposal complies with the following use principles:

Principles		Complies	Not Applicable
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C	Use or Development shall not be located in areas of unacceptable risk (eg. from fire, flood or landslip). In situations where risk may exist, use and development shall be appropriately sited and designed to provide an acceptable level of protection and safety for future users. In particular. <ul style="list-style-type: none"> <li>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</li> <li>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</li> <li>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.</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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: <ul style="list-style-type: none"> <li>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.</li> <li>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</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
G	Use of land in the vicinity of those watercourses identified in Schedule 3 shall provide Riparian Reserves in an appropriate location and form.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## 6.5 Heritage

The proposal complies with the following use principles:

	Principles	Complies	Not Applicable
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E	Use or development shall be carried out in accordance with the principles and practices of the <i>Burra Charter</i> .	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## 6.6 Access and Parking

The proposal complies with the following use principles:

	Principles	Complies	Not Applicable
A	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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B	All Use or Development shall provide satisfactory pedestrian and vehicular access which is suited to the volume and needs of future users.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Officer comments: the proposal is not envisioned to generate heavy traffic movements. Deliveries will be from the Furneaux Freight depot to the site and customer orders will be delivered by the applicant. Pickup of goods is limited to 5 per week and this will be pick up only of goods pre-ordered.**

## 6.7 Services

The proposal complies with the following use principles:

Principles		Complies	Not Applicable
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B	Lot size and arrangement shall be adequate and appropriate to ensure an acceptable level of servicing, particularly in relation to waste disposal.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D	Use or Development in the bushfire prone areas will provide fire protection features and water supplies which comply with Schedule 7.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F	Servicing systems shall use adequate and appropriate design methods and materials to ensure an acceptable life span and allow for adequate maintenance requirements.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## 6.8 Social Interests

The proposal complies with the following use principles:

Principles		Complies	Not Applicable
1	Use or Development should demonstrate how it suits the community interest.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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).	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Officer comments: the proposal will provide bulky goods similar to a hardware store to the Community – delivered from the port/Furneaux Freight depot to the warehouse for distribution to customers such as builders, plumbers, hospitality operators and commercial cleaners etc.**



## 6.9 Administration

The proposal complies with the following use principles:

Principles		Complies	Not Applicable
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D	<p>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:</p> <ol style="list-style-type: none"> <li>i. The intended use for the land for which the Development Plan has been created;</li> <li>ii. The reason(s) for selection of the area;</li> <li>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;</li> <li>iv. The nature, form and capacity of proposed services including water, sewerage disposal, power, telephone, roads, footways and reserves;</li> <li>v. A plan of subdivision with proposed staging showing lot sizes and layouts, building envelopes where appropriate, and physical features intended to be conserved;</li> <li>vi. Any special provisions to be used to control land use and development in the area (eg. height, form, character, materials, colours etc.);</li> <li>vii. Any other provisions intended to secure the intention of the Plan.</li> </ol> <p>A Development Plan shall be incorporated into the Scheme by way of a Scheme amendment in accordance with the Act.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Officer comments: the proposal was referred internally and council staff raised no issues nor required any specific conditions.**

## Part 7 – Special Area Provisions

Special Area	Applicable	Not Applicable
Visually Significant Area	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ecologically Significant Area	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Heritage Area	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Shoreline, waterbodies and Watercourses	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### 7.5 Shorelines, Water Bodies and Watercourses

- 7.5.1 The shorelines, water bodies and watercourses identified in Schedule 3 shall be sustainably managed for the protection of water quality, the conservation of aquatic and shoreline habitat and the enhancement of recreational opportunities.
- 7.5.2 Development (other than that prohibited within the zone) which pertains to a Shoreline, Water Body or watercourse listed in Schedule 3 shall be considered as a discretionary Use or development in accordance with Clause 3.5.
- 7.5.3 Before considering an application pursuant to Clause 7.5.2 council may require additional information, prepared and submitted for Council's consideration by a suitably qualified person(s) to ensure that the proposal is adequately in terms of:
- (a) Contours and levels of the natural surfaces in relation to the range of water levels likely to occur in the vicinity of the propose use or Development
  - (b) Existing water quality, including seasonal variations;
  - (c) Quantities and qualities of water that are proposed to be abstracted from or discharged to the sea, a water body or a watercourse listed in Schedule 3;
  - (d) The likely impact of the proposed use or development on the quality of waters by reason of off-site effects such as erosion, siltation, salination, chemical spray drift, nutrient seepage, seed disposal or other emissions;
  - (e) The natural, ecological, cultural, recreational and aesthetic qualities of the site.
- 7.5.4 In considering an application for Use or Development in Shorelines, Water Bodies and Watercourses and whether to impose conditions Council shall consider the following matters:
- (a) The siting, orientation, setback, bulk, form, height, scale, materials and external finishes of buildings and structures
  - (b) The impact upon water quality, foreshore or streamside vegetation and wildlife habitat of building, clearing, excavation, effluent disposal, access construction, fences, firebreaks or the deposition of fill;
  - (c) Whether land should be acquired by Council as a condition of subdivision or otherwise, to protect the items listed in Schedule 3;
  - (d) Whether additional fencing or any other special works or practices are required to protect the items listed in Schedule 3;
  - (e) The design, content and location of signage and interpretative displays.

**Officer comments: the proposal does not include any development – it is for a change of use only. The proposed use will have no impact on the provisions of this Special Area provisions.**

## **RECOMMENDATION**

That the application for a Warehouse in the Port Zone, by G Grace for land located at Lot 1 on Plan 86322 be APPROVED subject to the following conditions:

### **ENDORSED PLANS**

1. The use and/or development must be carried out as shown on the Endorsed plans 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.

### **OUTDOOR STORAGE**

2. Outdoor storage must not prevent the use of the right of way.

### **TRAFFIC MANAGEMENT**

3. Traffic generated by this use must be monitored and must not cause congestion on or obstruct the use of any roadway or right of carriage way that provides access to the site and to 27 and 29 Main Road, Lady Barron; and
4. Traffic generated by this use must not unreasonably impede any existing adjoining land use.

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

### **Permit Notes**

- A. This permit was issued based on the proposal documents submitted for DA2018037. 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.**

## 17.2 Development Application Report

<b>Action</b>	<b>Information</b>
<b>Proponent Officer</b>	Council Officer Jacci Viney   Development Services Coordinator
<b>File Reference</b>	PLN/0105
<b>Annexures</b>	17.2.1 Development Application Information Report – September 2020

### INTRODUCTION

This report provides Councillors with an overview of development applications received and assessed for the current period as per motion 249.09.2015, passed at the 24 September 2015 Council Meeting when Council requested monthly data on the matter.

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 planner's 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 17.2.1, Development Application Information Report – September 2020.

### VOTING REQUIREMENTS

Simple Majority

### RECOMMENDATION

**That the Development Application Information Report – September 2020 be received.**

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## 18 Works and Services

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### 18.1 Works & Services Manager's Report – October 2020

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Brian Barnewall   Works and Services Manager
<b>File Reference</b>	WOR/3000
<b>Annexures</b>	18.1.1 Works and Services Report - October 2020

#### **INTRODUCTION**

The purpose of this report is to provide Councillors with an update of monthly activities undertaken by Works and Services.

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

This report will be provided on a monthly basis at the request of Council.

#### **VOTING REQUIREMENTS**

Simple Majority

#### **RECOMMENDATION**

That the Works and Services Report – October 2020 be received and accepted by Council.

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## 19 Notice of Motions

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### 19.1 Notice of Motion – Review of Special Committees of Council and Special Committees of Council Policy and Procedure

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Mayor Annie Revie
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	COU/0600
<b>Annexures</b>	19.1.1 Draft Special Committees of Council Policy 19.1.2 Draft Special Committees of Council Procedure

#### NOTICE OF MOTION

1. That Council maintains the following Special Committees:
  - a) Furneaux Group Shipping Special Committee
  - b) Furneaux Group Aviation Special Committee
  - c) Lady Barron Hall and Recreational Special Committee
  - d) Whitemark Community Gym Special Committee
2. That Council revokes the following Special Committees:
  - a) Furneaux Community Health Special Committee
  - b) Furneaux Islands Festival Special Committee
  - c) Furneaux (Emita) Hall and Recreation Ground Special Committee
3. That Council adopts the Special Committees of Council Policy and Procedure and allows the Special Committees of Council Policy to lay on the table for 28 days for public comment.

#### COUNCILLOR'S REPORT

Council is enabled by the *Local Government Act Tasmania (1993)* to establish Special Committees to support the achievement of its objectives. At the 22 November 2018 Council Meeting, Council unanimously resolved to "...review on an as required basis the structure and expectations of all committees but by default at least formally in December 2020" (motion no. 322.11.2018).

Council has reviewed the function of its seven current Special Committees in detail. As a result of discussions, I recommend the following:

1. That Council maintains: the Furneaux Group Shipping Special Committee; the Furneaux Group Aviation Special Committee; the Lady Barron Hall and Recreational Special Committee; and the Whitemark Community Gym Special Committee; and
2. That Council revokes: the Furneaux Community Health Special Committee; the Furneaux Islands Festival Special Committee; and the Furneaux (Emita) Hall and Recreation Ground Special Committee.

The above Special Committees recommended to be maintained are active and valued by the Community.

#### Furneaux Community Health Special Committee

Regarding the Furneaux Community Health Special Committee, there now exists the Flinders Health Organisations Committee Meetings (FHOCM). This Committee includes representatives from the health professionals who service the Flinders Community and includes council representation. This Committee believes that its members are in an excellent space to meet the health needs of the Municipality. The Furneaux Community Health Special

Committee has for some years provided excellent representation to Council and the Community in the health and wellbeing space however is deemed to be no longer required. Council is appreciative of the work done by the Health Special Committee and thanks all members sincerely.

#### Furneaux Islands Festival Special Committee

Earlier in 2020, members of the Furneaux Islands Festival Special Committee met to discuss what the Festival might look like going forward. It was agreed that Council and the Flinders Island Aboriginal Association Inc. (FIAAI) discuss the future of the Festival and how it would be organised in line with the current Council Furneaux Islands Festival Policy. Discussions have taken place and it is now recommended that future Furneaux Islands Festivals be organised by FIAAI and Council, working together. If the two organisations require temporary sub-committees to support the Festival organisation, it is within their capability to organise same. Therefore, the Furneaux Islands Festival Special Committee is deemed to be no longer necessary. Council is appreciative of the Committee's work on previous festivals and thanks committee members most sincerely.

#### Furneaux (Emita) Hall and Recreation Ground Special Committee

There currently exists the Furneaux (Emita) Hall and Recreation Ground Special Committee and the Emita Hall Committee Inc. Council considered the need for two committees for the one facility as there appeared to be duplication and confusion around roles and responsibilities. The incorporated committee and council representatives met recently to discuss the relative merits of each existing committee and the potential disbanding of one of the committees. At a meeting on 13 October 2020, the incorporated committee agreed to continue operating as an incorporated body. Therefore, the Furneaux (Emita) Hall and Recreation Ground Special Committee is deemed to be no longer required.

#### Special Committees of Council Policy and Procedure

Council discussions have also highlighted the need to establish non-negotiable procedures for the operation of Special Committees, to be included in all Special Committees' Terms of Reference. As a result, I have prepared a draft Special Committees of Council Policy and a draft Procedure for Council's consideration.

### **PREVIOUS COUNCIL CONSIDERATION**

309, 310 and 322.11.2018 22 November 2018

### **PREVIOUS COUNCIL DISCUSSION**

21.07.2020 Council Workshop

18.08.2020 Council Workshop

### **OFFICER'S REPORT**

It is both healthy and necessary for an organisation to review and, where appropriate, consolidate instruments of authority, policy and procedure. Council has recently undertaken a review of Special Committees and their associated Terms of Reference and made the above recommendations to main and revoke some Special Committees and to develop an overarching policy and procedure.

### **STATUTORY REQUIREMENTS**

*Local Government Act 1993 (Tas)*

Local Government (Meeting Procedures) Regulations 2015

### **POLICY/STRATEGIC IMPLICATIONS**

Nil



## **BUDGET AND FINANCIAL IMPLICATIONS**

Nil

## **RISK/LIABILITY**

Nil

## **VOTING REQUIREMENTS**

Simple Majority

## **MOTION**

**Mayor Annie Revie**

- 1. That Council maintains the following Special Committees:**
  - a) Furneaux Group Shipping Special Committee**
  - b) Furneaux Group Aviation Special Committee**
  - c) Lady Barron Hall and Recreational Special Committee**
  - d) Whitemark Community Gym Special Committee**
  
- 2. That Council revokes the following Special Committees:**
  - a) Furneaux Community Health Special Committee**
  - b) Furneaux Islands Festival Special Committee**
  - c) Furneaux (Emita) Hall and Recreation Ground Special Committee**
  
- 3. That Council adopts the Special Committees of Council Policy and Procedure and allows the Special Committees of Council Policy to lay on the table for 28 days for public comment.**

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## 20 Governance

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### 20.1 Tasmanian Community Fund - Stay Connected Flinders Island Grant

<b>Action</b>	<b>Decision</b>
<b>Proponent Officer</b>	Council Officer Sammi Gowthorp   Community Development & Council Engagement Officer
<b>File Reference</b>	COM/0600
<b>Annexures</b>	20.1.1 Covid-19 Response Round – assessment outcome

#### INTRODUCTION

In August 2020, Council submitted a grant application to the Tasmanian Community Fund COVID-19 Response Round - Support, Connect and Rebuild to purchase and install a Video Conferencing System in the Flinders Arts and Entertainment Centre. Applications required a 10% cash or in-kind contribution towards the project.

On 7 October, a letter of offer from the Tasmanian Community Fund was received (Annexure 21.1.1), stating:

*“We are pleased to advise that \$13,659.99 has been approved for the Stay Connected Flinders Island project subject to the successful negotiation of an appropriate grant deed.”*

For Council to accept and sign the grant deed from the Tasmanian Community Fund for the Stay Connected Flinders Island project, a cash contribution of \$1,500 is required.

#### PREVIOUS COUNCIL CONSIDERATION

Nil

#### PREVIOUS COUNCIL DISCUSSION

Nil

#### OFFICER’S REPORT

The aim of the grant application was to secure equipment that would support and enable our community members, community groups and off-island providers to reconnect, support each other and rebuild, to reduce feelings of social isolation.

It is planned to install the video conferencing system in the Rose Garden Room of the Flinders Arts and Entertainment Centre, as an accessible, central location for island residents.

The equipment will enable community groups to hold more inclusive meetings and increase the connections within their groups; fitness instructors to stream their classes; consultants to virtually meet face-to-face with their clients; and training providers to deliver courses. Council will promote the availability of the video conferencing system and assist in providing training to operate the system.

As part of the budget for the grant application, Council Officers included a cash contribution of \$1,500 toward the project. In order to accept the grant, Council must first approve a variation to the 2020-21 Budget Estimates for this amount.

#### STATUTORY REQUIREMENT

*Local Government Act 1993*

#### POLICY/STRATEGIC IMPLICATIONS

Nil

**BUDGET AND FINANCIAL IMPLICATIONS**

Budget will need to be amended by \$1,500 at the six monthly review.

**RISK/LIABILITY**

Low

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council accepts and signs the grant deed from the Tasmanian Community Fund for the Stay Connected Flinders Island project and authorises the General Manager to make a variation of \$1,500 to the 2020-21 Budget Estimates in support of the project.**

## 20.2 Review of Furneaux Islands Festival Policy

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	PUB/0800
<b>Annexures</b>	20.2.1 Draft Furneaux Islands Festival Policy

### INTRODUCTION:

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

### PREVIOUS COUNCIL CONSIDERATION

7 July 2016	167.07.2016
19 April 2018	76.04.2018
19 November 2019	306.11.2019

### PREVIOUS COUNCIL DISCUSSION

30 June 2016	Council Workshop
5 April 2018	Council Workshop
18 October 2020	Council Workshop

### OFFICER'S REPORT

As detailed in the Notice of Motion previously considered in this agenda (agenda item 19.1), earlier in 2020, members of the Furneaux Islands Festival Special Committee met to discuss what the Festival might look like going forward. It was agreed that Council and the Flinders Island Aboriginal Association Inc. (FIAAI) discuss the future of the Festival and how it would be organised in line with the current Council Furneaux Islands Festival Policy and with the potential public gathering COVID-19 restrictions. Discussions have taken place and it is now recommended that future Furneaux Islands Festivals will be organised by FIAAI and Council, working together, with the support of temporary sub-committees as and when required.

Therefore, the Furneaux Islands Festival Special Committee is deemed to be no longer required. Council is appreciative of the Committee's work on previous festivals and thanks committee members most sincerely.

Consequently, the requirement of Council to form a committee to support the Festival needs to be removed from the Furneaux Islands Festival Policy. A change has also been made to clarify the extent of Council's responsibility and risk management regarding the Festival.

### STATUTORY REQUIREMENT

*Local Government Act 1993*

### POLICY/STRATEGIC IMPLICATIONS

Liveability - Support activities that foster social engagement and emotional wellbeing and provide opportunities for creative expression - Arts and cultural activities are encouraged and supported. AP 2021 - 2 Engage with community groups to deliver the Furneaux Islands Festival program of economic, community, collective events.

### RISK/LIABILITY

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

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

**That Council adopts the Furneaux Islands Festival Policy and allows it to lay on the table for 28 days for public comment.**

## 20.3 Airport Advertising Policy

<b>Action Proponent Officer</b>	<b>Information</b> Council Officer Samantha Gowthorp   Community Development and Council Engagement Officer
<b>File Reference Annexures</b>	AER/1500 20.3.1 Draft Airport Advertising Policy 20.3.2 Draft Fees and Charges Schedule

### INTRODUCTION:

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

The Draft Airport Advertising Policy has been developed to provide guidelines for advertising at the Flinders Island Airport in response to community requests to display commercial advertising within the airport terminal.

Council recognises the need to present to visitors, entering and departing from the Flinders Island Airport, an uncluttered image of the Island's beauty. This policy will ensure there are designated areas available for advertising at the Flinders Island Airport that provide a uniform and professional image.

### PREVIOUS COUNCIL CONSIDERATION

Nil

### PREVIOUS COUNCIL DISCUSSION

22 September 2020 Council Workshop

### OFFICER'S REPORT

Local businesses have recently contacted Council Officers regarding permission to advertise within the terminal at the Flinders Island Airport. This prompted a review of promotional and advertising material in general within the airport terminal and the development of this policy. To ensure all advertising is complimentary to the Airport's design and does not interfere with operational requirements or safety, it is necessary for Council to be responsible for all advertising in the terminal public areas.

In order to provide equitable access to commercial advertising space, dedicated areas and specified rental periods and fees have been developed. These have been included in the 2020/21 Fees and Charges (Annexure 20.3.2). Additional space will be allocated free of charge for the use of not-for-profit community groups.

A change to the 2020/21 Fees and Charges will be required if this Policy is adopted by Council.

### STATUTORY REQUIREMENT

*Local Government Act 1993*

### POLICY/STRATEGIC IMPLICATIONS

Nil

### RISK/LIABILITY

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

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

- 1. That Council adopts the Airport Advertising Policy and allows it to lay on the table for 28 days for public comment.**
- 2. That Council adopts the 2020/21 Fees and Charges.**

## **20.4 Change of 15 December 2020 Ordinary Council Meeting Time**

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	COU/0203
<b>Annexures</b>	Nil

### **INTRODUCTION**

A change to the time of the 15 December 2020 Ordinary Meeting of Flinders Council has been proposed in order to accommodate the Flinders Council Annual General Meeting.

### **PREVIOUS COUNCIL CONSIDERATION**

Nil

### **PREVIOUS COUNCIL DISCUSSION**

Nil

### **OFFICER'S REPORT**

The Flinders Council Annual General Meeting (AGM) for 2020 has been scheduled for 5pm on Tuesday 15 December. This date has been chosen to coincide with the December Ordinary Meeting of Council, as all Councillors will be in town to attend the council meeting.

As the council meeting is scheduled to commence at 9.30am, it has been proposed that the time for commencement be changed to 1pm to ensure efficient scheduling of meeting times.

### **STATUTORY REQUIREMENT**

*Local Government Act 1993*

### **POLICY/STRATEGIC IMPLICATIONS**

Nil

### **BUDGET AND FINANCIAL IMPLICATIONS**

Nil

### **RISK/LIABILITY**

Nil

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

**That the time of the 15 December 2020 Flinders Council Ordinary Council Meeting, scheduled for 9.30am, be changed to 1pm.**



## 20.5 Review of the Provision of Electronic Services – Elected Members’ Policy and the Elected Members’ Allowances, Reimbursements and Equipment Policy

<b>Action</b>	<b>Decision</b>
<b>Proponent Officer</b>	Council Officer Warren Groves   General Manager
<b>File Reference</b>	PER/0300, COU/0600,
<b>Annexures</b>	20.5.1 Provision of Electronic Services – Elected Members’ Policy 20.5.2 Draft Elected Members’ Allowances, Reimbursements and Equipment Policy

### INTRODUCTION

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

### PREVIOUS COUNCIL CONSIDERATION

#### Provision of Electronic Services – Elected Members’ Policy

Adopted	14 June 1994	133.06.94
Amended	13 December 2001	301.12.01
Amended	25 August 2005	486.08.05
Amended	15 July 2010	192.07.10
Amended	16 May 2013	544.05.2013
Amended	22 September 2016	225.09.2016
Amended	17 November 2016	279.11.2016
Amended	11 October 2018	293.10.2018

#### Elected Members’ Allowances and Reimbursements Policy

Adopted	12 October 2000	161.10.00
Amended	13 December 2001	301.12.01
Amended	25 August 2005	486.08.05
Amended	08 December 2005	749.12.05
Amended	19 January 2006	031.01.05
Amended	23 September 2010	290.09.10
Amended	26 March 2015	80.03.2015

### PREVIOUS COUNCIL DISCUSSION

6 October 2020 Council Workshop

### OFFICER’S REPORT

Council has a policy that states that policies should be reviewed every four years. Councillors reviewed this policy at the 6 October 2020 workshop. The following recommendations are based on the discussions undertaken at this workshop.

#### Provision of Electronic Services – Elected Members’ Policy

This policy details the provision of information technology services to Councillors and the security of confidential council information. The provision of information technology services has been added to the Elected Members’ Allowances and Reimbursements Policy. The security aspects of this policy are covered by an agreement signed by councillors on receipt of their electronic device. Therefore, the policy is deemed to be no longer required.

It is recommended that this Policy be rescinded.

### Elected Members' Allowances, Reimbursements and Equipment Policy

Schedule 5, section 1 (1) (a) of the *Local Government Act 1993* requires councils to maintain a policy in respect of payment of prescribed and other expenses incurred by councillors in carrying out their duties of office. The Elected Members' Allowances, Reimbursements and Equipment Policy fulfills this requirement.

This policy has been reviewed. Additional elements from the *Local Government Act 1993* on allowances and relevant information from the Provision of Electronic Services – Elected Members' Policy have been added.

It is recommended that the Elected Members' Allowances, Reimbursements and Equipment Policy be adopted.

### **STATUTORY REQUIREMENT**

*Local Government Act 1993*

### **POLICY/STRATEGIC IMPLICATIONS**

Nil

### **RISK/LIABILITY**

Nil

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

**That Council:**

- **rescinds the Provision of Electronic Services – Elected Members' Policy; and**
- **adopts the Elected Members' Allowances, Reimbursements and Equipment Policy and allows it to lay on the table for 28 days for public comment.**

## 20.6 Review of Public Question Time – Council Meetings Policy and Procedure

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	PER/0300, COU/0600,
<b>Annexures</b>	20.6.1 Public Question Time – Council Meetings Policy 20.6.2 Draft Public Question Time – Council Meetings Procedure

### INTRODUCTION

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

### PREVIOUS COUNCIL CONSIDERATION

#### Public Question Time – Council Meetings Policy

Adopted	12 July 1994	157.07.94
Amended	14 November 1995	205.11.95
Amended	13 December 2001	301.12.01
Amended	13 February 2003	127.02.03
Amended	08 September 2005	540.09.05
Amended	13 October 2005	601.10.05
Amended	20 May 2010	133.05.10
Amended	19 January 2012	18.01.2012
Amended	20 April 2017	66.04.2017

#### Public Question Time – Council Meetings Procedure

Adopted	20 April 2017	66.04.2017
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### PREVIOUS COUNCIL DISCUSSION

6 October 2020 Council Workshop

### OFFICER'S REPORT

Council has a policy that states that policies should be reviewed every four years. Councillors reviewed this policy and procedure at the 6 October 2020 workshop. The following recommendations are based on the discussions undertaken at this workshop.

#### Public Question time – Council Meeting Policy

Regulation 31 of the Local Government (Meeting Procedures) Regulations 2015 provides the guidelines around Public Question Time at Council Meetings that councils are required to follow. It is therefore considered unnecessary to maintain a policy on Public Question Time at Council Meetings.

Regulation 31 (7) allows a council to “*determine any other procedures to be followed in respect of public question time at an ordinary council meeting*”. Some of the policy elements have been incorporated in the Public Question Time – Council Meeting Procedure, as presented here for consideration.

#### Public Question time – Council Meeting Procedure

The Public Question Time – Council Meeting Procedure has been reviewed and additional elements have been added. It is recommended that this Procedure be adopted.

### STATUTORY REQUIREMENT

*Local Government Act 1993*

**POLICY/STRATEGIC IMPLICATIONS**

Nil

**RISK/LIABILITY**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council rescinds the Public Question Time – Council Meetings Policy and adopts the Public Question Time – Council Meetings Procedure.**

## 20.7 Policies to Rescind – Attendance at Conferences (Elected Members) Policy and the Communication between Councillors and the General Manager Policy

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	PER/0300, COU/0600,
<b>Annexures</b>	20.7.1 Attendance at Conferences (Elected Members) 20.7.2 Communication between Councillors and the General Manager

### INTRODUCTION

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

### PREVIOUS COUNCIL CONSIDERATION

#### Attendance at Conferences (Elected Members)

Adopted	9 August 1994	196.08.94
Amended	13 December 2001	301.12.01
Amended	23 September 2010	277.09.10
Amended	15 November 2012	340.11.12

#### Communication between Councillors and the General Manager

Adopted	14 June 1994	126.06.94
Amended	13 December 2001	301.12.01
Amended	23 September 2010	279.09.10
Amended	21 August 2014	874.07.2014

### PREVIOUS COUNCIL DISCUSSION

6 October 2020 Council Workshop

### OFFICER'S REPORT

Council has a policy that states that policies should be reviewed every four years. Councillors reviewed these policies at the 6 October 2020 workshop. The recommendation to rescind the following policies is based on the discussions undertaken at this workshop.

#### Attendance at Conferences (Elected Members) Policy

Attendance at conferences is generally decided by Councillors amongst themselves, in consultation with Council Officers and with due regard to financial diligence. A policy on the matter is no longer deemed to be required.

#### Communication between Councillors and the General Manager

Councillors currently have a clear, respectful and open line of communication between themselves and with the General Manager. A policy on the matter is no longer deemed to be required.

### STATUTORY REQUIREMENT

*Local Government Act 1993*

### POLICY/STRATEGIC IMPLICATIONS

Nil

**RISK/LIABILITY**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council rescinds the Attendance at Conferences (Elected Members) Policy and the Communication between Councillors and the General Manager Policy.**

## **20.8 Use of the Flinders Council Common Seal**

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	GOV/1000
<b>Annexures</b>	20.8.1 Common Seal Register July to September 2020

### **INTRODUCTION**

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

### **PREVIOUS COUNCIL CONSIDERATION**

216.09.2016                      22 September 2016  
From January 2017, considered quarterly.

### **OFFICER'S REPORT**

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

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

Annexure 20.8.1 details the use of the Flinders Council Common Seal from July to September 2020.

### **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 the report on the use of the Flinders Council Common Seal from July to September 2020 be received.**

## 20.9 Review of Instrument of Delegation

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	GOV/0400
<b>Annexures</b>	20.9.1 Draft Instrument of Delegation – revised October 2020

### INTRODUCTION

The purpose of this report is to replace Council's current Instrument of Delegation by adopting an updated instrument.

### PREVIOUS COUNCIL CONSIDERATION

27.01.2009	20 January 2009
375.11.2010	18 November 2010
087.03.2011	17 March 2011
365.12.2012	13 December 2012
612.08.2013	15 August 2013
740.02.2014	13 February 2014
807.05.2014	15 May 2014
53.02.2015	19 February 2015
205.08.2017	17 July 2017
240.09.2018	13 September 2018
223.08.2019	20 August 2019
108.5.2020	26 May 2020

### OFFICER'S REPORT

Section 22 of the *Local Government Act 1993* empowers Council to, in writing, delegate with or without conditions, certain powers and functions to the General Manager. In addition, Council may authorise the General Manager to further delegate those powers to Council employees [see s.64(1)(b) of the *Local Government Act 1993*]. Various other Acts also empower Council to delegate its powers and functions: examples are s.6 of the *Land Use Planning and Approvals Act 1993* and s.8 of the *Building Act 2016*.

The purpose of Council's Instrument of Delegation is to record, in writing:

1. all delegations made by the Council to the General Manager and other persons under statute; and
2. instances where Council has authorised the General Manager to further delegate Council's powers and functions.

The making of delegations is an essential and prudent step to ensuring that the business of Council can be conducted in a structured, efficient and effective manner. The most recent review of Council's delegations register was conducted to provide tighter guidelines in relation to section 74 of the *Local Government Act - Expenditure*.

### STATUTORY REQUIREMENT

*Building Act 2016*

*Building Regulations 2016*

*Environmental Management and Pollution Control Act 1994;*

*Food Act 2003*

*Land Use Planning and Approvals Act 1993*

*Local Government Act 1993*

*Local Government (Building and Miscellaneous Provisions) Act 1993*



*Local Government (Highways) Act 1982*  
*Public Health Act 1997*  
*Roads & Jetties Act 1935*  
*Strata Titles Act 1998*

**POLICY/STRATEGIC IMPLICATIONS**

Nil

**BUDGET AND FINANCIAL IMPLICATIONS**

Nil

**RISK/LIABILITY**

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

**VOTING REQUIREMENTS**

Two-thirds majority of councilors in attendance (as per s.124(2) of the *Local Government (Highways) Act 1982*).

**RECOMMENDATION**

**That Council resolves to:**

- 1. make each of the delegations and authorisations in the terms set out in the revised Instrument of Delegation (October 2020), by exercising the powers of delegation and authorisation referred to in that Instrument;**
- 2. adopt the revised Instrument of Delegation (October 2020) as Council's current delegations register and revokes all previous delegations made and approved by Council (per clause 2 of the Instrument);**
- 3. authorise the Mayor and the General Manager to endorse the revised Instrument of Delegation (October 2020) by executing the document and applying the common seal of Council; and**
- 4. direct the General Manager to keep the new Instrument of Delegation (October 2020) and make it available for inspection at Council's offices as the Delegations Register, as required by s.22(4) of the *Local Government Act 1993*.**

## **20.10 Service Request Register**

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	GOV/1000
<b>Annexures</b>	20.10.1 Service Request Register as at 14 October 2020

### **INTRODUCTION**

The Service Request Register is used to manage requests for service received by Council from members of the public. Service requests are recorded in the register, along with the actions and timeframes taken to resolve the requests.

### **PREVIOUS COUNCIL DISCUSSION**

The Service Request Register was previously reviewed by Council at monthly Workshops. The Register will be presented to Council for consideration at monthly Council Meetings as from August 2020.

### **OFFICER'S REPORT**

Please read Annexure 20.10.1 – Service Request Register as at 14 October 2020.

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

**That the Service Request Register as at 14 October 2020 be noted.**

## **20.11 Council's 2020/21 1<sup>st</sup> Quarter Report**

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	COU/0600
<b>Annexures</b>	20.11.1 Council's 2020/21 1 <sup>st</sup> Quarter Report (July to September 2020)

### **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 third quarter of the financial year.

### **PREVIOUS COUNCIL CONSIDERATION**

Provided as quarterly reports.

### **OFFICER'S REPORT**

Please read Annexure 20.11.1 - 2020/21 1<sup>st</sup> Quarter Report (July to September 2020).

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

**That the Council's 2020/21 1<sup>st</sup> Quarter Report (July to September 2020) be received and accepted by Council.**

## **20.12 Councillor Resolution Report**

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	GOV/0300
<b>Annexures</b>	20.12.1 Councillor Resolution Report October 2020

### **INTRODUCTION**

The Councillor Resolution Report identifies resolutions passed by elected members and the actions taken to implement the decisions.

### **PREVIOUS COUNCIL CONSIDERATION**

The Report is presented on a monthly basis.

### **OFFICER'S REPORT**

Please read Annexure 20.12.1 – Councillor Resolution Report October 2020.

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

**That the Councillor Resolution Report October 2020 be noted.**

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**Meeting Closed**

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