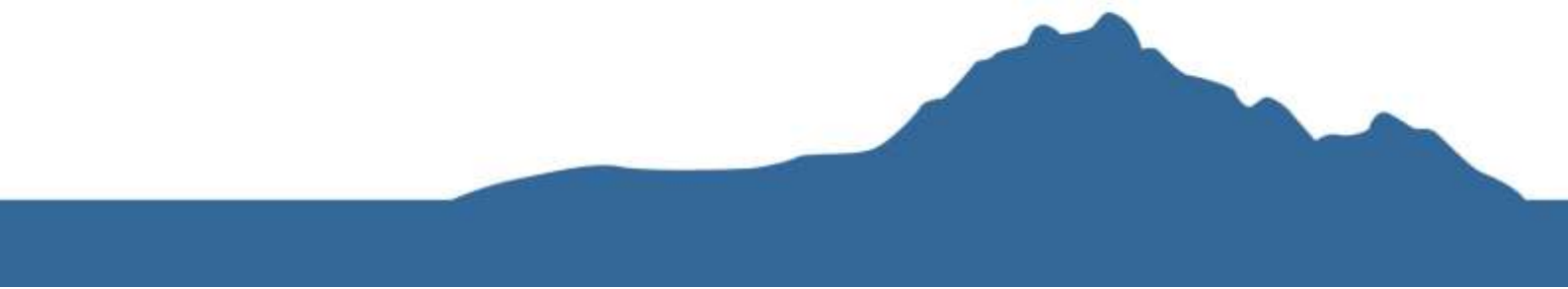




# Agenda Ordinary Council Meeting

16 February 2021



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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 11<sup>th</sup> day of February 2021



Warren Groves  
**GENERAL MANAGER**

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# Flinders Council Ordinary Meeting – Agenda

## Tuesday 16 February 2021

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<b>Venue</b>	Flinders Arts and Entertainment Centre, Whitemark
<b>Commencing</b>	2:00pm
<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 Nicole Kennedy   Development Services Administration Officer Jacci Viney   Development Services Coordinator Vicki Warden   Executive Officer (minute taker)

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### 1 Acknowledgement 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 Council Meeting held 19 January 2021 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 Public Question Time – Council Meeting Procedure, the following are to be adhered to at public question time.*

*Public Question Time is permitted 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 required.*
- 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 Councillors Questions on Notice**

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None received.

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## **5 Councillors' 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 Late Agenda Items**

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## **7 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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## **8 Conflict of Interest**

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*In accordance with 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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## 9 Workshops & Information Forums

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### Council Workshop – 19 January 2021

Council held a workshop on the following subjects:

- Item 1 General Manager's Update
- Item 2 Half Yearly Budget Update
- Item 3 Enforcement Communication

### Councillors in Attendance

Mayor Annie Revie	Cr Aaron Burke
Deputy Mayor David Williams	Cr Vanessa Grace
Cr Sharon Blyth	Cr Peter Rhodes

### Apologies

Cr Rachel Summers

### Staff in Attendance

Warren Groves	General Manager
Heidi Marshall	Finance and Organisational Performance Manager
Jacci Viney	Development Services Coordinator
Vicki Warden	Executive Officer

### Council Workshop – 2 February 2021

Council held a workshop on the following subjects:

- Item 1 Draft 1 Waste Management Strategy
- Item 2 DA2021004 Harleys Road, Whitemark (Quarry)
- Item 3 Street Names
- Item 4 Extension to Robert St
- Item 5 Priority Projects
- Item 6 General Manager's Update
- Item 7 What next to work on with King Island
- Item 8 Timing of Council Meetings
- Item 9 Community Council Meetings
- Item 10 Safe Harbour

### Councillors in Attendance

Deputy Mayor David Williams	Cr Vanessa Grace
Cr Sharon Blyth (Items 1 - 6)	Cr Peter Rhodes
Cr Aaron Burke	Cr Rachel Summers

### Apologies

Mayor Annie Revie

### Staff in Attendance

Warren Groves	General Manager
Sammi Gowthorp	Community Development / Council Engagement Officer (Item 1)
Jacci Viney	Development Services Coordinator (Items 1 – 5)
Nicole Kennedy	Development Services Administration Officer (Item 2)
Vicki Warden	Executive Officer

### **RECOMMENDATION**

**That the Council Workshops held on 19 January and 2 February 2021 be noted.**

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

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## **11 Reports to be Received**

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### **11.1 Lady Barron Hall and Recreation Special Committee**

**File Reference**      AME/0503

**Annexure**            11.1.1 Lady Barron Hall and Recreation Special Committee meeting 17  
November 2020 Confirmed Minutes

11.1.2 Lady Barron Hall and Recreation Special Committee meeting 14  
December 2020 Unconfirmed Minutes

#### **OFFICER'S REPORT (Warren Groves, General Manager):**

The confirmed minutes of the Lady Barron Hall and Recreation Special Committee meeting held Monday 17 November 2020, and the unconfirmed minutes of the meeting held Monday 14 December 2020, have been provided for consideration. The minutes outline what the Committee has been working on to date. The confirmed minutes can now be received by Council and the unconfirmed minutes can be noted.

#### **RECOMMENDATION**

**That the confirmed minutes of the Lady Barron Hall and Recreation Special Committee meeting held Monday 17 November 2020 be received and the unconfirmed minutes of the meeting held Monday 14 December 2020 be noted.**

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## **12 Councillors' Reports**

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None received.

## 13 Mayor's Report

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

### APPOINTMENTS

DATE	
13/1/21	Administration
13/1	Community meeting at Lady Barron with Clem Newton Brown
14/1	General Manager's Performance Review Committee Meeting
15/1	Catch-up meeting with Warren Groves
16/1	Radio Interview on Furneaux Islands Festival
19/1	Council Workshop and Council Ordinary Meeting
19/1	Meeting with General Manager Warren Groves and Works and Services Manager Brian Barnewall
20/1	Meeting regarding camping
20/1	Meeting with George Adams, Hon Bridget Archer MP, Senator Eric Abetz, Senator Jonathon Duniam, Hon Michael Ferguson MP, their advisors and Warren Groves
20/1	Politicians' engagement with community members
22/1	Phone conversation with Sarah Lebski
22/1	Radio Interview
22/1	Meeting with General Manager Warren Groves, Jacci Viney, Brian Barnewall, Bob Cardwell regarding Hot Rot Machine
22/1	Furneaux Islands Festival Twilight Market
23/1	Furneaux Islands Festival Yarning Circle
24/1	Furneaux Islands Festival Community Barbeque at Flinders Island Aboriginal Association Incorporated park
25/1	Meeting with Peter Rhodes
25/1	Meeting with Jana Monnone and Liz Frankham
27/1	Launceston Council business
2/2/21	Meeting with Mark Baker, Chief Executive Officer Northern Tasmania Development Corporation (NTDC)
3/2	Meeting with Andrew Pitt, Chamber of Commerce
3/2	Meeting with Sarah Lebski, Tourism Consultant
8/2	Administration
9/2	Radio Interview regarding tourism
9/2	Exchange of information with General Manager Warren Groves
9/2	Administration

### CORRESPONDENCE IN

DATE	FROM	SUBJECT
12/1/21	TasWater	Responses to questions raised by councils
12/1	TasWater	Appearance before Legislative Council
15/1	Australian Local Government Association (ALGA)	Newsletter
15/1	Hon Bridget Archer MP	Invitation to community engagement afternoon tea



18/1	Tas Ports Mark Cooper	Matting at the Port
19/1	Hon Bridget Archer MP	Confirmation of attendees for meeting with senators and other elected members
20/1	Department of Home Affairs	Australia Day Resources
20/1	Local Government Association Tasmania (LGAT)	Elected members' weekend
21/1	TasWater	Quarterly Report
25/1	Senator Eric Abetz	Appreciation of meeting 20/1
22/1	Flinders Island Business Incorporated	Population Project
22/1	ALGA	Newsletter
22/1	NTDC	Regional Collaboration Framework
29/1	ALGA	Newsletter
29/1	Anthony Mitchell NTDC	Regarding dates for a visit to Flinders
1/2/21	TasWater	Now paying dividends to Council Members
1/2	TasWater	Revised Capital Delivery Office contracts
2/2	James Ower, Hays	Error on Council web site
2/2	Andrew Pitt, Launceston Chamber of Commerce	Creative Cities
3/2	Tas Government Radio Network (TGRN)	Information regarding TGRN
4/2	LGAT	Motions for general meeting on 10 <sup>th</sup> March
5/2	TasWater	Copy of quarterly briefings
8/2	Bec Enders	Update: vessel replacement
9/2	David Grutzner	Feedback regarding radio interview

#### CORESPONDENCE OUT

DATE	TO	SUBJECT
18/1	Linda Nicol	Camping on Flinders Island
19/1	Linda Nicol	Camping on Flinders Island
1/2	James Ower, Hays	Apology regarding error on website
9/2	David Grutzner	Appreciation of feedback

#### VOTING REQUIREMENTS

Simple Majority

#### **RECOMMENDATION**

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

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## 14 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.***

### 14.1 Development Application – Davrol Rural Management Pty Ltd

<b>Action</b>	<b>Decision</b>
<b>Applicant</b>	Davrol Rural Management Pty Ltd
<b>Officer</b>	Karin van Straten (Senior Consultant Town Planner)
<b>File Reference</b>	DA2021004
<b>Annexures</b>	14.1.1 Supporting information 14.1.2 Representations

Proposal:	Extractive industry – gravel and sand extraction, occasional crushing and vibratory screening
Location:	Lot 2 Harleys Road, Whitemark
Zoning:	Rural
Special Areas:	Buffer attenuation Areas
Representations:	Three

#### INTRODUCTION

The proposal is to establish and operate 3 extraction pits on the subject site. Two of these already exists and were used by previous owners. The proposed operation will have a maximum extracted volume of 4,999 m<sup>3</sup> per year. Crushed and/or screened materials will not exceed 1,000m<sup>3</sup> per year.

#### Statutory Timeframes

Date Received:	12/01/2021
Advertised:	20/01/2021
Closing date for representations:	04/02/2021
Request for further information:	N/A
Information received:	N/A
Extension of time granted:	N/A
Extension of time expires:	N/A
Decision due:	24/02/2021

#### The Proposal

The planning scheme defines the following: **Industry Extractive** means the use or development of land for the excavation of any resource(s) such as sand, earth, soil, clay, turf, gravel, rock, stone, minerals or the like.

Due to the limited volume of extraction, this proposal is a Level 1 Activity pursuant to Schedule 2 of the *Environmental Management and Pollution Control Act 1994*.

As mentioned above, the proposal is to establish and operate 3 extraction pits. The three pits will provide the following:

- Granitic gravel for roads and driveways (Southern pit)
- Fractured rock/coarse base for foundations, hardstand construction and sub-base for roads and driveways (Northern pit); and
- Sand for decorative use and concrete (sand extraction pit).

The proposed extraction operation will be as follows:

- Removal and stockpiling of vegetation and topsoil.
- Excavation of material with bulldozer and/or excavator
- Stockpiling of material in pit area
- Occasional crushing and/or screening – maximum 1 000m<sup>3</sup> per year
- Loading trucks with wheel loader from the pit face and stockpile area
- Transport by truck – Harleys Road – Memana Road - Palana Road – rest of the island
- No blasting is proposed.

Hours of operation:

The following hours of operation are proposed:

0700 to 1900 Monday to Friday

0800 to 1600 Saturday

Closed Sunday and Public Holidays

Most of the truck movements will be between 7am and 6pm Monday to Friday with limited movements after this until closing time. Occasional truck access may be required on Saturdays between 8am and 4pm.

**Subject site and surrounding area**

The subject site is approximately 3km east of the Whitemark village and airport. Access from the subject site is via Harleys Road - Memana Road - Palana Road to the village, airport and rest of the Island.



Subject site

The surrounding rural area contains farmland and scattered houses. The location of the closest houses ● are shown below.

Subject site



### REFERRALS

The application was referred to Council's Environmental Health Officer and the Works & Services Manager. No concerns were raised; the Works and Services Manager requested a special condition with regards to the shared maintenance of part of Harleys Road.

### NOTIFICATION

The application was advertised for 14 days in accordance with the Act and 3 representations were received.

Issue raised	Officer comments
<p><b>Stuart Dwyer</b>  <b>Hours of operation</b> – would like to see hours limit to less than what was proposed.                      Proposed hours of operation:                      0700 to 1900: Monday to Friday                      0800 to 1600: Saturday                      Closed on Sunday and Public Holidays                      Find the proposed hours of operation extremely long and stated it would adversely</p>	<p>The proposed hours are in compliance with the Quarry Code of Practice May 2017.</p>

<p>affect his amenity. Suggested the following hours of operation:  0700 to 1700: Monday to Friday  0900 to 1200: Saturday</p>	
<p><b>Traffic movements</b> - concerned that the increase in vehicle/truck movements along Harleys Road, particularly the incline, will result in a safety issue and additional maintenance burden for Council.</p>	<p>The Works &amp; Services Manager raised no particular objection to the proposal; but requested a specific condition of approval that requires the applicant to be responsible for maintenance of that section of Harleys Road that forms the incline.</p>
<p><b>TasWater</b></p>	
<p><b>Storm water</b> – requires the relocation of the drainage system as proposed to be a condition of approval to protect TasWater's asset/Cannes Hill storages.</p>	<p>The relocation of the drainage, as proposed, will be required to be completed to the satisfaction of Council <u>prior</u> to the use commencing.</p>
<p><b>Fuel, oil and chemical containment and storage</b> – request appropriate measures to avoid any impact on TasWater assets.</p>	<p>The proposal included mitigation measures pertaining to the storage, handling and transport of dangerous goods. These measures include the handling and disposal of weed spraying chemicals, storage of fuel containers away from drains and sediment ponds as well as the use of moveable bunding and the presence of a hydrocarbon spill kit on site.</p> <p>Should the Planning Authority decide to approve the application it will be subject to conditions – including the endorsement of the proposal report. Compliance with this mitigation measures be required via a specific condition of approval to be implemented and maintained for the duration of the use.</p>
<p><b>Dust suppression</b> – request prevention measures in place to prevent impact on the quality of the adjacent raw water storage.</p>	<p>The proposal included mitigation measures including watering of internal roads, damping of material, retention of vegetation, covering of trucks and/or load dampening and minimizing the extent of exposed soil.</p> <p>Should the Planning Authority decide to approve the application it will be subject to conditions – including the endorsement of the proposal report. Compliance with this mitigation measures will be required via a specific condition of approval to be implemented and maintained for the duration of the use.</p>
<p><b>Gary Sykes</b></p>	
<p><b>Potential changes to proposal</b> – questions what if the applicant's intentions change, blasting is required or the demand increases.</p>	<p>The application included the proposal report. Should the Planning Authority decide to approve the application it will be subject to conditions – one which will be the endorsement of this report. Should any of the requirements change – a new application will be required or in the case of blasting a permit from Workplace Standards.</p>

<b>Operating hours</b> – would prefer lesser hours that proposed.	The proposed hours are in compliance with the Quarry Code of Practice May 2017.
<b>Decommissioning and rehabilitation</b> – questions whether this will actually happen.	The proposal report includes details of progressive rehabilitation, seeding, monitoring and remedial works whilst the quarry operations are still active. In the event of permanent closure/completion of the extraction a Decommissioning and Rehabilitation Plan will be developed and submitted to Council for approval. Should the Planning Authority decide to approve the application it will be subject to conditions – including the endorsement of the proposal report. A specific condition requiring the development, approval and implementation of the Decommissioning and Rehabilitation Plan will be required as part of any approval.

## **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. Underpinning an ambition to support population growth is a Council determination to assist in diversifying economic activity building on the strengths of the island's primary resources and agriculture so that island residents have the opportunities for employment and to create their own economic futures.

**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 3 – Development applications, Permits and Exemptions**

### **3.19 Buffer/Attenuation Areas**

- 3.19.1 Notwithstanding any other provision in this Scheme, within the Buffer/Attenuation Special Area a “*dwelling unit*” shall be prohibited in accordance with Clause 3.6.
- 3.19.2 In considering any application within a Buffer/Attenuation area Council shall take into consideration the potential interaction between existing Uses or Developments and the proposed *Use or Development* and may impose conditions to minimise the impact of that interaction.
- 3.19.3 Matters to be considered when determining an application include:
- (a) The siting and orientation of habitable buildings in relation to the topography and sources of emissions.
  - (b) The design of buildings, including the position of doors and windows and the noise absorbing properties of proposed building materials.
  - (c) the benefits of screening with earth mounds, walls, fences or landscaping.
- 3.19.4 Notwithstanding Clause 3.19.1, within the existing lots zoned Low Density Residential at Bluff Road and subject to the Buffer/Attenuation Special Area, a House or a House and Ancillary Apartment may be erected in accordance with Clause 3.5 of the Scheme.

**Officer comments: The above provisions pertain to residential use and development within the Buffer/Attenuation Areas. The proposal is for an extractive industry and assessment against the provisions in 3.19 is therefore not required.**

## **Part 5 – Zoning**

### **5.8 Rural Zone**

#### **5.8.1 Zone Intent**

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

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

- (a) The use or development of small existing rural lots for the purpose of residential living shall only be approved where such use or development is compatible with any existing or potential agricultural use of that land or surrounding lands.
- (b) Use or development should enhance the rural character of the zone. Buildings should be substantial distances from the road frontage and apart, unless inappropriate for operational or topographical reasons. Where land clearance is undertaken it should be visually sympathetic; important trees (or stands of trees) should be retained, important hilltop locations should not be cleared and location of trees and shrubs along fence lines, property boundaries,

watercourses and at property entrances is encouraged. Buildings and structures for aquaculture should be sited with regard to the protection of coastal scenery and compatibility with recreational use of the coastline.

- (c) Land use or development and management practices shall be environmentally appropriate and shall avoid contamination or despoliation of the land, ground water, water courses, shorelines, lagoons and marshes. Sand-dunes and coastal vegetation and ecologically important areas shall be protected from degradation.
- (d) Forestry activities in the zone shall be in accordance with the Forest Practices Code

**Officer comments: the proposal is for an extractive industry – listed as Discretionary in the Table of Use and Development; and therefore, considered to be an acceptable/compatible non-agricultural use. Vegetation will be retained along Harleys Road to visually screen the proposed pits from the roadside. The proposed quarry activities will be in accordance with the Quarry Code of Practice 2017 – a document that sets the acceptable and environmental guidelines for quarry operations (including the decommissioning and rehabilitation) in the State.**

**This proposal is in compliance with the Code and the Zone Intent, Desired Zone Character and Zone Guidelines.**

#### 5.8.4 Development Standards

- (a) The maximum height of buildings is 8.0 metres unless it can be satisfactorily demonstrated that a higher structure is required for operational, topographic or other justified purposes.
- (b) Habitable buildings should be sited and designed to achieve the best solar gain or orientation that the site can provide. Where such design or orientation is not feasible other energy efficient practices, such as insulation, heat pumps or double glazing, should be considered.
- (c) Buildings shall be setback a minimum distance of 20 metres from all boundaries.
- (d) Regardless of the foregoing minimum setbacks, buildings shall be set back not less than a horizontal distance of 100m from high water mark and 40 m from a perennial watercourse.
- (e) Council may relax the setback requirement of the above clause pursuant to the provisions of Clause 3.5 of this Scheme and after giving consideration to:
  - i. The particular size, shape, contours or slope of the land and the adjoining land.
  - ii. The adjoining land and uses and zones.
  - iii. The position of existing buildings and setbacks in the immediate area.
  - iv. Consideration of any representations received as a result of the notification under Section 57 of the Act.
- (f) The external walls, roof, paving and other large surface areas of buildings shall be finished with non-reflective materials and colours that harmonise with the natural landscape or shall be substantially screened by landscaping.
- (g) A house on any lot which contains only class 4, 5, 6 or 7 land is discretionary and may only be approved if any existing or potential development and use of agricultural land in the vicinity is likely to receive no impact, or only minor impact from the establishment of the residence taking into account:
  - (a) The topography of the land.



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

**Officer comments: no buildings are proposed.**

**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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>

**Officer comments: The proposed quarry operations will not impact on the adjoining rural activities and associated houses. The closest houses are at 115 Harleys Road opposite the subject site’s entrance and at 44 and 50 Memana Road – thus on the route that quarry traffic will use. The proposed quarry will operate in accordance with the Quarry Code of Practice 2017 – a document that sets the acceptable and environmental guidelines for quarry operations (including the decommissioning and rehabilitation) in the State. The pits will not be visually obtrusive – vegetation screening along Harleys Road will remain.**

## 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 checked="" type="checkbox"/>	<input 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 surrounds are rural uses with dispersed houses. The proposed quarry will not impact on the current and/or future agricultural activities. Whilst residential amenity is considered in principle, it must be considered in context with the zone intent and proposed use and development. Residential amenity is not a priority in the rural area. The proposal report clearly outlines the future operation and rehabilitation. This proposal complies with the industry acceptable and environmental guidelines for quarrying.**

## 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 proposal is in compliance with the Quarry Code of Practice and includes limited extraction, hours of operation, and crushing volumes and the limited use of a crusher. A screen will be erected behind a soil bund in the northern pit to shield the closest house from direct sight, whilst noise will be mitigated via a soil/rock bund.**

#### 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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"/>

**Officer comments: The proposal will operate in accordance with the Quarry Code of Practice 2017 – the acceptable and environmental guidelines for quarrying. This also includes the rehabilitation of quarried areas to restore the impact of the works.**

## 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	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	development and detrimental land management practices including land clearance, within such areas and adjacent areas outside them.		
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**Officer comments: The subject site is not a heritage listed place. A standard note on any permit requires that if aboriginal artefacts are discovered – all work must cease and the presence of a relic reported to Aboriginal Heritage Tasmania.**

## 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 proposed quarry will use the existing access. The current access meets the Safe Intersection Sight Distance. Parking for light vehicles will be provided at the northern and southern pits; on-site turning will also be provided at these pits to enable heavy vehicles to enter and exit the subject site in a forward manner.**

## 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"/>

**Officer comments: The subject site is not connected to services, nor does it require connection and are therefore not assessed against this principle.**

## 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 type="checkbox"/>	<input checked="" type="checkbox"/>

**Officer comments: The proposal expands the rural activity on the Island and also provide local products for the construction and road sectors.**

## 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 checked="" type="checkbox"/>	<input 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 did not raised any issues. The Works & Services Manager requested a specific condition regarding shared road maintenance of part of Harleys Road. This has been included as a recommended permit condition should the Planning Authority approve the application.

### 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 type="checkbox"/>	<input checked="" type="checkbox"/>

## **RECOMMENDATION**

That the application for an Extractive Industry in the Rural Zone, by Davrol Rural Management Pty Ltd for land located at Harleys Road, Whitemark, Lot 2 on Plan 176057 be APPROVED subject to the following conditions:

### **ENDORSED PLANS**

1. The use and/or development must be carried out as shown and described in the endorsed document *Development Application Supporting Information Harleys Road Quarry, Flinders Island* by Van Diemen Consulting dated 29-12-2020 to the satisfaction of the Council. Any other proposed development and/or use will require a separate application to and assessment by the Council.

### **HOURS OF OPERATION**

2. The use and/or development must only operate during the following hours:  
0700 to 1900 Monday to Friday  
0800 to 1600 Saturday  
Closed Sunday and Public Holidays

### **DRAINAGE RELOCATION**

3. Prior to the use and/or development commencing, the existing drainage system at the Southern pit must be relocated to the east of the existing drain so that it drains onto the Mining Lease away from any adjoining lands to the satisfaction of Council's Works & Services Manager.

### **DUST SUPPRESSION**

4. The dust emission mitigation measures as described in E1.2 of the endorsed *Development Application Supporting Information Harleys Road Quarry, Flinders Island* by Van Diemen Consulting dated 29-12-2020 must be implemented and maintained for the duration of the quarry activities and until the decommissioning and rehabilitation have been completed.

### **DECOMMISSIONING AND REHABILITATION**

5. The progressive rehabilitation – including rehabilitation, monitoring and remedial works as described in Part F of the endorsed *Development Application Supporting Information Harleys Road Quarry, Flinders Island* by Van Diemen Consulting dated 29-12-2020 must be implemented and maintained for the duration of the quarry activities.
6. In the event of permanent closure of the facility prior to the completion of the approved extraction, a Decommissioning and Rehabilitation Plan must be developed and submitted for approval by Council. This plan must include a timeline for the completion of each stage/activity.

### **DANGEROUS AND/OR HAZARDOUS GOODS MANAGEMENT**

7. The dangerous and/or hazardous goods management mitigation measures as described in E4.2 of the endorsed *Development Application Supporting Information Harleys Road Quarry, Flinders Island* by Van Diemen Consulting dated 29-12-2020 must be implemented and maintained for the duration of the quarry activities and until the decommissioning and rehabilitation have been completed.

### **ROAD MAINTENANCE AGREEMENT – HARLEYS ROAD**

8. The operator must maintain Chainage 1200 to Chainage 1680 of Harley's Road (the section of incline that runs East – West from the turn in road to the access of the quarry) to the satisfaction of Council's Works Manager for the duration of the



quarry activities and until the decommissioning and rehabilitation have been completed.

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

- A. This permit was issued based on the proposal documents submitted for DA2021004. 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 concludes its meeting as a Planning Authority under Section 25 of the Local Government (Meeting Procedures) Regulations 2015.**

## 14.2 Development Information Report

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Jacci Viney   Development Services Coordinator
<b>File Reference</b>	PLN/0105
<b>Annexures</b>	14.2.1 Development Information Report – January 2021

### **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. As of July 2020, Flinders Council now generates the data and prepares the Development Application Report monthly.

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 142.1, Development Information Report – January 2021.

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

**That the Development Information Report – January 2021 be received.**

### 14.3 Naming of Road – Subdivision off Palana Road

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Jacci Viney   Development Services Coordinator
<b>File Reference</b>	DA2019/014
<b>Annexures</b>	14.3.1 Letter from applicants 14.3.2 Approved plan

#### **INTRODUCTION**

Joanna Klug and John Riddle submitted a development application for the subdivision of 8 residential lots plus 1 road lot, off Palana Road, opposite the Whitemark Showgrounds. The application was approved by Council in November 2019. The roadway is a lot that will be transferred to Council at the completion of the subdivision.

#### **PREVIOUS COUNCIL CONSIDERATION**

DA 2019/014 approved by Council in November 2019.

#### **PREVIOUS COUNCIL DISCUSSION**

Council Workshop 2 February 2021

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

New legislation in relation to the naming of places (including roads) came into effect on 1 July 2020. The Act governing the naming of places (and roads) is the *Place Names Act 2020*. What was once the function of the Nomenclature Board of Tasmania, is now undertaken by the Place Names Advisory Panel.

The developers of the subdivision put several road name choices to the Place Names Advisory Panel for approval, but those names were already in use, or similar to road names elsewhere in the State. Chalky Lane was proposed and the Place Names Advisory Panel confirmed that this name is available. Chalky Lane is inspired by the parallel line that runs from the subdivision site to the outer island of Chalky Island.

Council's approval of Chalky Lane is sought prior to official acceptance by the Place Names Advisory Panel.

#### **STATUTORY REQUIREMENT**

*Place Names Act 2020*

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

Nil

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

Negligible - may be required to pay for the sign.

#### **RISK/LIABILITY**

Nil

#### **VOTING REQUIREMENTS**

Simple Majority

#### **RECOMMENDATION**

**That Council approves the name Chalky Lane as the road lot created by DA2019/014.**

## 14.4 Extension of Robert Street

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	ROA/0302
<b>Annexures</b>	N/A

### INTRODUCTION

The property currently known as PID 2563982 was previously known as PID 7716116 when the land was purchased by the current owners. At the time of purchase, the purchaser's solicitor requested s132 & s337 certificates from Council relating to rates owing and powers over the land. The s337 certificate (at the time) asked if Council was responsible for providing access to the land. The answer provided in 2004 was "YES". This information is unfortunately incorrect.

In 2016, a motion was carried whereby Council agreed to pursue the extension of Robert Street. Council rescinded this motion in 2019 as the new owner indicated they did not wish to pursue a Council maintained extension.

The matter has been raised again by the landowner, aggrieved that the motion was overturned.

### PREVIOUS COUNCIL CONSIDERATION

15 December 2016 316.12.2016

*"That Council agrees to pursue the extension of Robert Street by approximately 80 metres."*

19 March 2019 68.03.2019

*"That Council rescinds motion 316.12.2016 regarding the extension of Robert Street, Whitemark."*

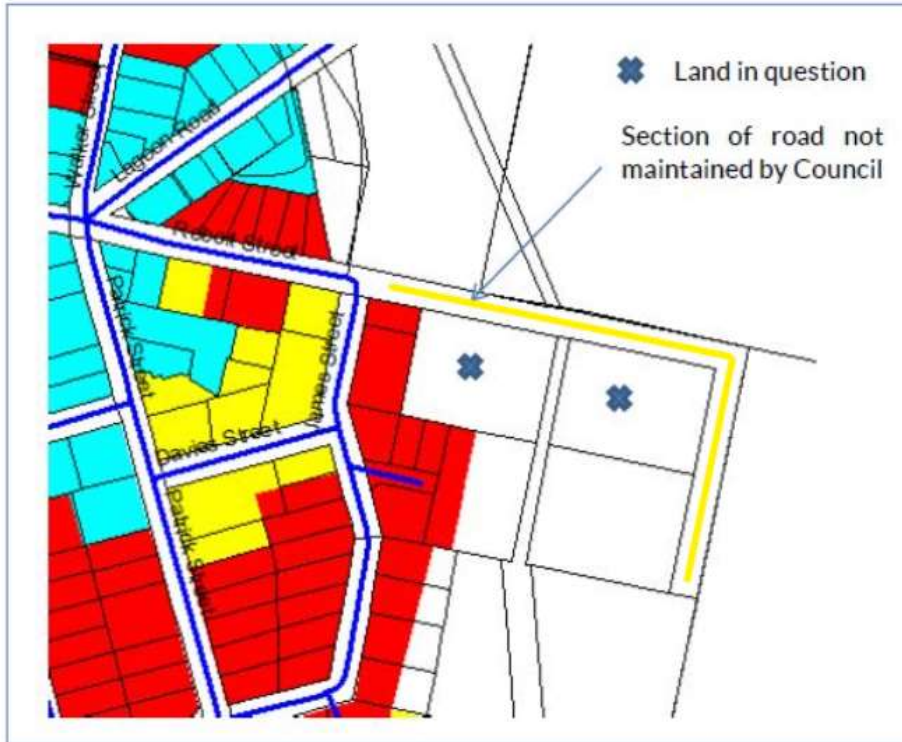
### PREVIOUS COUNCIL DISCUSSION

Council Workshop 2 February 2021

### OFFICER'S REPORT

The landowner has again requested that Council extends its responsibility of access to Robert Street, aggrieved at Council's motion to rescind the original request. Council's Works and Services Manager estimates that 80 metres of road will need to be constructed and maintained.

The section of road is currently Crown Land Road Reservation; a road not maintained by the local authority when the Local Government Act came into effect in the 1950's, that reverted to the ownership of the Crown. See below map, where the thick blue line represents Council Road, and yellow line represents the section of Crown Land Road Reservation.



The administrative process of extending Robert Street would require a resolution of Council under s.12 of the *Local Government (Highways) Act 1982* (Highways Act) on the basis that an area of Crown Reserve Road is a ‘way’, as defined in s.3 of the Highways Act. Additionally, Council would need to submit the “Crown Lands Act 1976 Works and/or Development Application Request” for approval prior to works commencing.

**STATUTORY REQUIREMENT**

There is no statutory requirement to provide access to properties or take over Crown Land Road Reservations. There is a statutory obligation to acquire the land from the Crown before progressing.

**POLICY/STRATEGIC IMPLICATIONS**

Nil

**BUDGET AND FINANCIAL IMPLICATIONS**

Legal costs associate with this matter are yet unknown. Details are forthcoming from Council’s lawyer regarding the process to be followed.

Construction costs have been estimated by Council’s Works and Services Manager. He equates that 80 meters of road will need to be constructed at a cost of approximately \$6,000.00. The portion of the road may then be added to the assets register and may require additional maintenance costs in the future.

**RISK/LIABILITY**

Liability surrounds the responsibility and maintenance of the 80-metre section of road.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council agrees to extend Robert Street by approximately 80 metres.**

**Or**

**That Council does not agree to extend Robert Street.**

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## 15 Works and Services

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### 15.1 Works and Services Manager's Report – February 2021

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Brain Barnewall   Works and Services Manager
<b>File References</b>	WOR/3000
<b>Annexures</b>	21.1.1 Works and Services Report – February 2021

#### **INTRODUCTION**

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

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

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

#### **VOTING REQUIREMENTS**

Simple Majority

#### **RECOMMENDATION**

That the Works and Services Manager's Report – February 2021 be received and accepted by Council.

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## 16 Governance

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### 16.1 Community Based Council Meetings

<b>Action</b>	<b>Decision / Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	COU/0206
<b>Annexures</b>	Nil

#### **INTRODUCTION**

The purpose of this report is to outline a proposal to move two of the scheduled 12 Council Meetings per year from Whitemark to other Flinders Council townships where suitable meeting facilities exist, such as Lady Barron, Emita and Cape Barren Island.

#### **PREVIOUS COUNCIL CONSIDERATION**

Nil

#### **PREVIOUS COUNCIL DISCUSSION**

Council Workshop 2 February 2021

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

Currently Council meets monthly at the Whitemark council chambers. This report proposes that at least twice a year, Council meets at alternative community locations. It is further proposed that on these days, Councillors and senior staff also visit local developments or existing businesses or enterprises within the area prior to the Council meeting, as well as sharing a meal with the Community.

The principles behind this concept are that Councillors and senior council staff are more accessible to the local community; engaging more fully with the Community in their work and public places; and together with the community, developing greater mutual understanding and respect through these shared activities.

A further aspect of this concept is that, where possible, the Council meeting is pertinent to that location and agenda items relate to that area. Additionally, the local community members will be encouraged to submit (local) questions or issues prior to the meeting so that these can be addressed in detail by Council Officers specialising in that sector of Council.

#### **STATUTORY REQUIREMENT**

*Local Government Act 1993*

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

Nil

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

The intention of the community meal would be to 'bring a plate' in the island tradition. There would be travel costs involved in visiting all the community venues. Travel costs to Cape Barren Island would naturally be more significant, however as Councillor accessibility to all community members is fundamental to the function of council, it is justifiable.

#### **RISK/LIABILITY**

Nil



## **REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

**That Council:**

- a) Resolves to hold two community-based Council Meetings per year, on a rotational basis, at Flinders Council townships where suitable meeting facilities exist, such as Lady Barron, Emita and Cape Barren Island; and**
- b) Nominates the location and timing of the two community-based Council Meetings for the 2021 calendar year.**

## 16.2 Public Interest Disclosure Procedures

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	LEG/0800
<b>Annexures</b>	16.2.1 DRAFT Public Interest Disclosures Procedures for Flinders Council

### INTRODUCTION:

The *Public Interest Disclosure Act 2001* requires Council to establish procedures that comply with the guidelines and standards outlined in s60(3) of the said Act. These procedures require review and resubmission to the Tasmanian Ombudsman for approval under s60(3) every 3 years.

### PREVIOUS COUNCIL CONSIDERATION

184.06.2011	16 June 2011
834.06.2014	19 June 2014
177.07.2017	20 July 2017

### PREVIOUS COUNCIL DISCUSSION

Nil

### OFFICER'S REPORT

The *Public Interest Disclosure Act 2001* was established to encourage and facilitate disclosures of improper conduct by public officers and public bodies to:

- protect persons making those disclosures, and others, from reprisals;
- provide for the matters disclosed to be properly investigated and dealt with; and
- provide all parties involved in the disclosures with natural justice.

In colloquial terms, the Act is about “whistle-blowing” in the Tasmanian public sector. The Act is based on the precepts that it is in the public interest for whistle-blowing to occur, and that this will be encouraged and facilitated by providing due protection for whistle-blowers, and by ensuring that disclosures made are properly investigated and dealt with accordingly.

The Act is quite clear about who can make such disclosures and the process and protection offered to all parties to such a claim. The procedures provided and developed for Council have been done so from the model standards supplied by the Ombudsman and comply in all respects to the format required under the Act.

The preparation of these procedures is delegated specifically to the principal officer of the public body, in this case the General Manager of the Flinders Council. Flinders Council's procedures were initially adopted at the 16 June 2011 ordinary meeting of Council and sent to the Ombudsman for formal ratification.

As required by the Act, it is again time to review the procedures. The Ombudsman has published revised Guidelines and Standards for Procedures to be followed by Public Bodies under s38 of the Act. Updated model procedures were provided to Council late November 2020 with the provision that they be adopted by 26 February 2021. Flinders Council's Public Interest Disclosure Procedures have been revised accordingly and are now presented to Council for consideration. Once adopted, they will be sent to the Ombudsman for formal approval under s60(3) of the Act.

**STATUTORY REQUIREMENT**

*Local Government Act 1993*

*Public Interest Disclosure Act 2001*

**POLICY/STRATEGIC IMPLICATIONS**

Nil

**BUDGET AND FINANCIAL IMPLICATIONS**

Nil

**RISK/LIABILITY**

No unforeseen risks

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council resolves to:**

- 1. Adopt the draft document - Flinders Council's Public Interest Disclosure Procedures dated February 2021;**
- 2. Submit the document to the Ombudsman for approval; and**
- 3. Review the procedures (as required under the Act) every 3 years.**

## **16.3 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>	16.3.1 Councillor Resolution Report February 2021

### **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 16.3.1 – Councillor Resolution Report February 2021.

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

**That the Councillor Resolution Report February 2021 be noted.**

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## 17 Closed Council

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### 17.1 Report to be Received - General Manager's Performance Review Committee

### 17.2 Notice of Motion – General Manager's Performance Review

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager

#### **REASON FOR CLOSED COUNCIL**

17.1 and 17.2 are **CONFIDENTIAL** in accordance with Section 15(2) (a) of the Local Government (Meeting Procedures) Regulations 2015.

#### **VOTING REQUIREMENTS**

Absolute Majority

#### **RECOMMENDATION**

**That Council moves into Closed Council.**

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## Meeting Closed

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