



Confirmed Minutes Ordinary Council Meeting

17 September 2019



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Flinders Council Ordinary Meeting – Confirmed Minutes

Tuesday 17 September 2019

Venue	Flinders Arts and Entertainment Centre, Whitemark
Commencing	9.30am
Attendees - Councillors	Mayor Annie Revie Deputy Mayor David Williams Sharon Blyth Aaron Burke 9.30am – 12.32pm Vanessa Grace Peter Rhodes Rachel Summers
Apologies	Aaron Burke 12.32pm – 1.58pm
Attendees - Staff	Heidi Marshall Acting General Manager 9.30 – 1.06pm and 1.40pm - 1.58pm Vicki Warden Executive Officer (minute taker) 9.30 – 1.41pm Karin Van Straten Senior Statutory Planner 9.42am – 9.58am and 10.47am – 11.06am. Brandie Strickland Planning Officer 9.42am – 9.58am

1 Confirmation of Minutes

234.09.2019 Moved: Cr S Blyth Seconded: Cr P Rhodes
That the Minutes from the Ordinary and Closed Council Meetings held on 20 August 2019 be confirmed.

CARRIED UNANIMOUSLY (7-0)

For: Mayor A Revie, Deputy Mayor D Williams, Cr S Blyth, Cr A Burke, Cr V Grace, Cr P Rhodes and Cr R Summers.

2 Public Question Time

Question 1: Michael Buck

What plans does the Council have to respond to the Productivity Commissions draft report into remote area tax concessions and payments? Feedback to the draft is open until 11 October 2019. Flinders could lose its current status.

Mayor's Response

The question was taken on notice.

Question 2: Michael Grimshaw

Can the mayor please outline specifically the directions Council is undertaking to increase income other than rate increases?

Mayor's Response

The question was taken on notice however noted that the this has been done and that Council has and will be innovative in its approach and work with the Community.

Question 3: Michael Grimshaw

Madam Mayor I would like to table an alleged document that was apparently circulated to some councillors from the acting General Manager. Could you please validate if this was the case and, if so, assess if correct process has taken place? Chris Fenner and Andrew Thomson are two of the most experienced, knowledgeable and definitely representative people of this Community in relation to getting the Safe Harbour to fruition and more, the Safe Harbour is a must for this island.

Note: The document in question was tabled.

Mayor's Response

The question was taken on notice however noted that Council is working hard on Safe Harbour.

Question 4: Michael Grimshaw

Why can't the proposed closing of the airstrip to Melbourne traffic in February be done after the last plane leaves to Launceston and the works be undertaken in the evening and night time? It would give a longer period for works to be successfully done and not interrupt a key month for the tourism industry.

Mayor's Response

This question will be answered when the tenders are received. I believe there are five interested tenderers. The successful tenderer will be consulted on the matter of the most appropriate timing for the work to be undertaken. We understand the Community would like limited disruption to flights. We are working with Malcom Sharp on this. Malcolm has asked for the runway to be accessible from 6am – 11am each day, however this will ultimately depend on the successful tenderer.

3 Councillor's Questions on Notice

None received.

4 Councillor's Questions Without Notice

Nil

5 Responses to Councillor's Questions Without Notice

20 August 2019 Meeting

Question 1: Cr Vanessa Grace

With Ryan Lees' contract shortly coming to an end, and all the knowledge of servicing the gym equipment going with him, can the General Manager please consider allocating a member of staff to service gym equipment once a month, both in the Whitemark and Lady Barron gyms?

Mayor's Response

A staff member was trained by Ryan, before his departure, to undertake routine maintenance and servicing of the gym equipment. The staff member will undertake a weekly check and routine maintenance/servicing of equipment at both gyms initially. This program will be reassessed in the future and adapted, if needed, to accommodate the needs of the different gyms.

RECOMMENDATION

That the response to the Councillor's Question Without Notice from the 20 August 2019 Council Meeting be noted.

DECISION

235.09.2019 Moved: Cr R Summers Seconded: Deputy Mayor D Williams
That the response to the Councillor's Question Without Notice from the 20 August 2019 Council Meeting be noted.

CARRIED UNANIMOUSLY (7-0)

For: Mayor A Revie, Deputy Mayor D Williams, Cr S Blyth, Cr A Burke, Cr V Grace, Cr P Rhodes and Cr R Summers.

6 Late Agenda Items

Nil

7 Declaration of Pecuniary Interest

Councillor Sharon Blyth declared a pecuniary interest in Item 18.2 Kokoda Challenge.

8 Conflict of Interest

Councillor Sharon Blyth declared a pecuniary interest in Item 18.2 Kokoda Challenge.

Councillors Aaron Burke and Rachel Summers declared a conflict of interest in Item 20.1 Citizen of the Year Award.

Councillor Sharon Blyth declared a potential conflict of interest in Item 20.1 Citizen of the Year Award.

9 Leave of Absence

Nil

10 Petitions

Nil

11 Workshops & Information Forums

File No. COU/0205

Council Workshop – 27 August 2019

Council held a Workshop on the following subjects:

- Item 1 Airport Project
- Item 2 Safe Harbour Project

Councillors in Attendance

Mayor Annie Revie
Cr Sharon Blyth
Cr Aaron Burke
Cr Vanessa Grace

Cr Peter Rhodes
Cr Rachel Summers

Apologies

Cr David Williams

Staff and Consultants in Attendance

Heidi Marshall Acting General Manager

Council Workshop – 3 September 2019

Council held a Workshop on the following subjects:

- Item 1 TasWater Update
- Item 2 Safe Harbour
- Item 3 Airport Runway Project Update
- Item 4 Furneaux Islands Festival

Councillors in Attendance

Mayor Annie Revie
Deputy Mayor David Williams
Cr Sharon Blyth
Cr Aaron Burke

Cr Vanessa Grace
Cr Peter Rhodes
Cr Rachel Summers

Apologies

Nil

Staff and Consultants in Attendance

Heidi Marshall Acting General Manager
Vicki Warden Executive Officer
Jay Knight Associate Environmental Scientist WSP (Item 1)
Eve Lancaster Environmental Lead WSP TasWater (Item 1)
Nicholas Wallis Project Supervisor TasWater (Item 1)
Michael Buck Community Member (Item 2)
Gary Blenkhorn Community Member (Item 2)
Chris Fenner Safe Harbour Working Party (Item 2)
Andrew Thompson Safe Harbour Action Group (Item 2)
Maxine Roughley Community Member (Item 2)
Michelle Riley Regional Officer, Department of State Growth (via phone) (Item 2)
Adrian Mythen QC3 Consulting (Item 1,2,3)
Brian Barnewall Works and Services Manager (Item 1,2,3)
Jacci Viney Infrastructure and Environmental Health Officer (Item 1,2,3)
Sammi Gowthorp Community Development Officer (Item 4)

Public Forum – 4 September 2019

Council held a public forum on the Budget and Rates.

Councillors in Attendance

Mayor Annie Revie	Cr Peter Rhodes
Deputy Mayor David Williams	Cr Rachel Summers
Cr Vanessa Grace	

Apologies

Cr Sharon Blyth
Cr Aaron Burke

Staff in Attendance

Heidi Marshall	Acting General Manager
Lauren Moraitis	Corporate Services Officer

Council Workshop – 5 September 2019

Council held a Workshop on the following subject:

- Item 1 General Manager Recruitment

Councillors in Attendance

Mayor Annie Revie	Cr Vanessa Grace
Cr Sharon Blyth	Cr Rachel Summers

Apologies

Deputy Mayor David Williams
Cr Aaron Burke
Cr Peter Rhodes

Information Session – 10 September 2019

Council attended a skype presentation on the Local Government Reform Directions, delivered by members of the Department of Premier and Cabinet's Local Government Legislative Review team.

Councillors in Attendance

Mayor Annie Revie	Cr Rachel Summers
Cr Peter Rhodes	

Apologies

Deputy Mayor David Williams	Cr Aaron Burke
Cr Sharon Blyth	Cr Vanessa Grace

Council Workshop – 11 September 2019

Council held a Workshop on the following subject:

- Item 1 Safe Harbour Project

Councillors in Attendance

Mayor Annie Revie	Cr Peter Rhodes
Cr Aaron Burke	Cr Rachel Summers
Cr Vanessa Grace	

Apologies

Deputy Mayor David Williams

Cr Sharon Blyth

Staff and Consultants in Attendance

Heidi Marshall	Acting General Manager
Brian Barnewall	Works and Services Manager
Sam Wilson-Haffenden	General Manager Infrastructure, TasPorts
Jarred Moore	General Manager Property, TasPorts
Rhys Menadue	Program Manager Marine Infrastructure, TasPorts
James Burbury	Consulting Engineer, Burbury Consulting
Mark Cooper	Regional Manager North, TasPorts

RECOMMENDATION

That the Council Workshops and Information Sessions held on 27 August, 3, 4, 5, 10 and 11 September 2019 be noted.

DECISION

236.09.2019 Moved: Cr A Burke Seconded: Cr V Grace

That the Council Workshops and Information Sessions held on 27 August, 3, 4, 5, 10 and 11 September 2019 be noted.

CARRIED UNANIMOUSLY (7-0)

For: Mayor A Revie, Deputy Mayor D Williams, Cr S Blyth, Cr A Burke, Cr V Grace, Cr P Rhodes and Cr R Summers.

12 Public Meetings

Nil

13 Publications/Reports Tabled for Council Information

Nil

14 Reports to be Received

14.1 Whitemark Community Gym Special Committee

File Reference CDV/0702

Annexure: 14.1.1 Whitemark Community Gym Special Committee meeting 20 August 2019 Unconfirmed Minutes

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

The unconfirmed minutes of the Whitemark Community Gym Special Committee meeting held Tuesday, 20 August 2019 have been provided for consideration. The minutes outline what the Committee has been working on to date and can now be noted by Council.

RECOMMENDATION

That the unconfirmed minutes of the Whitemark Community Gym Special Committee meeting held 20 August 2019 be noted.

DECISION

237.09.2019 Moved: Cr S Blyth Seconded: Cr A Burke

That the unconfirmed minutes of the Whitemark Community Gym Special Committee meeting held 20 August 2019 be noted.

CARRIED UNANIMOUSLY (7-0)

For: Mayor A Revie, Deputy Mayor D Williams, Cr S Blyth, Cr A Burke, Cr V Grace, Cr P Rhodes and Cr R Summers.

14.2 Flinders Council Audit Panel

File Reference FIN/0401

Annexure 14.2.1 Flinders Council Audit Panel meeting 26 August 2019 Unconfirmed Minutes

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

The unconfirmed minutes of the Flinders Council Audit Panel meeting held Monday, 26 August 2019 have been provided for consideration. The minutes outline what the Committee has been working on to date and can now be noted by Council.

RECOMMENDATION

That the unconfirmed minutes of the Flinders Council Audit Panel meeting held 26 August 2019 be noted.

DECISION

238.09.2019 Moved: Cr P Rhodes Seconded: Deputy Mayor D Williams

That the unconfirmed minutes of the Flinders Council Audit Panel meeting held 26 August 2019 be noted.

CARRIED UNANIMOUSLY (7-0)

For: Mayor A Revie, Deputy Mayor D Williams, Cr S Blyth, Cr A Burke, Cr V Grace, Cr P Rhodes and Cr R Summers.

15 Councillors' Reports

None received.

16 Mayor's Report

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

MAYOR'S DIARY

DATE	ACTIVITY
12/8	Administration, work with General Manager re ministerial visits
13/8	Administration, work with General Manager re ministerial visits
14/8	Flight Launceston, Peter Gutwein, Bridget Archer, drive Hobart
15/8	Workshop – Storytelling for Business, drive Launceston, flight Flinders
19/8	Administration, work with General Manager
20/8	Ordinary Council Meeting
21/8	Administration
26/8	Administration
27/8	Council Workshop
28/8	Work with staff on paper re Furneaux Islands Festival
30/8	Appointment Hon Sarah Courtney
2/9	Administration plus workshop preparation
3/9	Council Workshop
4/9	Council Forum on rates and budget
5/9	Administration, appointment Deputy Mayor Williams, council workshop re General Manager Position Description
8/9	Letter-writing plus editing General Manager Position Description
9/9	Administration

DATE	CORRESPONDENCE FROM	REGARDING
30/7	Hon Roger Jaensch	Government's action on housing to date
9/8	Commissioner for Children	Invitation to attend a forum in Hobart
18/8	Bill La Grue	Re Selling Donations
19/8	Chris Fenner	Seeking news on Safe Harbour Project
22/8	Northern Tasmania Development Corporation (NTDC)	Draft Regional Economic Development Plan
22/8	NTDC	Re possibilities for future video conferencing
22/8	Peter Guichelaar	Re Gums Quarry
26/8	Andrew Thomson	Re Sports Club redevelopment plans
27/8	Flinders Island Business Inc. (FIBI)	Requesting a meeting to discuss Information Centre
28/8	Rosemary & Martin Walker	Re Rates
28/2	Anna Anderson	Re Rates Resolution
30/8	Michelle Riley, Department of State Growth	Re Safe Harbour
30/8	Andrew Thomson	Re Safe Harbour
2/9	Andrew Thomson	Letters of Support for Safe Harbour

DATE	CORRESPONDENCE FROM	REGARDING
3/9	Roger Jaensch	Re issue on interim planning scheme, permits for temporary housing
5/9	Maxine Roughley	Complaint re Safe Harbour workshop
5/9	Michael Buck	Requesting a Council Representative on FIBI Destination Action Plan Population Growth Working Group
5/9	Dalgarno Institute and Drug Advisory Institute of Australia	Video re Drug Policy
4/9	Mick Grimshaw	Open Letter to Council
7/9	Chris Fenner	Response re Safe Harbour Workshop
7/9	Andrew Thomson	Response re Safe Harbour Workshop
9/9	Chris Fenner	Marina Advantages
9/9	Maxine Roughley	Response re Safe Harbour workshop
12/9	Carol Cox	Thank you from the Hospital Auxiliary for waiving of fees

DATE	CORRESPONDENCE TO	REGARDING
9/8	Local Government Association of Tasmania	Re State-wide Waste Study
14/8	Chris Fenner	Re Safe Harbour
28/8	Bill La Grue	Re Selling Donations
29/8	Sammi Gowthorp	Mayor's letter for New Residents' Kit
29/8	Councillors	Documents for Safe Harbour Workshop
4/9	Michelle Riley, State Growth	Things State Growth are working on re Flinders
9/9	Councillors	Copy of Michelle Riley's letter
9/9	Michael Buck	Letter of Support re FIBI application for funding for directional signage
12/9	Carol Cox	Thank you

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Mayor's report be received.

DECISION

239.09.2019 Moved: Cr S Blyth Seconded: Cr V Grace

That the Mayor's report be received.

CARRIED UNANIMOUSLY (7-0)

For: Mayor A Revie, Deputy Mayor D Williams, Cr S Blyth, Cr A Burke, Cr V Grace, Cr P Rhodes and Cr R Summers.

17 Development Services and Planning Applications

At 9.43am Mayor Annie Revie announced that, 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 – Johan Neerman

Action	Decision
Applicant	Johan Neerman
Officer	Karin van Straten (Senior Consultant Town Planner)
Approved by	Andrew Brown (Consultant Municipal Planner)
File Reference	DA2019027
Annexures	17.1.1 Proposal Plans 17.1.2 Representation

Proposal:	House
Location:	Lot 4 Potboil Road, White Beach
Zoning:	Rural
Special Areas:	Shorelines, Water Bodies and Watercourses
Representations:	one

INTRODUCTION

The proposal is to construct a house at Lot 4 Potboil Road, White Beach.

Statutory Timeframes

Date Received:	17/07/2019
Advertised:	07/08/2019
Closing date for representations:	21/08/2019
Request for further information:	N/A
Information received:	N/A
Extension of time granted:	19/08/2019
Extension of time expires:	20/09/2019
Decision due:	20/09/2019

The Proposal

The proposal is for a house located approximately 175m from the western boundary shared with the coastal reserve/crown land; 123.5m from the eastern boundary and 42.3m from the northern and southern boundaries.

The proposed dwelling measures 2920m² over 3 levels on a lot measuring 7.31ha.

Ground Floor:

2 garages and 2 workshops. Technical room, storage and entrance with stairwell.
2 x 2 bedroom guest houses and 2 greens houses. These are link via a walkway on the first floor with each other and the main part of the house.
20m x 10m pool.

First Floor:

Viewing room above the guest houses and greenhouses linked with a walkway.

Drawing room, 3 bedrooms and bathrooms, study, storage, kitchen-dining, living room with deck.

Second Floor:

Games room above the main part of the dwelling.

4 battery rooms above the 2 guest houses and green houses that also includes wind turbines.

2 lightning protection masts.

The proposed dwelling has an articulated façade with an apex height of 16.065m and with the proposed lightening protection masts that are approximately 7m higher. These are thin poles approximately 175m from the boundary it shares with the coastal reserve/crown land on the waterfront.

Exterior cladding is white color-bond roof sheeting and timber walls painted white; with powder coated aluminum door and window frames.

Subject site and surrounding area

The subject site is a 7.31ha parcel on White Beach with access from Potboil Road via easements on the title.

At Building approval stage a Bushfire Management will be required and implemented prior to final occupancy being granted. This plan will also include the provision and treatment of any safe access road.

The site is vacant and contains Native grassland – coastal grass and herbfield; Scrub, heathland and coastal complexes – *Leptospermum glaucescens* heathland and scrub according TASVEG.

The site does not contain any threatened native vegetation community – the closest being more than 1km to the east.

Surrounding land use is mostly vacant land with a few scattered houses on land with frontage to Potboil Road.

Subject site



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 one representation was received from Gerry Willis.

Issue raised	Officer comments
Foreign investment	This is not a planning matter.
<p>Visual impact</p> <p>Footprint and height and color will dominate the landscape and skyline.</p> <p>The proposed development will breach the natural panoramas that the region is known for. The development will significantly impact on the vistas from, for example, the Furneaux Tavern which is widely renowned for its maritime and island views of Franklin Sounds. The development will be imposingly obvious to visitors arriving by sea from the Pot Boil to the east or through the passages from the west; likewise the views</p>	<p>The footprint of the proposed development is 1% of the total area of the land parcel.</p> <p>There is no prohibition on development on the subject site. The subject site and surrounds are <u>not</u> subject to any Visually Sensitive Areas – it is important to note that development is not prohibited even in this special area. There are numerous existing houses and other developments on Flinders Island that are visible from the coastline. The proposal is setback 175m from the western boundary with the coastal reserve</p>

Issue raised	Officer comments
from the islands of Franklin Sound and from much of the township of Lady Barron will be severely compromised by the development.	and coastal waters; and more than 550m from Potboil Road. The representor states that the views from the Lady Barron township will be compromised by the proposed development – as the crow flies there is approximately 3km separation between the township and the proposal. This proposal is for an articulated building that exceeds the 8m height limit - . The proposed external color is white – if approved, the planning authority must request amended plans with a change in color scheme that is in harmony with the surrounding natural landscape. This will minimise visual impact.
Height of the development	The proposed dwelling has an articulated façade with an apex height of 16.065m with the proposed lightening protection masts that are approximately 7m higher. These are thin poles approximately 175m from the boundary it shares with the coastal reserve/crown land on the waterfront. If the proposed color scheme is changed to a pallet that is in harmony with the surrounding natural landscape, visual impact will be minimised.

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 increased ongoing service delivery for essential activities associated with health, education, employment and enterprise.

BUDGET AND FINANCIAL IMPLICATIONS

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

STATUTORY REQUIREMENT

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

PLANNING ASSESSMENT

An assessment against the relevant planning controls is made below:

Part 5 – Zoning

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

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)
- (c)
- (d) 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.

Officer comments: a house is an accepted use and development in the Rural Zone. This proposed dwelling, although with an area of 2920m² on a lot measuring 7.31ha, only has a footprint of 751m² on the ground floor – 1% of the total land area.

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.
Amendment RZ02/01A 19/11/01
- (b) Use or development should enhance the rural character of the zone. Buildings should be substantial distances from the road frontage and apart, unless inappropriate for operational or topographical reasons. Where land clearance is undertaken it should be visually sympathetic; important trees (or stands of trees) should be retained; important hilltop locations should not be cleared; and location of trees and shrubs along fence lines, property boundaries, watercourses and at property entrances is encouraged. Buildings and structures for aquaculture should be sited with regard to the protection of coastal scenery and compatibility with recreational use of the coastline.
- (c) Land use or development and management practices shall be environmentally appropriate and shall avoid contamination or despoliation of the land, ground water, water courses, shore-lines, lagoons and marshes. Sand-dunes and coastal vegetation and ecologically important areas shall be protected from degradation.
- (d) Forestry activities in the zone shall be in accordance with the Forest Practices Code.

Officer comments: The proposed development has a small footprint on a large land parcel. There is no agricultural use on the surrounding land. Complies with (a). The proposed building is approximately 680m from Potboil Road – the site has no frontage to this road, access is via a right of way. The only vegetation that will be removed will be in compliance with the bush fire management plan as part of the building approval. Complies with (b). The proposal is for a house 175m from the coastal reserve and shoreline. It should have no impact on the sand dunes and coastal vegetation. Complies with (c). (d) is not applicable to this assessment.

5.8.3 Subdivision Standards

- (a) The minimum lot size is 40 ha
- (b) A lot less than 40 hectares may be approved at Council's discretion for the following purposes;
 - (i) For an intensive agricultural use;
 - (ii) For a use, other than agriculture, that is consistent with the zone intent, desired zone character and zone guidelines;
 - (iii) For an aquaculture use;
 - (iv) For a servicing facility, infrastructure or recreational use;
 - (v) For boundary alterations where no additional titles are created and the resultant lots will comply with the intent of the zone.
- (c) In considering an application under Clause 5.8.3(b) Council shall require a detailed assessment of the proposal prepared by a suitably qualified, independent, agricultural consultant that demonstrates:
 - (i) In the case of lots for intensive agricultural use, the capacity of the proposed lot(s)
 - (ii) other cases, the agricultural capacity of the proposed lot(s) (including any balance lot) and methods which will be employed to safeguard their agricultural capacity;
- (d) Before accepting an application under Clause 5.9.3(b) Council may require the applicant to submit a Development Plan for the land to which the application relates. The Development Plan should show that:
 - (i) Subdivision will not fragment or diminish the agricultural potential of the land;
 - (ii) Subdivision will not result in ribbon development along roads and coastlines;
 - (iii) Development will not cause significant adverse impact on the natural environment, flora and fauna, coastal waters, watercourses or skylines;
 - (iv) Development or use will not be likely to result in land use conflict with existing land uses in the vicinity.

Officer comments: not applicable to this assessment.

5.8.4 Development Standards

- (a) The maximum height of buildings is 8.0 meters 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 meters 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.

Amendment RZ02/01A 19/11/01

Officer comments: the proposal exceeds the 8m height limit. It has an articulated façade, 3 storeys with wind turbines for power generation and 2 lightning protection masts. The apex height is 16.65m excluding the top part of the thin 2 lightning protection masts. The orientation and design of the proposed house was done to achieve the best solar gain. The proposed house also includes solar panels and wind turbines for power generation making this an energy efficient proposal in compliance with (b). All setbacks exceed 20m in compliance with (c). The proposed house is setback approximately 220m from the high-water mark in compliance with (d). (e) is not applicable to this assessment. The external cladding will be a mix of painted timber panels and color-bond, all in white. Although this is non-reflective and the development will be substantially screened by existing vegetation from Potboil Road vantage point and the coast, the proposed white colour is not considered to be in harmony with the natural landscape. Any approval of this proposal must include a condition that amended plans be provided to the planning authority with an amended color scheme in compliance with (f). (g) is not applicable to this proposal.

Part 6 – Use and Development Principles

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

6.1 Use

- (a) Use or development shall not unreasonably impact on any existing or intended use of development of neighbouring land.
- (b) Subdivision of land shall be carried out in accordance with the subdivision provisions for the zone within which the land is located or where that is not appropriate in accordance with:

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

COMMENT: complies with (a); (b) to (e) is Not applicable to this assessment.

6.2 Character

- (a) Use and development shall adequately respect the character of, and future intentions for, the area in which it is to be located.
- (b) Subdivision layout, particularly roads, shall take adequate account of land contours and the need to avoid visual scarring.
- (c) Use or development (including public facilities and services) should adequately respect the surrounding streetscape and neighbouring use or development, particularly in relation to scale, setbacks, form (including roof shape), landscaping, materials, colours and fencing.
- (d) Landscaping of use or development shall be of a type, form, variety(s) and character which is suited to the intention of the zone, the area and the nature of the use or development.
- (e) Where trees are an important element in the character of an area they should be retained.
- (f) Signs shall be consistent in type, scale and location, with the intention of the zone, the streetscape and the building or structure on which they are positioned or to which they otherwise relate.
- (g) Forestry use or development, particularly plantations, shall be appropriately sited and planned to protect the visual quality and character of the countryside generally, and from important viewing locations in particular.

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

6.3 Amenity

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

COMMENT: Complies with (b); (a) and (c) are not applicable to this application.

6.4 Environment

- (a) Use or development shall not be allowed to detrimentally affect the environment. All areas, and sensitive ecological and/or visual areas in particular, shall be developed in a manner and to an extent which is consistent with the protection of the values of the area.
- (b) Use or Development and land management practices shall be directed towards achieving environmental sustainability, biodiversity and ecological balance, and avoiding environmental damage such as soil erosion, coastal dune erosion, loss of important animal and plant species and increases in vermin populations.
- (c) Use or Development shall not be located in areas of unacceptable risk (eg. from fire, flood or landslide). In situations where risk may exist, use and development shall be appropriately sited and designed to provide an acceptable level of protection and safety for future users. In particular.
 - iv. 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 meters Australian Height Datum (AHD); and
 - v. 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
 - vi. Use and development in bushfire prone areas will comply with the provisions of Schedule 7 Development in Bushfire Prone Areas or some other provisions acceptable to Council and the Tasmania Fire Service.

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

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

6.5 Heritage

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

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

COMMENT: not applicable to this assessment.

6.6 Access and Parking

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

COMMENT: complies with (b), (i) and (j); (h) will be addressed as part of the Bushfire Management plan at building stage; the rest is not applicable to this assessment.

6.7 Services

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

COMMENT: provision of services – water, onsite waste water management and bushfire management will be addressed as part of the building and plumbing approval process.

6.8 Social Interest

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

COMMENT: the proposal is for a house approximately 3.5km from the Lady Barron Township and is considered to comply with 1. and 2.

6.9 Administration

- (a) In considering subdivision and/or rezoning proposals, an appropriate balance shall be maintained between current demand and stock available for use or development, and the number of new lots that would be created.
- (b) Use or Development proposals should only be approved where the cost to the public of providing and maintaining services is not exceeded by the economic benefit of the use or development to the community.
- (c) In considering any proposal, Council shall obtain the advice and opinion of other relevant group(s), individual(s) or organisation(s) with direct interest in the proposal.
- (d) A Development Plan for an integrated development may be prepared and adopted by Council for any area in this Scheme,

A Development Plan shall include:

- i. The intended use for the land for which the Development Plan has been created;
- ii. The reason(s) for selection of the area;
- iii. A map showing clearly the area subject to the Development Plan showing principal physical features, including existing use or development, hills/slopes, trees, watercourses and existing services buildings and improvements;
- iv. The nature, form and capacity of proposed services including water, sewerage disposal, power, telephone, roads, footways and reserves;
- v. A plan of subdivision with proposed staging showing lot sizes and layouts, building envelopes where appropriate, and physical features intended to be conserved;
- vi. Any special provisions to be used to control land use and development in the area (eg. height, form, character, materials, colours etc.);
- vii. Any other provisions intended to secure the intention of the Plan.

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

COMMENT: (a) and (d) are not applicable to this assessment; the proposal will not require any cost to the community in compliance with (b); council advertised the proposal to which one representation was received and discussed elsewhere in this report; and also referred it to internal departments that raised no issues in compliance with (c).

Part 7 – Special Area Provisions

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. **Am RZ02/02 25/3/03**

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. **Am RZ02/02 25/3/03**

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 described 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 proposed 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 dispersal, or other emissions;
- (e) The natural, ecological, cultural, recreational and aesthetic qualities of the site.

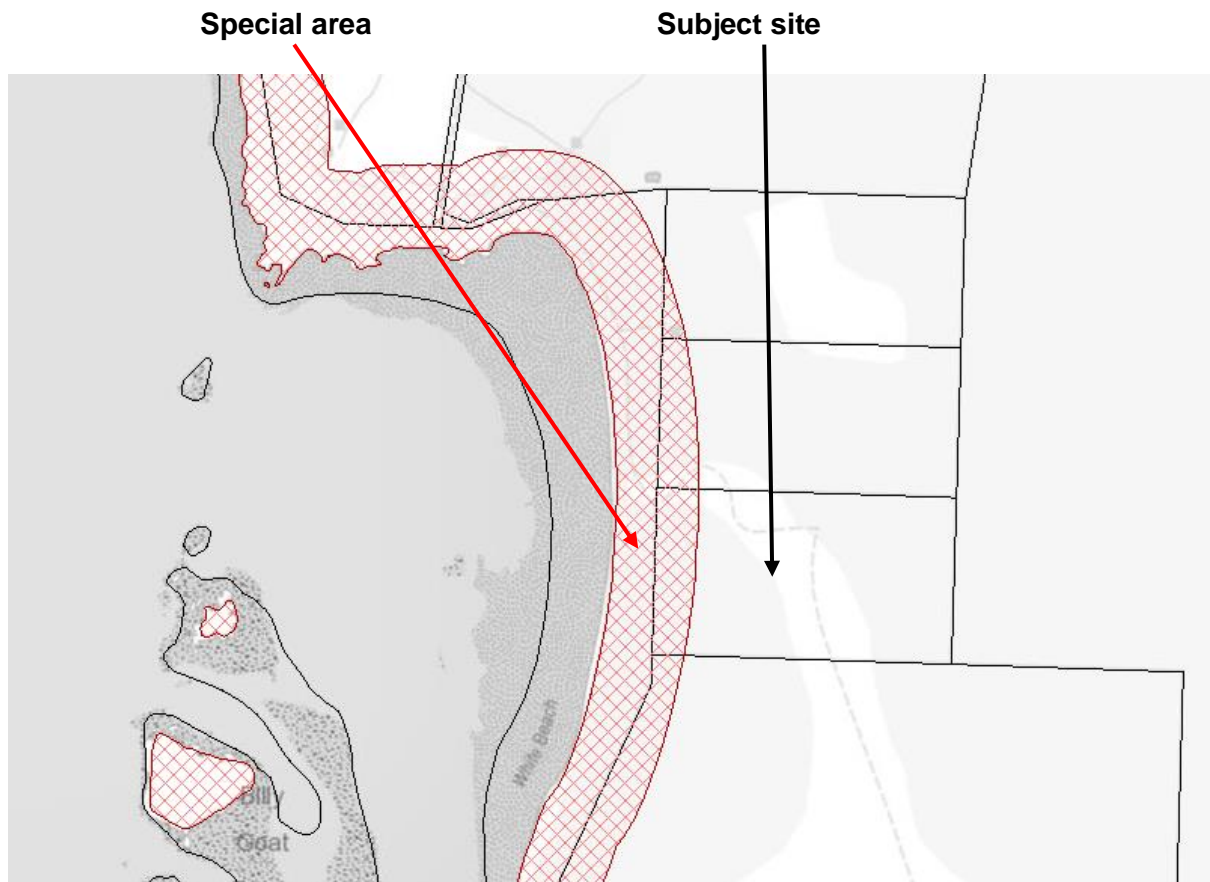
Am RZ02/02 25/3/03

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, setbacks, 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. **Am**

RZ02/02 25/3/03

Officer comments: the map below shows the extent of the Special Provisions overlay pertaining to the subject site. The special area is between 37 and 51m inside the subject site's western boundary and the proposed development is more than 120m from this special area. It is considered that assessment of the proposal against the above-mentioned provisions is not required.



RECOMMENDATION

That the application for a House in the Rural Zone, by Johan Neerman for land located at Lot 4 Potboil Road, White Beach (Lot 4 on Plan 153145) 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 by Louis Pretorius Architect and described in the endorsed documents to the satisfaction of the Council. Any other proposed development and/or use will require a separate application to and assessment by the Council.

AMENDED PLANS REQUIRED

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

The plans must show:

- (a) an amended external color scheme with colours that harmonise with the surrounding natural landscape in compliance with 5.8.4 (f) of the planning scheme.

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

Permit Notes

Notations

- A. This permit was issued based on the proposal documents submitted for DA2019027. You should contact Council with any other use or developments, as they may require the separate approval of Council.
- B. This permit takes effect after:
 - a) the 14-day appeal period expires; or
 - b) any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined; or
 - c) any agreement that is required by this permit pursuant to Part V of the *Land Use Planning and Approvals Act 1993* is executed; or
 - d) any other required approvals under this or any other Act are granted.
- C. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted subject to the provisions of the *Land Use Planning and Approvals Act 1993* as amended, by a request to Council.

Other Approvals

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

Appeal Provisions

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

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

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

Permit Commencement

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

DECISION

240.09.2019 Moved: Cr R Summers

Seconded: Cr S Blyth

That the application for a House in the Rural Zone, by Johan Neerman for land located at Lot 4 Potboil Road, White Beach (Lot 4 on Plan 153145) 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 by Louis Pretorius Architect and described in the endorsed documents to the satisfaction of the Council. Any other proposed development and/or use will require a separate application to and assessment by the Council.

AMENDED PLANS REQUIRED

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

The plans must show:

- (a) an amended external color scheme, with colours that harmonise with the surrounding natural landscape in compliance with 5.8.4 (f) of the planning scheme.

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

Permit Notes

Notations

- A. This permit was issued based on the proposal documents submitted for DA2019027. You should contact Council with any other use or developments, as they may require the separate approval of Council.
- B. This permit takes effect after:
 - a) the 14-day appeal period expires; or
 - b) any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined; or.
 - c) any agreement that is required by this permit pursuant to Part V of the *Land Use Planning and Approvals Act 1993* is executed; or
 - d) any other required approvals under this or any other Act are granted.
- C. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted subject to the provisions of the *Land Use Planning and Approvals Act 1993* as amended, by a request to Council.

Other Approvals

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

Appeal Provisions

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

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

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

Permit Commencement

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

Karin Van Straten and Brandie Strickland joined the meeting via phone from 9.42am to 9.58am.

241.09.2019 Moved: Cr P Rhodes Seconded: Deputy Mayor D Williams
That agenda item 17.1 Development Application – Johan Neerman be deferred until the Planner is again available via phone.

CARRIED UNANIMOUSLY (7-0)

For: Mayor A Revie, Deputy Mayor D Williams, Cr S Blyth, Cr A Burke, Cr V Grace, Cr P Rhodes and Cr R Summers.

At 10.27am Mayor Annie Revie announced that Council concluded its meeting as a Planning Authority under Section 25 of the Local Government (Meeting Procedures) Regulations 2015.

17.2 Development Application Report

Action	Information
Proponent	Council Officer
Officer	Kara Hallas Regulatory Services Officer
File Reference	PLN/0105
Annexures	17.2.1 Planner's Information Report – August 2019

INTRODUCTION

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

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

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

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

PREVIOUS COUNCIL CONSIDERATION

Some items may have been considered at meetings of Council while the remainder have been approved under delegation by the General Manager.

OFFICER'S REPORT

Refer to Annexure 17.2.1, Planner's Information Report – August 2019, provided by West Tamar Council.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

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

DECISION

242.09.2019 Moved: Cr R Summers Seconded: Cr P Rhodes
That the Planner's Information Report – August 2019 be received.

CARRIED UNANIMOUSLY (7-0)

For: Mayor A Revie, Deputy Mayor D Williams, Cr S Blyth, Cr A Burke, Cr V Grace, Cr P Rhodes and Cr R Summers.

18 Governance

18.1 Change of Ordinary Council Meeting Date

Action	Decision
Proponent	Council Officer
Officer	Heidi Marshall Acting General Manager
File Reference	COU/0203
Annexures	Nil

INTRODUCTION

The Acting General Manager has requested that the Ordinary Meeting of Council for Tuesday 22 October 2019 at 9.30am be changed to Thursday 24 October 2019 at 9.30am.

PREVIOUS COUNCIL CONSIDERATION

Nil

PREVIOUS COUNCIL DISCUSSION

Nil

OFFICER'S REPORT

I will be on annual leave until the 17 October 2019 and the Agenda for the Ordinary Council Meeting 22 October 2019 is required to be released on the 17 October 2019. I am therefore requesting a change of date for the Ordinary Council Meeting to Thursday 24 October 2019 in order to allow me time to complete the Agenda before distribution.

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 Flinders Council Ordinary Council Meeting scheduled for Tuesday 22 October 2019 at 9.30am be changed to Thursday 24 October 2019 at 9.30am.

DECISION

243.09.2019 Moved: Deputy Mayor D Williams

Seconded: Cr A Burke

That the Flinders Council Ordinary Council Meeting scheduled for Tuesday 22 October 2019 at 9.30am be changed to Thursday 24 October 2019 at 9.30am.

CARRIED UNANIMOUSLY (7-0)

For: Mayor A Revie, Deputy Mayor D Williams, Cr S Blyth, Cr A Burke, Cr V Grace, Cr P Rhodes and Cr R Summers.

Cr Sharon Blyth left the meeting 10.29am.

18.2 Kokoda Challenge 2019

Action	Decision
Proponent	Council Officer
Officer	Heidi Marshall Acting General Manager
File Reference	PUB/0200
Annexures	18.2.1 Letter from Sharon Blyth

INTRODUCTION

The Kokoda Challenge is an initiative of Cancer Council Tasmania to raise money for a very worthy cause. Sharon Blyth is undertaking this challenge in October 2019 and has written to Council asking for a donation in support of this endeavor.

PREVIOUS COUNCIL CONSIDERATION

Nil

PREVIOUS COUNCIL DISCUSSION

Nil

OFFICER'S REPORT

Sharon Blyth is participating in the Kokoda Challenge in October 2019 and a condition of entry in the event is to raise \$2,000 or more for Cancer Council Tasmania. Sharon has been actively fundraising for this event within the community for some months. All funds raised will go to Cancer Council Tasmania and Sharon will cover all the costs of the trip herself.

Cancer is an illness that has a large negative impact on small communities; the cost and isolation of treatment is far greater here due to our community's being island-based. To have better treatments available to cancer patients can only benefit this community.

In previous years, Sharon has proven her commitment to raising funds for great causes by participating in Dry July for cancer and the May 50K for MS. This year she has chosen to support Cancer Council Tasmania through the Kokoda Challenge.

I ask for your consideration of this request.

STATUTORY REQUIREMENT

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS

Nil

BUDGET AND FINANCIAL IMPLICATIONS

Council has some funds available in the 2019-20 Budget for donations.

RISK/LIABILITY

Low

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Flinders Council recognises the impact that cancer has on this small community and assists Cr Sharon Blyth in raising funds for Cancer Council Tasmania as part of the Kokoda Challenge by offering a donation of \$500.

DECISION

244.09.2019 Moved: Cr R Summers Seconded: Cr V Grace

That Flinders Council recognises the impact that cancer has on this small community and assists Cr Sharon Blyth in raising funds for Cancer Council Tasmania as part of the Kokoda Challenge by offering a donation of \$500.

CARRIED (5-1)

For: Mayor A Revie, Deputy Mayor D Williams, Cr S Blyth, Cr A Burke, Cr V Grace, and Cr R Summers.

Against: Cr P Rhodes (abstained)

Cr Sharon Blyth returned to the meeting at 10.37am.

18.3 Local Government Legislative Review

Action	Decision
Proponent	Council Officer
Officer	Heidi Marshall Acting General Manager
File Reference	LEG/0600
Annexures	18.3.1 Reform Directions Paper

INTRODUCTION

The Tasmanian Government is currently reviewing Tasmania's local government legislation (the Review) and is seeking feedback on its Reform Directions Paper.

PREVIOUS COUNCIL CONSIDERATION

Nil

PREVIOUS COUNCIL DISCUSSION

Nil

OFFICER'S REPORT

The Tasmanian Government is currently reviewing Tasmania's local government legislation (the Review). The outcome of this Review will be a contemporary, best-practice legislative framework that supports local government into the future.

The Government consulted on the principles that should underpin a contemporary legislative framework for local government from December 2018 to March 2019.

The Minister for Local Government released the *Reform Directions Paper: Review of Tasmania's Local Government Legislation Framework* (Annexure 18.3.1) on 3 July 2019. The Paper can also be accessed at:

http://www.dpac.tas.gov.au/_data/assets/pdf_file/0007/468592/190132_DPAC_Local_Government_Directions_wcag.pdf

The Paper outlines the major policy reforms under consideration by the Government and the key policy directions being considered.

The Government is seeking feedback on the level of support or otherwise for the proposed reform directions. This feedback will be taken into account by the Government in determining its final position for the drafting of the Bill.

Submissions on the Reform Directions Paper are invited up until 30 September 2019.

STATUTORY REQUIREMENT

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS

Nil

BUDGET AND FINANCIAL IMPLICATIONS

Nil

RISK/LIABILITY

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council suspends the operation of Regulation 22 of the Local Government (Meeting Procedures) Regulations 2015, in accordance with Regulation 22 (9), to discuss whether to make a submission on the Local Government Reform Directions Paper.

DECISION

245.09.2019 Moved: Deputy Mayor D Williams Seconded: Cr R Summers

That Council suspends the operation of Regulation 22 of the Local Government (Meeting Procedures) Regulations 2015, in accordance with Regulation 22 (9), to discuss whether to make a submission on the Local Government Reform Directions Paper.

CARRIED UNANIMOUSLY (7-0)

For: Mayor A Revie, Deputy Mayor D Williams, Cr S Blyth, Cr A Burke, Cr V Grace, Cr P Rhodes and Cr R Summers.

Note: Item 17.1 Development Application – Johan Neerman was resumed.

At 10.47am Mayor Annie Revie announced that, pursuant to Section 25 of the Local Government (Meeting Procedures) Regulations 2015, the Council will again act as a Planning Authority under the Land Use Planning and Approvals Act 1993.

Karin Van Straten joined the meeting via phone at 10.47am.

Cr Vanessa Grace left the meeting at 10.59am and returned at 11.01am.

Karin Van Straten left the meeting at 11.06am.

The mover withdrew motion no. 240.09.2019 with the consent of the seconder.

246.09.2019 Moved: Cr R Summers Seconded: Deputy Mayor D Williams
That the application for a House in the Rural Zone, by Johan Neerman, for land located at Lot 4 Potboil Road, White Beach (Lot 4 on Plan 153145) be NOT APPROVED as the proposal exceeds the height restriction of 8 metres and therefore does not comply with 5.8.4 (a) of the Planning Scheme.

CARRIED UNANIMOUSLY (7-0)

For: Mayor A Revie, Deputy Mayor D Williams, Cr S Blyth, Cr A Burke, Cr V Grace, Cr P Rhodes and Cr R Summers.

At 11.08am Mayor Annie Revie announced that Council concluded its meeting as a Planning Authority under Section 25 of the Local Government (Meeting Procedures) Regulations 2015.

Mayor Annie Revie called a break in the meeting at 11.09am and resumed the meeting at 11.24am.

18.4 TasWater Reverse Osmosis Desalination Plant

Action	Decision
Proponent	Council Officer
Officer	Heidi Marshall Acting General Manager
File Reference	COU/0312
Annexures	18.4.1 Henderson Dam Upgrade Presentation

INTRODUCTION

TasWater needs to expand the Henderson Dam on Pats River to ensure future water storage for the Whitemark treatment plant.

In order to do this the dam must be drained to allow for works to expand the footprint of the dam to be undertaken.

As water from the dam will not be available to the water treatment plant during the construction phase, another water source must be found to service the plant for the construction period.

TasWater has assessed multiple sites on the Island and has settled on a preferred option – which was presented to Council at a workshop on 3 September.

PREVIOUS COUNCIL CONSIDERATION

Nil

PREVIOUS COUNCIL DISCUSSION

Council Workshop – 3 September 2019.

OFFICER'S REPORT

As presented to Councillors at a workshop held on 3 September 2019, TasWater has assessed multiple sites and water extraction options around the Island to enable a suitable water supply for the Whitemark water treatment plant during scheduled dam upgrades.

The options assessed, as presented at the 3 September workshop, are detailed in the presentation noted as Annexure 18.4.1 to this report.

The preferred option is to locate a reverse osmosis (RO) desalination plant at the Lady Barron slipway.

The site is owned by the Crown and will therefore need to be approved by Crown Land Services.

The development is subject to a discretionary planning application which is yet to be submitted to Council.

The aim of this item is to provide “in principle” support for the preferred option of a RO desalination plant at the Lady Barron slipway so that TasWater officers can gain some direction from Council with regard to making application for a suitable site.

STATUTORY REQUIREMENT

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS

Nil

BUDGET AND FINANCIAL IMPLICATIONS

Nil

RISK/LIABILITY

Low

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council provides in principle support for TasWater's preferred option of installing a temporary Reverse Osmosis (RO) Plant at the Lady Barron Slipway, in readiness for a development application to be made to Council.

DECISION

247.09.2019 Moved: Deputy Mayor D Williams Seconded: Cr P Rhodes

That Council provides in principle support for TasWater's preferred option of installing a temporary Reverse Osmosis (RO) Plant at the Lady Barron Slipway, in readiness for a development application to be made to Council.

CARRIED (6-1)

For: Mayor A Revie, Deputy Mayor D Williams, Cr S Blyth, Cr A Burke, Cr P Rhodes and Cr R Summers.

Against: Cr V Grace

18.5 Councillor Resolution Report

Action	Information
Proponent	Council Officer
Officer	Heidi Marshall A/General Manager
File Reference	GOV/0300
Annexures	18.5.1 Councillor Resolution Report September 2019

INTRODUCTION

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

PREVIOUS COUNCIL CONSIDERATION

The report is presented on a monthly basis.

OFFICER'S REPORT

Please read Annexure 18.5.1 – Councillor Resolution Report September 2019.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Councillor Resolution Report September 2019 be noted.

DECISION

248.09.2019 Moved: Cr P Rhodes Seconded: Deputy Mayor D Williams

That the Councillor Resolution Report September 2019 be noted.

CARRIED UNANIMOUSLY (7-0)

For: Mayor A Revie, Deputy Mayor D Williams, Cr S Blyth, Cr A Burke, Cr V Grace, Cr P Rhodes and Cr R Summers.

18.6 Funding of Flinders Island Airport Runway Upgrade Project

Action	Decision
Proponent	Council Officer
Officer	Heidi Marshall Acting General Manager
File Reference	AER/0902, COM/0402, ASM/0200
Annexures	Nil

INTRODUCTION

This item addresses a proposal to transfer \$1.8 million of the \$4.8 million for the Flinders Island Marine Access and Safe Harbour Project to the Airport Runway Upgrade Project.

PREVIOUS COUNCIL CONSIDERATION

57.02.2011 - 17 February 2011
120 & 128.04.2011 - 21 April 2011
598.07.2013 - 18 July 2013
231.08.2015 - 20 August 2015
262 – 270.09.2015 - 24 September 2015
74.04.2016 - 28 April 2016
131.06.2016 - 16 June 2016
232.09.2017 - 21 September 2017
256.10.2017 - 12 October 2017
300.12.2017 - 14 December 2017
33.02.2019 - 19 February 2019
76 - 77.03.2019 - 19 March 2019
87 & 88.03.2019 - 28 March 2019
118.04.2019 - 16 April 2019

PREVIOUS COUNCIL DISCUSSION

Council Workshop - 3 December 2015
Council Workshop - 11 November 2015
Council Workshop - 6 July 2017
Council Workshop - 31 August 2017
Council Workshop - 28 September 2017
Council Workshop - 28 March 2019
Council Workshop - 3 September 2019
Council Workshop - 11 September 2019

OFFICER'S REPORT

In March 2019, the Federal Government announced funding of \$4.8 million for the Flinders Island Marine Access and Safe Harbour Project. In addition, Federal Government funding of \$1.8 million was provided for the Flinders Island Airport Runway Upgrade Project, as 50% contribution towards the total cost of \$3.6 million. These are two separate grants from the Commonwealth Government that, under normal grant conditions, cannot be utilised together.

The Airport Runway Upgrade Project required a 50% contribution from Council to match the government grant. The immediate funding of this \$1.8 million was too onerous for Council to fund upfront and therefore the State Government provided an interest free loan for five years. The 2019-20 Budget projected cash flow for the next 5 years indicated that Council would have significant difficulty in repaying the loan. As the Airport is our number one priority, airport sustainability issues were discussed with State Government and Bridget Archer MP in order that we may find alternative solutions.

Bridget Archer commenced meetings with federal ministers and advised that a possible solution has been presented whereby we formally apply to the Federal Government to transfer \$1.8 million of the \$4.8 million for the Flinders Island Marine Access and Safe Harbour Project to the Airport Runway Upgrade Project so that it is fully funded.

This would leave \$3 million for the undertaking of the Flinders Island Marine Access and Safe Harbour Project. In reference to meetings with TasPorts and James Burbury, we are confident that the project can be scaled back to allow a modified concept of the Flinders Island Marine Access and Safe Harbour Project.

In light of Council's future cash situation and endeavours to solve the airport's sustainability, the solution presented is a rare opportunity where federal ministers are in principle prepared to 100% fund a project. If there is the remotest chance that we can fully fund the airport runway, I believe we should take that opportunity, and therefore apply for the transfer of \$1.8 million from the Flinders Island Marine Access and Safe Harbour Project to fund the balance of the Airport Runway Upgrade Project.

This will not solve the entire airport sustainability problem, however, in the immediate future, it will ensure that the long-term cash viability of Council is substantially improved.

STATUTORY REQUIREMENT

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS

Access and Connectivity - Maintain air access to the Island and improve performance of the airport - Improved operation and financial performance of Airport.

AP1920-32 Airport Runway: Complete reconstruction of the airport's north-south runway.

BUDGET AND FINANCIAL IMPLICATIONS

If the Federal Government accepts the proposal, then the Airport Runway Upgrade Project will be fully funded and the long-term cash viability of Council will be substantially improved. If the Federal Government rejects the proposal then the balance of \$4.8 million remains with the Flinders Island Marine Access and Safe Harbour Project.

RISK/LIABILITY

The risk of this proposal is very low.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council instructs the General Manager to write to the Commonwealth Government requesting the transfer of \$1.8 million, from the Flinders Island Marine Access and Safe Harbour Project grant of \$4.8 million, to fund the balance of the Airport Runway Upgrade Project.

DECISION

249.09.2019 Moved: Cr P Rhodes Seconded: Cr R Summers

That Council instructs the General Manager to write to the Commonwealth Government requesting the transfer of \$1.8 million, from the Flinders Island Marine Access and Safe Harbour Project grant of \$4.8, million to fund the balance of the Airport Runway Upgrade Project.

CARRIED UNANIMOUSLY (7-0)

For: Mayor A Revie, Deputy Mayor D Williams, Cr S Blyth, Cr A Burke, Cr V Grace, Cr P Rhodes and Cr R Summers.

19 Notices of Motions

19.1 Notice of Motion – Cr Peter Rhodes – Flinders Island Marine Access and Safe Harbour Project

Action	Decision
Proponent	Councillor Peter Rhodes
Officer	Heidi Marshall Acting General Manager
File Reference	COM/0402, ASM/0200
Annexures	Nil

NOTICE OF MOTION

That Council:

- 1. Rescinds parts 1 & 2 of Motion 88.03.2019 (to reject Council ownership of the Safe Harbour) and agrees to the Council ownership and responsibility for the Safe Harbour site and proposed breakwater and boat ramp, subject to the determination of a sustainable, low-risk, management model that addresses Council's maintenance and depreciation concerns.**
- 2. Creates and supports a Project Advisory Group (Management Committee), with appropriate Terms of Reference and membership to oversee, monitor and advise the management of the project, and that reports to the Council on a regular basis regarding project implementation; and**
- 3. Appoints Burbury Consulting as the initial Project Manager to coordinate and deliver the design phase of the project, up to and including the preparation of a business case and associated actions, to allow a 'shovel-ready' request to Government for \$3 million funding.**

COUNCILLOR'S REPORT

Flinders is a maritime municipality with the highest per capita percentage of registered boat owners of any municipality in Tasmania. Furthermore, our municipality runs almost the entire length of the eastern seaboard route from mainland Australia to Tasmania. Shipwrecks are a fact of life here. Since our most famous shipwreck, the Sydney Cove in 1797, there have been, according to Boxhall and Nash, some 222 shipwrecks recorded within our waters. $1797 + 222 = 2019$ so the math is simple – there has been an average of a least 1 shipwreck per year since the first European mariners ran into us, many involving a tragic loss of lives. Had there been a known safe harbour nearby?

The fact is, there is no safe harbour between Eden, NSW and Triabunna in Tasmania.

Thanks to the work of many, at all levels, from the grass-roots community action that initiated this concept, to wide-ranging support from all levels of government, that has resulted in our being given the opportunity to build a Safe Harbour.

Council has passed a number of motions supporting the Safe Harbour proposal. Previous councils recognised the potential benefits of having a Safe Harbour in Lady Barron and placed it on our Priority Projects list. Federal funding of \$4.8 million was offered and accepted, in principle. However, this Council, unlike previous councils, was comprehensively briefed on the long-term financial implications and risks associated with Council owning the project, as it was conceived, within the successful work done to date.

The risks associated with the full-blown marina component, with a projected potential construction cost of over \$2.2 million, were fully analysed and understood by Councillors. The risk to Council, and thereby, the community, through owning the entire complex as originally envisaged, was quite rightly considered to be too high, especially when considered along with other Council obligations relating to the airport and the need for higher Roads to Recovery contributions over the next few years. Council decided at the 28 March 2019 Special Council Meeting to acknowledge its unwillingness to take ownership of what would be a significant financial liability to future Councils and consequently, the community.

The Acting General Manager has worked tirelessly to explore other ownership models [e.g. TasPorts/Marine and Safety Tasmania (MAST)] without success. MAST, from its inception, inherited sea structures from the Department of Transport, that it still maintains, but it does not acquire new maritime assets *per se*. TasPorts is primarily concerned with port operations and shipping matters and has declined to consider ownership without strong ministerial direction.

That being said, both MAST and TasPorts have been supportive of the project and, while they cannot take the ownership of the Safe Harbour complex, they have been talking with Council to provide what assistance, advice and support they can. To this end, Council held a workshop, on 10 September with TasPorts and the initial project developer, Mr James Burbury, to look at other options.

This motion addresses some of the options considered at the workshop and provides a way ahead for the Council, that addresses the appetite for risk associated with ownership and is fully consistent with council decisions to date.

Separating the actual breakwater and boat ramp (Stage 1) from the Marina component (Stage 2a) and provision of ancillary services, such as third-party businesses e.g. Chandlery, shower/laundry facilities, car parking etc. (Stage 2b), significantly reduces the aforementioned risk. This would enable the Council to consider ownership of the actual Safe Harbour (Stage 1). Risks associated with Council owning Stage 1 can be further reduced by considering the design longevity (longer term – e.g. 50+ years depreciation) and reduced maintenance costs through design, preparation and pre-positioning armour stone etc.

Having a safe harbour in Council ownership would then be an asset as opposed to a liability. Indeed, Stage 2 activities, i.e. the establishment of a marina within the Safe Harbour by private sector developers/operators, could then become a future source of rental revenue for the Council without the need for council expenditure or risk exposure.

To achieve this, we must first rescind parts 1 and 2 of motion 88.03.2019. Doing so will allow Council to move ahead with the project immediately, and work on developing a sustainable and financially responsible project model.

This being done, the next step is to create a project management advisory group to oversee the development of this project. The group should have Terms of Reference and membership, approved by Council (the Project Principal), and involve representatives from the key stakeholders including MAST, TasPorts and the Safe Harbour Action/Advisory Group. The role and objectives of the Project Management Group should be fully outlined in the Terms of Reference and its primary role should be to oversight/monitor project implementation and report/provide advice to Council in its role as the Project Principal, and be a communication conduit between the Council and the Project Manager.

Concurrent with the establishment of the Project Management Group, part three of the motion is to recommend the formal appointment of Mr James Burbury, Burbury Consulting, as the initial Project Manager to deliver all activities required to redevelop the project within the Council's budget and risk management appetite. This would include all deliverables, as agreed with the General Manager and the Project Manager, including site acquisition, development approval and a 'shovel-ready' business case for the Council to present to the funding authorities by 31 December 2019, or as otherwise agreed.

By way of background, Mr Burbury is, or was, a Director of the Marina Industry Association and consultant with 20 years experience on marinas and maritime infrastructure, including development of all major marinas in Tasmania in the last 10 years, including Royal YC (150 berths), DSS (130 berths), Margate Marina (300 berths), Oyster Cove Marina (100 berths), Triabunna Marina (100 berths), Prince of Wales Bay Marina (450 berths), BYC Marina Redevelopment (100 berths), Tamar Yacht Club attenuator and Dunalley Marina Feasibility (150 berths). His firm has been involved in the feasibility, development, design, project management and construction of over 1500 marina berths in Tasmania as well as a number of key projects on mainland Australia and is recognised as one of the most experienced consultants in the industry.

PREVIOUS COUNCIL CONSIDERATION

57.02.2011 - 17 February 2011
120.04.2011 - 21 April 2011
128.04.2011 - 21 April 2011 Closed Council
598.07.2013 - 18 July 2013
232.09.2017 - 21 September 2017
300.12.2017 - 14 December 2017
292.10.2018 - 11 October 2018
33.02.2019 - 19 February 2019
76.03.2019 - 19 March 2019
77.03.2019 - 19 March 2019
88.03.2019 - 28 March 2019
117 & 118.04.2019 - 16 April 2019

PREVIOUS COUNCIL DISCUSSION

Council Workshop - 6 July 2017
Council Workshop - 31 August 2017
Council Workshop - 28 March 2019
Council Workshop - 28 June 2019
Council Workshop - 11 September 2019

OFFICER'S REPORT

1. It is clear from working with TasPorts and MAST that neither party wishes to own the asset. If council wishes to progress with the Safe Harbour Project, it will need to accept ownership of the asset and, if a low risk option can be found, then it is recommended that it takes ownership of the asset.
2. As numerous stakeholders are interested and affected by this project and parties such as TasPorts, MAST and James Burbury have substantial experience in this area, so it is a rational and logical approach to form a Steering Committee to deliver such a large project.
3. As Burbury Consulting devised the original concept model for the project and has significant experience in this area, it is a natural progression that they should modify the concept and project manage the next phase.

STATUTORY REQUIREMENTS

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS

Access and Connectivity - Maintain or better the standard of sea access to the Islands - Economic viability of developing an all-weather recreational and leisure-vessel harbour investigated.

AP1920-17 Work with the State Government to facilitate the Flinders Island Marine Access and Safe Harbour Project.

BUDGET AND FINANCIAL IMPLICATIONS

If Council goes ahead with the Safe Harbour Project, there will be upfront costs to reach tender ready. In the event that the grant is accepted by the Federal Government, the costs can be absorbed as part of the capital costs of the project, however, if the grant is rejected, Council will need to incur the initial costs as part of its operation costs, which are currently not in the budget.

RISK/LIABILITY

If the Safe Harbour Project proves low cost and a successful grant is achieved, then there is low risk. If, however, the Safe Harbour Project proves high risk and the grant is not achieved, then Council will incur the initial costs of the work to get it to tender ready.

VOTING REQUIREMENTS

Simple Majority

MOTION

250.09.2019 Moved: Cr P Rhodes

Seconded: Cr R Summers

That Council:

- 1. Rescinds parts 1 & 2 of Motion 88.03.2019 (to reject Council ownership of the Safe Harbour) and agrees to the Council ownership and responsibility for the Safe Harbour site and proposed breakwater and boat ramp, subject to the determination of a sustainable, low-risk, management model that addresses Council's maintenance and depreciation concerns.**
- 2. Creates and supports a Project Advisory Group (Management Committee), with appropriate Terms of Reference and membership to oversee, monitor and advise the management of the project, that reports to the Council on a regular basis regarding project implementation; and**
- 3. Appoints Burbury Consulting as the initial Project Manager to coordinate and deliver the design phase of the project, up to and including the preparation of a business case and associated actions to allow a 'shovel-ready' request to Government for \$3 million funding.**

CARRIED UNANIMOUSLY (7-0)

For: Mayor A Revie, Deputy Mayor D Williams, Cr S Blyth, Cr A Burke, Cr V Grace, Cr P Rhodes and Cr R Summers.

19.2 Notice of Motion – Cr Vanessa Grace – Review of Rates Payments

Action	Decision
Proponent	Councillor Vanessa Grace
Officer	Heidi Marshall Acting General Manager
File Reference	GOV/0602
Annexures	19.2.1 Rates and Charges Policy

NOTICE OF MOTION

That Council reviews, at the next available workshop, the possibility of making the following changes in relation to payment of rates and reports the findings back to Council:

- **changing the timing of payment dates;**
- **increasing the number of installments to quarterly;**
- **increasing payment options to include BPAY; and**
- **including Council's bank account details on the rates notices.**

COUNCILLOR'S REPORT

I request that Council reviews the timing of rate payments and the number of payment installments going forward for next year. I believe quite a lot of councils produce their rates quarterly to help rate payers.

Currently we are hit with two large rate installments. The first payment is in October which, for many farmers, is the tightest time of year for money, as they do not receive their funds until sale of cattle etc. in December. Many exist on large overdrafts and owe a substantial amount of money.

By splitting our rates into smaller instalments, we can help all members of our community cope with the rate rise we have imposed upon them. It would also be helpful to provide the option to pay via BPAY and include bank account details on the actual rates notice.

PREVIOUS COUNCIL CONSIDERATION

Nil

PREVIOUS COUNCIL DISCUSSION

Nil

OFFICER'S REPORT

Section 124 (4) of the *Local Government Act 1993* states that Council determines the dates by which instalments are paid.

If a rate-payer has difficulty paying rates, that person may contact Council directly to arrange a payment schedule, as per section 4.22 of Council's Rates and Charges Policy:

"Any ratepayer who may, or is likely to, experience difficulty meeting an instalment should contact Council's Rates Officer to discuss alternative payment arrangements. Such enquiries are treated confidentially by Council. "

The sending of rate notices is actually an onerous task that currently happens twice a year. To make this quarterly would be introducing considerable extra workload on staffing at a time when we are looking for efficiencies.

Payment methods such as BPAY can be explored prior to workshopping.

STATUTORY REQUIREMENTS

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS

Rates and Charges Policy

BUDGET AND FINANCIAL IMPLICATIONS

Potential additional workload for staffing. Current practices still allow for discussion of alternate payment schedule.

RISK/LIABILITY

Low

VOTING REQUIREMENTS

Simple Majority

MOTION

251.09.2019 Moved: Cr V Grace Seconded: Cr A Burke

That Council reviews, at the next available workshop, the possibility of making the following changes in relation to payment of rates and reports the findings back to Council:

- **changing the timing of payment dates;**
- **increasing the number of installments to quarterly;**
- **increasing payment options to include BPAY; and**
- **including Council's bank account details on the rates notices.**

CARRIED UNANIMOUSLY (7-0)

For: Mayor A Revie, Deputy Mayor D Williams, Cr S Blyth, Cr A Burke, Cr V Grace, Cr P Rhodes and Cr R Summers.

19.3 Notice of Motion – Cr Sharon Blyth - Artwork in Foyer of the Flinders Arts and Entertainment Centre

Action	Decision
Proponent	Councillor Sharon Blyth
Officer	Heidi Marshall Acting General Manager
File Reference	GOV/0602
Annexures	Nil

NOTICE OF MOTION

That Council:

1. Calls for submissions from interested local artists to display their art work in the foyer of the Flinders Arts and Entertainment Centre on a rotational basis;
2. Views the five photographs from the Queen Victoria Museum and Art Gallery, that are currently being stored at the Furneaux Museum, at the next Council Workshop or at the October Council Meeting, whichever is first; and
3. Displays those five photographs in the Rose Garden Room of the Flinders Arts and Entertainment Centre for a period of six weeks, after which time they could be relocated to the Flinders Island Airport for the duration of the summer tourist season, until the December meeting of Council, when Council can decide if they need to find a new home.

COUNCILLOR'S REPORT

As per Mayor Annie Revie's Notice of Motion presented at the May Ordinary Meeting of Flinders Council in which she stated the following:

"The Furneaux Historical Research Association (FHRA) recently held an exhibition at the Furneaux Museum of photographs significant to the people of Australia, and of particular significance to the people of Tasmania. The collection was of Tasmanian wilderness photographs, including by famed Tasmanian Photographer, Peter Dombrovskis. Peter Dombrovskis was German-born but lived in Tasmania. He died in 1996. He was the first Tasmanian photographer to be inducted into the International Photography Hall of Fame, albeit posthumously.

The collection is the property of the Queen Victoria Museum and Art Gallery (QVMAG) in Launceston, which has decided to donate five colour photographs by Peter Dombrovskis to be hung in the foyer of the Flinders Arts and Entertainment Centre (FAEC). Among them is a world-famous photograph of the Franklin River, used as central to the campaign to save the Franklin from being dammed.

The foyer of the FAEC is very bare. As an Arts and Education Centre, it is appropriate that excellent artistic works be hung there. I am aware that there is a possibility of the photos fading over a long period of time, as there is a number of large windows. However, it is likely that they will last there for some time to come, to be shared with the Flinders Island Community. If they fade in time – they fade in time. Or in time they may be moved. The suggestion is generous and wonderful. It will need a small hanging system to be purchased and installed but the collection is well worth it. The FHRA is happy to store the photographs until they can be hung in the FAEC."

The result of that Notice of Motion was the following (145.05.2019):

"That Council accepts a donation of five photographs from the Queen Victoria Museum and Art Gallery and finds a suitable location for them to be displayed."

I believe that local artwork should be displayed in the Flinders Arts & Entertainment Centre foyer as a means of promoting local talent to all who visit the centre, and that submissions are called for from our artistic community so that those who are interested can respond accordingly.

Councillors have yet to see the donated photographs so it would be great to view them and get them out of storage.

As it has been some time, and we have not discussed this further, I put forward this motion so that the donated photographs can come out of storage and be shared with the community that they were donated to. That is assuming that hanging them in the FAEC foyer was not a condition of the donation.

PREVIOUS COUNCIL CONSIDERATION

21 May 2019 - 145.05.2019

PREVIOUS COUNCIL DISCUSSION

Nil

OFFICER'S REPORT

Calling for submissions from interested local artists involves significant additional work for staff regarding policy development, organisation and communication. Under the current staffing regime, I do not believe this is feasible, unless we pay for casual staff to undertake this project.

Viewing of the donated photographs can be arranged. Staff can pick up the works from the museum and bring them to the next workshop or meeting of Council. It would be advisable to decide whether and where to display the images in the Rose Garden Room at the time of viewing, as the size of the images is unknown at this time.

If the photographs are later moved from the Rose Garden Room, something else will have to be hung in their place on the remaining hooks. Or if the hooks are removed, the resultant damage to the walls will need to be patched.

If the photographs are moved to the Airport, their hanging location will again have to be decided, noting that most of the airport has glass windows and signage, with very little wall hanging space remaining. If the photographs are moved from the Airport to a new home, again, they will have to be replaced or the damage to the walls repaired.

STATUTORY REQUIREMENTS

Nil

POLICY/STRATEGIC IMPLICATIONS

No policy exists on this matter and one would have to be developed before embarking on displaying and moving art work in any council facility.

BUDGET AND FINANCIAL IMPLICATIONS

Purchase and installation of a hanging system for the FAEC foyer will be required, and display system / hooks for the Rose Garden Room and the Airport, and these have not been included in the 2019/20 Budget. Displaying of local artists' work in the FAEC foyer on a rotational basis will also incur staffing costs.

RISK/LIABILITY

The FAEC foyer is exposed to a considerable amount of daylight so that any artwork displayed in this space will suffer light damage. Photographic prints are the obvious choice for this space as they are not the original format and can always be reprinted.

VOTING REQUIREMENTS

Simple Majority

MOTION

252.09.2019 Moved: Cr Blyth Seconded: Cr P Rhodes

That Council:

- 1. Calls for submissions from interested local artists to display their art work in the foyer of the Flinders Arts and Entertainment Centre on a rotational basis;**
- 2. Views the five photographs from the Queen Victoria Museum and Art Gallery, that are currently being stored at the Furneaux Museum, at the next Council Workshop or at the October Council Meeting, whichever is first; and**
- 3. Displays those five photographs in the Rose Garden Room of the Flinders Arts and Entertainment Centre for a period of six weeks, after which time they could be relocated to the Flinders Island Airport for the duration of the summer tourist season, until the December meeting of Council, when Council can decide if they need to find a new home.**

AMENDMENT

253.09.2019 Moved: Deputy Mayor D Williams Seconded: Cr V Grace

That Council views the five photographs from the Queen Victoria Museum and Art Gallery, that are currently being stored at the Furneaux Museum, at the next available Council Workshop.

CARRIED UNANIMOUSLY (7-0)

For: Mayor A Revie, Deputy Mayor D Williams, Cr S Blyth, Cr A Burke, Cr V Grace, Cr P Rhodes and Cr R Summers.

SUBSTANTIVE

252.09.2019

That Council views the five photographs from the Queen Victoria Museum and Art Gallery, that are currently being stored at the Furneaux Museum, at the next available Council Workshop.

CARRIED UNANIMOUSLY (7-0)

For: Mayor A Revie, Deputy Mayor D Williams, Cr S Blyth, Cr A Burke, Cr V Grace, Cr P Rhodes and Cr R Summers.

Deputy Mayor David Williams left the meeting at 11.23am.

19.4 Notice of Motion – Cr Sharon Blyth – Acknowledgement of Country

Action	Decision
Proponent	Councillor Sharon Blyth
Officer	Heidi Marshall Acting General Manager
File Reference	COU/0203
Annexures	Nil

NOTICE OF MOTION

That, at the beginning of each Council Meeting, the Mayor offers up the Acknowledgment of Country: specifically *“I’d like to begin by acknowledging the Traditional Owners of the land on which we meet today, the Palawa people of the Trawulwai Nation. I recognise their continuing connection to the land, waters and culture of this Municipality. I would also like to pay our respects to Elders past, present and emerging.”*

COUNCILLOR’S REPORT

An ‘Acknowledgement of Country’ is an opportunity to acknowledge, and pay respect to, the Traditional Owners and ongoing custodians of the land - the Aboriginal and Torres Strait Islander people. Acknowledgments are often made at the commencement of an event, such as a meeting, speech or formal occasion.

Out of the 29 Local Government Councils in Tasmania, at least one third recite the Acknowledgement of Country at the beginning of their meetings. As we here are all aware, indigenous people have played a big part in our Island history, particularly at Wybalenna, which plays an important part in the Furneaux Group’s history as a whole.

I believe that this could be an important step to confirming and clarifying our relationship with the local aboriginal community and their representatives.

The Flinders Island District High School has an acknowledgement on their presentation night, as does the Flinders Flicks at their bi-annual event.

An acknowledgement can be made by anybody, indigenous or non-indigenous. An Acknowledgement of Country will often highlight the unique position of Aboriginal and Torres Strait Islander people in Australian culture and history. I believe it is appropriate for the Mayor to make this statement.

PREVIOUS COUNCIL CONSIDERATION

Nil

PREVIOUS COUNCIL DISCUSSION

Nil

OFFICER’S REPORT

This is a matter for Council to decide.

STATUTORY REQUIREMENTS

Nil

POLICY/STRATEGIC IMPLICATIONS

Nil

BUDGET AND FINANCIAL IMPLICATIONS

Nil

RISK/LIABILITY

Nil

VOTING REQUIREMENTS

Simple Majority

MOTION

254.09.2019 Moved: Cr Blyth Seconded: Cr P Rhodes

That at the beginning of each Council Meeting the Mayor offers up the Acknowledgment of Country specifically *“I’d like to begin by acknowledging the Traditional Owners of the land on which we meet today, the Palawa people of the Trawulwai Nation. I recognise their continuing connection to the land, waters and culture of this Municipality. I would also like to pay our respects to Elders past, present and emerging.”*

Deputy Mayor David Williams returned to the meeting at 11.25am.

FORESHADOWED MOTION Deputy Mayor David Williams

That at the beginning of the first Council Meeting of each calendar year, the Mayor offers up the Acknowledgment of Country specifically *“I’d like to begin by acknowledging the Traditional Owners of the land on which we meet today, the Palawa people of the Trawulwai Nation. I recognise their continuing connection to the land, waters and culture of this Municipality. I would also like to pay our respects to Elders past, present and emerging.”*

CARRIED UNANIMOUSLY (7-0)

For: Mayor A Revie, Deputy Mayor D Williams, Cr S Blyth, Cr A Burke, Cr V Grace, Cr P Rhodes and Cr R Summers.

Cr Aaron Burke left the meeting at 12.32pm.

Mayor Annie Revie called a break in the meeting at 12.32pm and resumed the meeting at 1.05pm.

Heidi Marshall, A/General Manager, left the meeting at 1.06pm.

19.5 Notice of Motion – Cr Rachel Summers – General Manager Recruitment

Action	Decision
Proponent	Councillor Rachel Summers
Officer	Heidi Marshall Acting General Manager
File Reference	PER/0602
Annexures	19.5.1 Draft General Manager Position Description 19.5.2 General Manager Appointments and Contracts

NOTICE OF MOTION

That Council:

1. Approves the General Manager Position Description (Annexure 19.5.1); and
2. Proceeds with advertising the vacant position of General Manager within the next two weeks.

COUNCILLOR'S REPORT:

At the June 2019 General Council Meeting, Councillors resolved to engage Kristy Scott of hr is esp Consultancy to assist Council with the recruitment of the General Manager (184.06.2019). Councillors attended workshops on 17 June 2019 and 5 September 2019 to develop a position description.

To ensure our ongoing commitment to transparency and accountability, the Position Description is now presented to Council at the General Council Meeting for approval.

The next part of the motion is in regard to the actual advertising schedule. It is reasonable for most senior executive roles to be advertised with a four to six week period of application. Allowing 2 weeks for analysis and short-listing, if we started advertising this Saturday (21 September 2019), it is likely that we will not start interviewing until mid-November.

I ask that Council instruct Kristy Scott to proceed with advertising this role as a matter of urgency.

I believe an independent perspective during the selection of candidates and subsequent interviews would bring further transparency to the process and suggest we ask someone from the Flinders Council Audit Panel to be involved.

PREVIOUS COUNCIL CONSIDERATION:

18 June 2019 - 184.06.2019

PREVIOUS COUNCIL DISCUSSION:

17 June 2019 - Council Workshop

5 September 2019 - Council Workshop

OFFICER'S REPORT:

The finalisation of a position description for the appointment of a new General Manager, that defines the required role and meets the expectations and needs of Councillors and the broader community, is the first step in the recruitment process.

STATUTORY REQUIREMENTS:

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS:

No policy exists on this matter.

BUDGET AND FINANCIAL IMPLICATIONS:

A budget allocation for recruitment has been made in the 2019-20 Budget.

RISK/LIABILITY:

Nil

VOTING REQUIREMENTS:

Simple Majority

MOTION

255.09.2019 Moved: Cr R Summers Seconded: Deputy Mayor D Williams

That Council:

- 1. Approves the General Manager Position Description (Annexure 19.5.1); and**
- 2. Proceeds with advertising the vacant position of General Manager within the next two weeks.**

CARRIED (5-1)

**For: Deputy Mayor D Williams, Cr S Blyth, Cr V Grace, Cr P Rhodes and Cr R Summers.
Against: Mayor A Revie**

256.09.2019 Moved: Cr V Grace Seconded: Cr R Summers

That Council suspends the operation of Regulation 22 of the Local Government (Meeting Procedures) Regulations 2015, in accordance with Regulation 22 (9), to discuss recruitment procedures as part of this item.

CARRIED UNANIMOUSLY (6-0)

For: Mayor A Revie, Deputy Mayor D Williams, Cr S Blyth, Cr V Grace, Cr P Rhodes and Cr R Summers.

Heidi Marshall, A/General Manager, returned to the meeting at 1.40pm.

Vicki Warden, Executive Officer, left the meeting at 1.41pm and Cr Rachel Summers became the minute taker.

Mayor Annie Revie passed the chair to Deputy Mayor David Williams at 1.41pm.

19.6 Notice of Motion – Mayor Annie Revie – Population Growth Working Party

Action	Decision
Proponent	Mayor Annie Revie
Officer	Heidi Marshall Acting General Manager
File Reference	GOV/0500
Associated Papers	Nil

NOTICE OF MOTION

That Council appoints a person to represent Council on a Flinders Working Party, organised by Flinders Island Business Inc., to understand and support population growth, both on Flinders and in North Eastern Tasmania.

COUNCILLOR'S REPORT

Population growth is a goal in the Flinders Council Strategic Plan and there are seven actions in the 2019/20 Annual Plan that aim to support this goal, one of them being to *“model affordable housing supply and determine the way forward.”*

Population growth is also a key goal for the Northern Tasmanian Development Corporation, of which this Council is a member. NTDC has employed a person just to research and support the research and achievement of this goal across the North East of Tasmania.

Flinders Island Business Incorporated (FIBI) has been working with the NTDC and, with their encouragement, wish to set up a working party to research and support the Population Growth Goal. FIBI has requested that there is a Council representative on the working party. I fully support this request for the reasons given above, as well as for the following reasons outlined in the Council-commissioned report from FTI Consulting “Study of economics, business and social structure on Tasmania’s Flinders Island”.

- There is a quantifiable disadvantage of between \$346 - \$612/per household per week associated with living on Flinders Island, depending on dwelling structure. This island disadvantage is calculated via a combination of remoteness and scale which is not to date sufficiently addressed by existing official comparative methodologies.
- That Flinders Island will need to grow its population if it is to sustain the amenity, quality of life and opportunity it has enjoyed in the past.
- That Flinders Island will likely reach a ‘tipping point’ in 7 years, in which its own population will not be able to maintain essential public and private services, because its resident working population will reduce to fewer than 472 people.
- The costs of providing services (infrastructure related and social services, residents and visitors, public and private) will grow and Flinders Island will become increasingly dependent on outside resourcing. Government intervention could potentially be a ‘last resort’, if sustainable structural funding models are not realised and due weight not put on factors of ‘remoteness’.
- Developing future opportunities for a sustainable future will require investment in infrastructure, solutions to housing, and innovative approaches to fit-for-purpose regulation.

PREVIOUS COUNCIL CONSIDERATION

Nil

PREVIOUS COUNCIL DISCUSSION

Nil

OFFICER'S REPORT

It is very appropriate for a Councillor to be on such a Working Party as population growth is an important strategic aim of Council.

STATUTORY REQUIREMENTS

Nil

POLICY/STRATEGIC IMPLICATIONS

Population Growth – Increase Supply of Affordable Housing – A strategy and action plan that identifies affordable housing options.

AP1920-1 Model affordable housing supply options and determine way forward.

BUDGET AND FINANCIAL IMPLICATIONS

Nil

RISK/LIABILITY

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council appoints a person to represent Council on a Flinders Working Party, organised by Flinders Island Business Inc., to understand and support population growth, both on Flinders and in North Eastern Tasmania.

DECISION

257.09.2019 Moved: Mayor A Revie Seconded: Cr S Blyth

That Council appoints a person to represent Council on a Flinders Working Party, organised by Flinders Island Business Inc., to understand and support population growth, both on Flinders and in North Eastern Tasmania.

CARRIED UNANIMOUSLY (6-0)

For: Mayor A Revie, Deputy Mayor D Williams, Cr S Blyth, Cr V Grace, Cr P Rhodes and Cr R Summers.

258.09.2019 Moved: Cr P Rhodes Seconded: Deputy Mayor D Williams

That Mayor Annie Revie be Council's representative on the Flinders Island Business Inc., Flinders Working Party.

CARRIED UNANIMOUSLY (6-0)

For: Mayor A Revie, Deputy Mayor D Williams, Cr S Blyth, Cr V Grace, Cr P Rhodes and Cr R Summers.

Deputy Mayor David Williams passed the chair to Mayor Annie Revie at 1.48pm.

20 CLOSED COUNCIL

20.1 Closed Council Item – Citizen of the Year Award

Action	Information
Proponent	Council Officer
Officer	Heidi Marshall A/General Manager

PREVIOUS COUNCIL CONSIDERATION

Considered annually

REASON FOR CLOSED COUNCIL

19.2 is **CONFIDENTIAL** in accordance with Section 15(2) (g) of the *Local Government (Meeting Procedures) Regulations 2015*.

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council moves into Closed Council.

DECISION

259.09.2019 Moved: Cr V Grace Seconded: Cr P Rhodes

That Council moves into Closed Council.

CARRIED UNANIMOUSLY (6-0)

For: Mayor A Revie, Deputy Mayor D Williams, Cr S Blyth, Cr V Grace, Cr P Rhodes and Cr R Summers.

Council moved into Closed Session at 1:50pm.

Council moved out of Closed Session at 1:58pm.

The following motion 262.09.2019 for the Open Minutes was passed in Closed Council:

**“Moved: Deputy Mayor D Williams Seconded: Cr P Rhodes
That for Agenda Item 20.1 Citizen of the Year Award, the discussions held and motions passed in Closed Council remain confidential.**

CARRIED UNANIMOUSLY (6-0)

For: Mayor A Revie, Deputy Mayor D Williams, Cr S Blyth, Cr V Grace, Cr P Rhodes and Cr R Summers.”

Mayor Annie Revie declared the meeting closed at 1:58pm.

Meeting Closed 1.58pm
