



# Confirmed Minutes Ordinary Council Meeting

14 December 2021



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# Flinders Council Ordinary Meeting – Confirmed Minutes

## Tuesday 14 December 2021

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<b>Venue</b>	Furneaux (Emita) Hall, Emita
<b>Commencing</b>	2 pm
<b>Attendees – Councillors</b>	Mayor Annie Revie Deputy Mayor David Williams Aaron Burke Vanessa Grace Peter Rhodes Rachel Summers Sharon Blyth
<b>Apologies</b>	
<b>Attendees – Staff</b>	Warren Groves   General Manager (2.00 - 3.21pm) Chris Wilson   Infrastructure and Airport Manager (2.00 - 3.21pm) Heidi Marshall   Financial Organisational Performance Manager (2.00 - 3.21pm) Jacci Smith   Development Services Coordinator (2.00 - 3.21pm) Rowena Gill   Administration Services Officer (2.00 - 3.21pm)

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### 1 Acknowledgment of Country

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The Mayor began by acknowledging the Traditional Owners of the land on which we met today, the palawa people of the trawulwai Nation. She recognised their continuing connection to the land, waters and culture of this Island, and paid respects to Elders past, present and emerging.

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### 2 Confirmation of Minutes

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#### RECOMMENDATION

That the Minutes from the Ordinary and Closed Council Meetings held on 16 November 2021 be confirmed.

#### DECISION

**236.12.2021 Moved: Cr V Grace Seconded: Cr P Rhodes**

**That the Minutes from the Ordinary and Closed Council Meetings held on 16 November 2021 be confirmed.**

#### CARRIED UNANIMOUSLY (6-0)

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

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### 3 Public Question Time

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#### QUESTION 1: Andrew Thomson

On 23<sup>rd</sup> November Council effectively cancelled my building permit when I am only a few months from completion. When told of the impending deadline, I engaged with a private building surveyor who was willing to take over from Council's building surveyors for the certificates of completion and occupancy, all at my cost, if Council would provide a permit extension. Council refused.

When Council adopted its policy for Privatisation of Building Services at its meeting on 28<sup>th</sup> April 2020, the minutes state “**All currently open building works, as at 30 June 2020, will continue to be serviced, and this may take 2 years or more to run out the old program.**” I assumed from this that I would need to achieve my certificates of completion and occupancy before 30 June 2022. Why was an arbitrary date of 23<sup>rd</sup> November 2021 imposed on me?

I am told now that I must engage a private certifier and apply for a new building permit. This will be time consuming, it may become extremely complicated, and it will cost me in excess of \$4,000. This seems to be bureaucracy gone mad, when a six month extension would cost Council nothing and would allow me to complete my house and deliver it into Council’s rates base as increased income for Council.

How many other current building projects have been affected by this policy?

### **MAYORS’ RESPONSE**

All current building projects were affected by the change in the process.

### **QUESTION 2: Andrew Thomson**

Did Councillors intend for building permits to be cancelled before the two year cycle came around?

### **MAYORS’ RESPONSE**

As Council was moving to a third-party building surveying system, agreement was reached with the current building surveying service to commence winding down. A two year period was put in place, to ensure that Council had access to a Building Surveyor, if needed. In June 2020 Consumer Building and Occupational Services (CBOS) released a fact sheet about winding up old permits, the fact sheet stated, that permits older than 2017 would expire on 1 January 2021 unless they were extended. Council’s engaged Building Surveyor discussed the matter with staff and advised that unless there were extenuating circumstances, we should aim to wrap up all the building permits by the advised CBOS date, which would still allow for some time to address other matters.

### **QUESTION 3: Andrew Thomson**

Will Council please reconsider and grant me a short extension to my building permit?

### **MAYORS’ RESPONSE**

Mr Thomson’s building permit was provided to him in 2009. It has been extended annually every year since.

Mr Thomson made application to extend again on 24 September 2020. The request was put to the Building Surveyor, who advised that he wished only to allow a 6 monthly extension.

After a complaint to the General Manager, it was agreed that Mr Thomson may have a 12 month extension, as long as it is clear that this is the final extension that Council, and its engaged advice, is prepared to provide. On 20 November 2020, Mr Thomson was advised “...that the Building Surveyor has agreed to extend for the full twelve months, your new expiry date will be 23/11/2021.”

Mr Thomson was under no illusion that there was not to be any further extension of the building permit. Council has been contacted by Braddon Building Surveying, who have advised that they are to be engaged by Mr Thomson for the completion of the work. If Mr Thomson engages

Braddon Building Surveying, further permits may be issued, as the primary reason for not extending older permits is due to the reliance on the existing services.

#### **QUESTION 4 - Linda Nicol**

Please can Council provide an update on exactly what has been done in terms of regulating non-paying camper vans on the Island. In addition, please outline your plans on how you intend dealing with camper van waste, unauthorised camping spots, felling of trees in order to access camping places, litter and unacceptable hygiene practices where faeces are left for residents to clear.

This situation cannot be allowed to continue, and the Community has raised this several times over the last year due to the influx of tourists to the Island, with little success.

If you have no plans, then can we please provide you with some easily implementable ones for your action?

#### **MAYORS' RESPONSE**

The Island Community in general is concerned about the disposal of campervan waste and where visitors are choosing to camp overnight. It is important that Council, stakeholders and the Community, work together to provide solutions.

Council and Parks and Wildlife Service are working together to provide appropriate camping locations across the Island. Council is responsible for Council land; Parks is responsible for all Parks and Crown land. Council and Parks take the issue of where people are camping very seriously. Unfortunately, it is not possible to have one rule for our community and another for visitors with respect to where camping is allowed.

It would be helpful for community members to provide photographs and locations to Council and Parks of where rubbish is being dumped, where illegal camping is happening and where trees are being felled so we can understand where and why. It may be that more facilities are required at these locations. Parks has a 'leave no trace' principal on Parks-managed land and Council provides several locations to deposit waste, with two transfer stations open 24 hours and Whitemark Landfill. A dump ezy station is provided at Whitemark Showgrounds for campervans to empty waste.

A camping flyer was created early this year in collaboration with Parks, to inform visitors of where overnight camping is allowed and where day only is permissible. The flyer also contains the locations of all public BBQs, toilet, shower and dump-ezy locations across the Island. After recent conversations with Bass Strait Freight, this flyer will be emailed to visitors along with their boat tickets to provide pre-arrival camping information. Parks has also shared a link from their website to Flinders Camping information on the Council website. Some signage will also be upgraded to reflect these changes. Council plans to update its visitor information app in the future to enable voluntary financial contributions that would be used towards upgrading recreational and camping facilities.

This upcoming season, Council will be upgrading basic facilities at Holloway Park and Whitemark Showgrounds to cater for camping visitors. This will include camping, toilets, camp kitchen and some shower facilities. These upgrades will be managed in a staged approach and dependant on visitation levels in future years as travel options throughout Australia potentially expand back to overseas and wider mainland opportunities.

#### **QUESTION 5 - Tony Griggs**

What is the Councils' plan to ensure residents of north Flinders Island can continue (in fact are actively encouraged) to bring all their household rubbish to the current transfer facility **anytime** in order to sort for recycling? Would Council consider utilising trailers like these we came across this week at Mallacoota Foreshore camping grounds.

### **MAYORS' RESPONSE**

Council is finalising the Waste Management Strategy for the Municipality. The strategy aims to provide for future reduce, reuse, recycling opportunities. Although the Whitemark Landfill will be the central waste "processing" site for the Island, there are opportunities for the Waste Transfer Stations or other areas to embrace opportunities that may feed into the solution. Ideas that integrate into Council's waste management systems are always welcomed.

### **QUESTION 6 – Carita Bathman**

Would the Council please arrange for a speed limit sign to be erected at Palana Road where it intersects with Edens Road?

A sign of 20km would be ideal to ensure safety of all concerned.

Reasons:

1. There are colonies of wildlife using the road, including wallabies, wombats and pheasants. Roadkill is about a daily occurrence. The wildlife movement is very strong especially as darkness falls;
2. The village road is used by visiting children (and pets), who are in severe danger from vehicles speeding through; and
3. Vehicles towing heavy boats do not slow down as they enter the village, an accident is only waiting to happen. Many of the driveways in the village have poor vision of approaching traffic. Slowing the traffic down will significantly reduce the danger.

### **MAYORS' RESPONSE**

Erecting a speed limit sign at Palana Road, where it intersects with Edens Road, would fail to solve the reasons behind the request for the following:

1. There are colonies of wildlife using the road, including wallabies, wombats and pheasants. Roadkill is about a daily occurrence. The wildlife movement is very strong especially as darkness falls.
  - There is roadkill on the roads all over the island.
  - Council cannot be selective about what sections of road animals are protected on.
2. The village road is used by visiting children (and pets), who are in severe danger from vehicles speeding through.
  - Speeding vehicles is an enforcement issue.
  - If vehicles are ignoring the existing speed limit, there is no evidence that they will obey an even lower speed limit.
  - Unreasonably low speed limits reduce the validity of other speed limits.
  - The Austroads Guide to Traffic Management Part 10: Transport Control – Types of Devices states - 'Improper use of signage leads to reduced effectiveness of warning signs generally'.
3. Vehicles towing heavy boats do not slow down as they enter the village, an accident is only waiting to happen. Many of the driveways in the village have poor vision of approaching traffic. Slowing the traffic down will significantly reduce the danger.
  - Refer to item 2 above.

It is incumbent on all drivers to drive to the conditions and their ability.

#### **QUESTION 7 - Naomi Creek**

Palana Residents would like to see the speed reduced through Palana Village due to:

- Safety risks for people crossing road and existing driveways. There are many concealed driveways.
  - Constant dust being created by cars.
  - Large amount of wildlife being killed. This is a daily issue for residents (particularly in holiday seasons), having to remove dead animals from road. Palana is a densely populated area due to Edens Creek being a water source for the animal populations. Animals cross the road constantly to get to the creek.
- a) Request is to reduce speed to 40 km/h, which is the same as Killiecrankie which no doubt faced similar issues to Palana.
  - b) Speed sign to be moved to Edens Road due to the wildlife issue which is a particular problem from the start of Edens Road right through to the end of Palana boat ramp.
  - c) A "Wildlife Zone" sign to be erected next to the 40km/h sign to reinforce that speed is critical.

#### **MAYORS' RESPONSE**

The question was taken on notice.

*Note: Chris Wilson, Infrastructure and Airport Manager, referred to the answer provided in previous Public Question 6 and reiterated speeding drivers are an enforcement issue. If vehicles are ignoring the existing speed limit, there is no evidence that they will obey an even lower speed limit.*

*Local Government has no influence over changes to speed signs. It is suggested that residents write a letter to the Department of State Growth. Using this process is how Lady Barron's 50 km speed sign came to be relocated.*

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#### **4 Councillors' Questions Without Notice**

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Nil

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#### **5 Late Agenda Items**

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Nil

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#### **6 Declaration of Pecuniary Interest**

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Nil

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

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Councillor Aaron Burke declared a perceived conflict of interest in item 14.2 Petition to Amend Sealed Plan – Palana Road, Whitemark.

Councillor Vanessa Grace declared a perceived conflict of interest in Item 14.2 Petition to Amend Sealed Plan – Palana Road, Whitemark.

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## 8 Policies

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Nil

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## 9 Workshops & Information Forums

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File No. COU/0205

### Council Workshop – 16 November 2021

Council held a Workshop on the following subjects:

- Item 1 Jobs Tasmania
- Item 2 Vacant Land in Whitemark
- Item 3 General Manager's Update
- Item 4 The Future of Local Government

### Councillors in Attendance

Mayor Annie Revie	Cr Vanessa Grace
Deputy Mayor David Williams	Cr Peter Rhodes
Cr Sharon Blyth (Item1-3)	Cr Rachel Summers

### Apologies

Cr Aaron Burke

### Staff and Consultants in Attendance

Warren Groves	General Manager
Chris Wilson	Manager Infrastructure and Airport
Rowena Gill	Administrative Services Officer

### Workshop Participants

Michael Buck	Flinders Island Business Incorporated (Item 1)
Mark Bowles	Department of State Growth - Deputy Secretary Business and Jobs (Item 1)
Ben Marquis	Department of State Growth - Regional Growth Coordinator (Item 1)
Stuart Hollingsworth	Department of State Growth - Director of Jobs Tasmania (Item 1)

### Council Workshop – 30 November 2021

Council held a Workshop on the following subjects:

- Item 1 General Manager's Update
- Item 2 Potential Development
- Item 3 Whitemark Tennis Courts
- Item 4 Road off Pot Boil Road
- Item 5 Skate Park
- Item 6 Roadside and Reserve Vegetation Management Policy and Procedure Review
- Item 7 Camping
- Item 8 Furneaux Islands Festival
- Item 9 Waste Strategy and Communications Plan



**Councillors in Attendance**

Mayor Annie Revie  
Deputy Mayor David Williams  
Cr Rachel Summers

Cr Vanessa Grace  
Cr Peter Rhodes

**Apologies**

Cr Aaron Burke  
Cr Sharon Blyth

**Staff and Consultants in Attendance**

Warren Groves      General Manager  
Chris Wilson      Infrastructure and Airport Manager  
Jacci Viney      Development Services Coordinator (Item 2-5, 7)  
Sammi Gowthorp      Community Development and Council Engagement Officer (Item 5, 7-9)  
Rowena Gill      Administrative Services Officer

**Workshop Participants**

Marcos Ambrose      Ross Ambrose Group Pty Ltd (Item 2)  
David Gibbons      Flinders Island Services (Item 2)

**RECOMMENDATION**

That the Council Workshops held on 16 and 30 November 2021 be noted.

**DECISION**

**237.12.2021 Moved: Cr V Grace                      Seconded: Cr P Rhodes**  
**That the Council Workshops held on 16 and 30 November 2021 be noted.**

**CARRIED UNANIMOUSLY (6-0)**

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

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## 10 Publications/Reports Tabled for Council Information

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Nil

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## 11 Reports to be Received

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### 11.1 Municipal Emergency Management Committee

**File Reference** CSV/0400  
**Annexure** 11.1.1 Municipal Emergency Management Committee Meeting 26 November 2021 Unconfirmed Minutes

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

The unconfirmed minutes of the Municipal Emergency Management Committee meeting held Friday, 26 November 2021 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 Municipal Emergency Management Committee meeting held 26 November 2021 be noted.

#### **DECISION**

**238.12.2021 Moved: Deputy Mayor D Williams    Seconded: Cr V Grace**  
That the Unconfirmed Minutes of the Municipal Emergency Management Committee meeting held 26 November 2021 be noted.

#### **CARRIED UNANIMOUSLY (6-0)**

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

*Note: Deputy Mayor David Williams commented that it was a good meeting, with representatives from every area. Medical issues were presented by Alana, protecting the community is the priority.*

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## 12 Councillors' Reports

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None received.

## 13 Mayor's Report

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

### APPOINTMENTS

DATE	DIARY ACTIVITY
9/11/21	Administration
10/11/21	Administration
11/11/21	Meeting with Mike Brewster, TasWater and General Manager, Warren Groves
11/11/21	Catch-up with Warren Groves
11/11/21	Armistice Service for Remembrance Day
11/11/21	Administration
11/11/21	Farewell Assembly for Principal Stuart Dwyer Flinders Island District High School
15/11/21	Administration
16/11/21	Council Workshop and Ordinary Council Meeting
17/11/21	Administration
18/11/21	Catch-up with Warren Groves
19/11/21	Zoom meeting for The Islander Way
22/11/21	Zoom meeting Northern Emergency Management Committee
23/11/21	Meeting with Megan Boyes regarding Citizenship Ceremony
23/11/21	Citizenship Ceremony for Parn Rhodes and morning tea
23/11/21	Administration
24/11/21	Meeting Furneaux Group Aviation Special Committee Meeting
24/11/21	Cyber Crime workshop
24/11/21	Flinders Boating Special Committee Meeting
25/11/21	Catch-up with Warren Groves
25/11/21	Radio interview Tasmania Talks
25/11/21	Administration
28/11/21	Killiecrankie – launch of glass crusher with Councillor Vanessa Grace
29/11/21	Administration
30/11/21	Council Workshop
2/12/21	Council Christmas Party
7/12/21	Liberal Cocktail Party with Tasmanian Premier, Ministers and Warren Groves
9/12/21	Administration
10/12/21	Zoom meeting with Office of Auditor General and Warren Groves

### CORRESPONDENCE IN

DATE	FROM	SUBJECT
10/11/21	Todd Babiak	Catch-up re islander Way
10/11	TasWater	Owners Representatives Group General Meeting (AGM) Minutes
10/11	Dianna Christine Local Government	Confirming Compliance with Local Government (Content of plans and Strategies) Order 2014

11/11	Hon Bridget Archer	Terminal Aviation Forecast (TAF)
11/11	Hon Roger Jaensch Minister for Local Government and Planning	Minot Amendment of the State Planning Provisions – Draft Amendment 01/2021
11/11	Dion Lester Local Government Association of Tasmania (LGAT)	Waste Levy Legislation
12/11	Local Government Association of Tasmania (LGAT)	2022 Meeting dates
15/11	Drug Education Network	Drug Education Network - Annual Report 2021
15/11	Flinders Island District High School	Request for Flinders Council to support 2021 Awards
15/11	Flinders Island District High School	Invitation to Presentation Evening 14 December 2021
15/11	Carita Henriksson Bathman	Service request
15/11	Jude Cazaly	Invitation to launch of glass crusher
15/11	David Harris Bass Strait Freight	Work at Lady Barron Wharf
17/11	David Harris Bass Strait Freight	Communication with TasPorts
17/11	Parliament of Tasmania	Government Business Scrutiny Hearings – Invitation to Comment
17/11	Andrew Cox, Chief Executive Officer, Invasive Species Council	Tasmanian Wild Fallow Deer Management Plan
18/11	LGAT	LGAT Collaborative Workshop Invite
18/11	Tasmanian Aboriginal Heritage	Report
19/11	Councillor V Grace	Questions on Tasmanian borders reopening
19/11	Northern Region Emergency Management Committee	Notes from Zoom meeting
20/11	Rachel Dallas	Camping suggestion

23/11	Peter Stone Chief Customer Officer Bureau of Meteorology	Terminal Aviation Forecast
23/11	Fiona Maher	Information & request re letter of support
29/11	Department of Premier and Cabinet	Invitation to cocktail party with Premier & Ministers
1/12	Diane Dredge	Agenda zoom meeting Islander Way local committee
1/12	Carita Henriksson Bathman	Service Request Palana Road
8/12	Jeremy Rockliff MP	Christmas Card

### CORESPONDENCE OUT

DATE	TO	SUBJECT
23/11/21	Fiona Maher	Proposed Sea Country Indigenous Protected Areas Consultation Project
23/11	Hon Sussan Ley MP	Thank you re Terminal Aviation Forecasts at Flinders Island Airport
23/11	Hon Bridget Archer MP	Thank you re Terminal Aviation Forecasts at Flinders Island Airport
23/11	Joanna Klug, Flinders Island Show Society	Flinders Island Show 2021
24/11	Darren Grace	Thank you, Furneaux Group Shipping Special Committee,
24/11	Shannon Bales, Furneaux Freight	Thank you, Furneaux Group Shipping Special Committee,
24/11	Richard Harley Airport Operations Officer	Previously Proposed Reduction in Terminal Aviation forecast for Flinders Island Airport.
25/11	Tasmania Talks	Notes Radio interview Tasmania Talks

### VOTING REQUIREMENTS

Simple Majority

### RECOMMENDATION

That the Mayor's report be received.

### DECISION

**239.12.2021 Moved: Cr V Grace**

**Seconded: Deputy Mayor D Williams**

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

### CARRIED UNANIMOUSLY (6-0)

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

**MOTION**

**240.12.2021 Moved: Cr R Summers                      Seconded: Cr P Rhodes**

**That Council suspends the operation of Regulation 22 of the Local Government (Meeting Procedures) Regulations 2015, in accordance with Regulation 22 (9) for the remainder of the meeting.**

**CARRIED UNANIMOUSLY (6-0)**

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

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## 14 Development Services

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***Pursuant to Section 25 of the Local Government (Meeting Procedures) Regulations 2015, at 2.09pm the Mayor announced the Council will now act as a Planning Authority under the Land Use Planning and Approvals Act 1993.***

### 14.1 Planning Authority Report – Urban Development Specific Area Plan

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Mick Purves – Strategic Planning Consultant
<b>File Reference</b>	PLN/0201
<b>Annexures</b>	<i>14.1.1 Addendum to Section 35F Report – Urban Development Specific Area Plan, December 2021</i>

#### INTRODUCTION

This report provides for the Planning Authority to determine its position on the provisions for multiple dwellings and subdivision within Whitemark and Lady Barron following the previous decision on the Section 35F Report on Representations that were lodged to the exhibition of the Local Provisions Schedule (LPS).

#### PREVIOUS COUNCIL CONSIDERATION

218.11.2021                      16 November 2021

#### PREVIOUS COUNCIL DISCUSSION

6 July 2021                      Council Workshop  
20 July 2021                     Council Workshop  
7 September 2021              Council Workshop  
5 October 2021                 Council Workshop

#### OFFICER'S REPORT

Council endorsed the Section 35F Report on Representation to the draft LPS at its ordinary meeting of November 2021 and submitted to the Commission.

The Section 35F Report contained recommendations that, amongst other matters, Specific Area Plans (SAP) were to be prepared to address issues affecting multiple dwellings and subdivision within the urban areas of Whitemark and Lady Barron, and connection of new lots through subdivision to the reticulated electricity networks that were identified in representations to the LPS. The subject SAP's were not provided with the 35F Report.

Translation of the Flinders Planning Scheme 2000 to the Tasmanian Planning Scheme (TPS) format prohibited use of the General Residential zone in place of the existing Residential zone, which created undesirable restrictions on the development of multiple dwellings (units) and subdivision for new lots through use of the Low Density Residential zone.

An Addendum to the Section 35F Report and draft SAP is provided as Annexure 14.1.1 to this report on this issue. This annexure provides a detailed examination of the SAP proposed for urban development within Whitemark and Lady Barron, which includes assessment against the relevant criteria within the Act that tests to see whether new local provisions are appropriate.

Enquiries with the Planning Policy Unit of State and relevant industry providers identified that electricity connections for new lots through subdivision were subject to 2020 amendments to the *Electricity Supply Industry Act 1995*. Advice from Hydro Tasmania and the Planning Policy

Unit of State is that inclusion of section 44L under Part 5B (Special Provisions Relating to the Certain Transmission and Distribution Entities) arguably triggers consideration of the need for modification to the electricity distribution and generation systems.

While these changes were clearly intended to address this specific issue, discussions with industry identified a range of concerns, with the operation of the provisions and planning schemes that remain unanswered at this time. Further discussions with the relevant industry sector, Planning Policy Unit and Local Government Association of Tasmania are expected to address this issue through the upcoming 5-yearly review of the TPS.

As a result a SAP was not prepared on this issue.

## **STATUTORY REQUIREMENT**

*Land Use Planning and Approvals Act 1993*

Following public exhibition of the Draft LPS, Section 35F of the Act requires the planning authority to prepare a report containing:

- a copy of each representation made under s.35E(1);
- a statement of the planning authority's opinion as to the merit of each representation made, in particular as to:
  - whether the draft LPS should be modified; and
  - if recommended to be modified, the effect on the draft LPS as a whole;
- a statement as to whether the planning authority is satisfied that the draft LPS meets the LPS criteria; and
- the recommendation of the planning authority in relation to the draft LPS.

Council considered representations to the LPS at its previous meeting in November 2021 and determined under Section 35F that SAP's be prepared to address the issues identified with multiple dwellings, lot sizes through subdivision and electricity connections being provided for new lots.

This report, and the subsequent decision of the Planning Authority, includes recommendations that address the Planning Authority's decision under Section.

## **POLICY/STRATEGIC IMPLICATIONS**

The SAP and supporting documents align with Council's Strategic Plan 2021-2031 objectives to grow a sustainable population, improve housing affordability, enhance, maintain and protect the Island's agricultural economy, diversify and support a local economy and preserve the natural environment. Strategic Plan focus areas include:

1. Liveability – To protect and build upon our island's way of life.
  - 1.1.1 Encourage and support an increased supply of affordable accommodation for long-term residential rental and purchase.
  - 1.3.1 Finalise and promote the Flinders Council Local Provisions Schedule and Zone Strategy as part of the Tasmanian Planning Scheme to ensure sensible and sustainable development.
2. Accessibility/Infrastructure – Quality infrastructure and services for community benefit.
  - 2.3.1 Develop and implement a Council Land Strategy to ensure land is utilised effectively.
4. Good Governance – Effective, efficient and transparent management and operations.
  - 4.1.1 Ensure Council meets its statutory obligations to manage risk, achieve financial sustainability and model good governance.

## **BUDGET AND FINANCIAL IMPLICATIONS**



Budget implications of the current process form part of Council's operational costs and statutory obligations as a planning authority.

#### **RISK/LIABILITY**

Identified risks are considered to be addressed by the Planning Authority observing the statutory process.

A recommendation is provided to deal with the assessment of the representations, serve notice on the Commission for changes to the SPP's and provide delegations for operational functions of the decision and subsequent process for the hearings.

#### **VOTING REQUIREMENTS**

Majority

#### **RECOMMENDATION**

That the Planning Authority endorse Annexure 14.1.1 '*Addendum to Section 35F, Urban Development Specific Area Plan, Local Provisions Schedule*' and forward to the Tasmanian Planning Commission.

#### **DECISION**

**241.12.2021 Moved: Cr R Summers                      Seconded: Cr V Grace**

**That the Planning Authority endorse Annexure 14.1.1 '*Addendum to Section 35F, Urban Development Specific Area Plan, Local Provisions Schedule*' and forward to the Tasmanian Planning Commission.**

#### **CARRIED UNANIMOUSLY (6-0)**

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

***Council concluded its meeting as a Planning Authority under Section 25 of the Local Government (Meeting Procedures) Regulations 2015 at 2.18pm.***

*Cr Aaron Burke and Cr Vanessa Grace left the meeting at 2.18pm.*

## 14.2 Petition to Amend Sealed Plan – Palana Road, Whitemark

<b>Action</b>	<b>Decision / Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Jacci Smith   Development Services Coordinator
<b>File Reference</b>	ROA/0101
<b>Annexures</b>	14.2.1 Request to Amend Sealed Plan Number 13247 14.2.2 Folio Plan of affected lots 14.2.3 Schedule of easements of affected lots 14.2.4 Petition to Amend Sealed Plan – Sproal & Associates

### INTRODUCTION

Council staff met with a potential developer of land behind the Bluff Road subdivision (namely lots 6 & 10 on Certificate of Title (CT) 170738) to discuss the possibilities around future subdivision. It was noted at the meeting, that there was a burdening easement in place, on the land, to benefit lots 6-11 on Sealed Plan (SP) 13247, which are lots on Bluff Road, for the purpose of 'Drainage Easement (Absorption Drain)'.

The land has been used as farming land for many years but has been zoned as Low Density Residential since mid to late 1990's (is currently zoned Low Density Residential under *Flinders Planning Scheme 2000* but it is unclear of the precise time that this was implemented). Some larger subdivision of the land has already occurred.

Councillors heard from potential developers about management of stormwater in the area during a Council Workshop in August 2021.

### PREVIOUS COUNCIL CONSIDERATION

Nil

### PREVIOUS COUNCIL DISCUSSION

3 August 2021 Council Workshop

### OFFICER'S REPORT

Solicitors acting for the purchasers (and potential developers) issued a Petition to Amend Sealed Plan, as per the requirements of s103 of the *Local Government (Building & Miscellaneous Provisions) Act 1993* on 20 September 2021, to each of the affected owners of lots within SP 13247 (see annexure 14.2.4).

Section 104 of the Act states that a person affected by the proposed amendment, may ask to be heard in respect of the matter. Council has 28 days to consider any such applications. None were received within the timeframe, however one was received outside of the timeframe. The respondent did not refer to the matter but to future subdivision of the land. The respondent has been contacted and made aware of the ability to respond to discretionary planning applications that affect the land.

### The matter

It appears that when the Bluff Road lots 6-11 were created (on SP 13247) they were required to include benefiting easements on the land to the rear of the lots (currently known as lots 6 & 10 on CT 170738) nominated as drainage easements (absorption drain).

The wording as denoted on each affected title is:

#### DRAINAGE EASEMENT (ABSORPTION DRAIN)

Each Lot in Column A is together with a right to drain septic tank and household effluents from the lot through and under the land marked "Drainage Easement (Absorption Drain)" ~~comprising 950m<sup>2</sup>~~ defined by measurements and letters on the plan and specified thereto by corresponding letters in Column B and the right of owner or owners or occupiers of the said lot and his or their surveyors and workmen from time to time and at all times hereafter if he or they should think fit to enter into and upon the said land and to lay inspect repair cleanse amend any drain or pipe without doing unnecessary damage to the said land.

None of the easements have ever been used for the purpose.

As the easements have been in place since 1979 and not used, plus the fact the easement wording may place an unreasonable burden on the adjoining land, it is recommended that the petition be supported and the easements removed as per the request.

#### **STATUTORY REQUIREMENT**

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

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

Nil

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

Nil

#### **RISK/LIABILITY**

Nil

#### **VOTING REQUIREMENTS**

Simple

#### **RECOMMENDATION**

That Council resolves to amend Sealed Plan 13247 and 170738, as per Petitions to Amend Sealed Plans from Sproal and Associates dated 20 September 2021 and authorises the General Manager to affix Council's common seal to and sign the Land Titles Office form that addresses the request.

#### **DECISION**

**242.12.2021 Moved: Cr P Rhodes                      Seconded: Cr R Summers**

**That Council resolves to amend Sealed Plan 13247 and 170738, as per Petitions to Amend Sealed Plans from Sproal and Associates dated 20 September 2021 and authorises the General Manager to affix Council's common seal to and sign the Land Titles Office form that addresses the request.**

#### **CARRIED UNANIMOUSLY (4-0)**

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

*Cr Aaron Burke and Cr Vanessa Grace entered the meeting at 2.20pm.*

#### **14.3 Development Application Report**

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Jacci Smith   Development Services Coordinator
<b>File Reference</b>	PLN/0105
<b>Annexures</b>	14.3.1 <i>Planner's Information Report – November 2021</i>

## **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 planner's report for that application is considered by Council. Discretionary applications where no submissions are received, as well as applications with a Permitted pathway, are approved under delegation to the General Manager.

The numbering of applications relates to the electronic filing system. Numbers are allocated to Planning (DA), Building (BA) and Plumbing (PA) applications as they are received. This may mean that planning numbers are not sequential, 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 14.3.1, Planner's Information Report – November 2021*.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

That the Planner's Information Report – November 2021 be received.

## **DECISION**

**243.12.2021 Moved: Deputy Mayor D Williams Seconded: Cr R Summers**

**That the Planner's Information Report – November 2021 be received.**

## **CARRIED UNANIMOUSLY (6-0)**

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

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## 15 Infrastructure and Airport

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### 15.1 Infrastructure and Airport Report – November 2021

#### Action Information

<b>Proponent</b>	Council Officer
<b>Officer</b>	Chris Wilson   Manager Infrastructure and Airport
<b>File References</b>	WOR/3000
<b>Annexures</b>	15.1.1 Manager Infrastructure and Airport Report – November 2021

#### INTRODUCTION

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

#### OFFICER'S REPORT

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

#### VOTING REQUIREMENTS

Simple Majority

#### RECOMMENDATION

That the Infrastructure and Airport Report – November 2021 be received and accepted by Council.

#### DECISION

**244.12.2021 Moved: Cr P Rhodes                      Seconded: Cr V Grace**

**That the Infrastructure and Airport Report – November 2021 be received and accepted by Council.**

#### **CARRIED UNANIMOUSLY (6-0)**

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

*Note: Councillors Peter Rhodes, Vanessa Grace and Deputy Mayor D Williams expressed their congratulations to Chris Wilson, Infrastructure and Airport Manager, as the report keeps on improving, and the better-informed Councillors are, the better they understand. With limited resources, Council must deal with many issues and what is able to be achieved is commendable. It is pleasing to receive positive feedback about the airport and how good it is looking.*

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## 16 Notice of Motions

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### 16.1 Notice of Motion – Recognition of Municipality’s first Warden, Mr Valentine Huitfeldt

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Councillor Peter Rhodes
<b>Officer</b>	General Manager
<b>File Reference</b>	WOR/0900
<b>Annexures</b>	16.1.1 <i>Proposal to acknowledge first Warden</i> 16.1.2 <i>CONFIRMED MINUTES Rename Emita Beach Coastal Reserve 2017.04.20.</i> 16.1.3 <i>Flinders Island Council Mayor letter 2017.05.10</i>

#### NOTICE OF MOTION

**That Flinders Council agrees to consider options for formally recognising the Municipality’s first Warden, Mr Valentine Huitfeldt, in a manner that suitably acknowledges his contribution to the Municipality, and to this end, refers the matter to a future Council Workshop.**

#### COUNCILLOR’S REPORT

Self-government is an important milestone in the growth and development of any community, and in many communities this achievement is publicly recognised and celebrated. Everybody contributes to the growth of communities, and our community is no different.

From a time of no government oversight prior to the settlement of Van Diemen’s Land, ‘the white man’s law’ came. Administered from Hobart Town, we became the furthest, remotest point of the colony – the site of the settlement at Wybalenna. Any further north it would have been in NSW.

Following the failure of the first settlement. Flinders Island was leased to various people from our past, ending with Robert Gardner, a Launceston merchant. Gardner and Valentine Huitfeldt purchased land at the same time which had to be fenced and cleared.

At this time, the eastern Strait Islands were administered by George Town and later administrative districts. Valentine Huitfeldt arrived in 1890, with his wife and two children and was the second family to settle in the area and lived there for 35 years. Valentine Huitfeldt was a member of and chaired the Road Trust created in 1905. He was subsequently elected to the first Council and the position of Warden in 1908.

Huitfeldt also contributed land on a number of occasions for public use, in particular for the wireless station and to allow for the road from Emita to extend northwards.

Huitfeldt also built and lived in two of our historic homes on the island – “Thronstad” and “Stella Maris”. The latter being part built by Gus Gerke, ship’s carpenter on the Farsund.

As Warden, he was a significant driver for the proposal to establish the township of Emita, which eventually occurred in 1940 following the opening of the new jetty in August 1939.

Many municipalities in Tasmania recognise their first councils through their first Warden. King Island, for example, “has named Munro Road and Munro Place after their first Warden who served from 1908, the same year as Valentine.” A number of other Tasmanian councils have also named landmarks after their first Warden, for example Launceston, Devonport, Latrobe, Wynyard, St Helens (Break O’Day Council), and others.

Names are a doorway into history. Valentine Huitfeldt and our first Council were a significant part of our history. Some councillors draw their inspiration from those who served before, and it is fit and appropriate that Council recognise and remember their service.

#### **PREVIOUS COUNCIL CONSIDERATION**

308.11.2015	24 November 2015
310.11.2015	24 November 2015
75.04.2017	20 April 2017

#### **PREVIOUS COUNCIL DISCUSSION**

Nil

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

Family descendants wanted the historical contribution that Valentine Huitfeldt made to the Island and especially the Emita area, acknowledged in April 2017. They gathered considerable support, both through the local Emita and wider communities, with a total of 61 signatures to support their renaming proposal; this in addition to the historical background information provided in annexure 16.1.1 made a strong case for the renaming proposal.

A letter supporting the proposal (annexure 16.1.3) from Council was requested to assist the proponents in their endeavours and Council passed the following motion at the Council meeting 20 April 2017.

*"75.04.2017 Moved: Deputy Mayor M Cobham Seconded: Cr K Stockton  
That Council provides a formal letter of support to the proponents of the proposal to re-name the Emita Beach Coastal Reserve, i.e. the new name proposed is "Valentine Huitfeldt Coastal Reserve"."*

Further consideration of recognition of the first Warden Mr Valentine Huitfeldt, 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**

**245.12.2021 Moved: Cr P Rhodes                      Seconded: Cr R Summers**

**That Flinders Council agrees to consider formal recognition of the Municipality's first Warden, Mr Valentine Huitfeldt, in a manner that suitably acknowledges his contribution to the Municipality, and to this end refers the matter to a future Council Workshop.**

#### **CARRIED UNANIMOUSLY (6-0)**

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

Note: Councillor Peter Rhodes presented the following additional information at the meeting:

*“Valentine Wilhelm Hartwig Huitfeldt was born on the 15th of October 1852 in Trondhiem, Norway. When he came to Australia, after having spent a year in the United States of America, he was Secretary to the Norwegian Consul in Melbourne. He, with his wife, came to Flinders Island around 1890 and was the first settler in what is now the town of Emita – about half a mile from the old settlement at Wybalena. James Willett was the only settler there before him. Valentine Huitfeldt and Robert Gardner (who previously had leased the whole island) were the first purchasers of land in the district.*

*In 1903 he commissioned Mr Harold J. Walker to build a home he named “Thronstadt” where he and his family lived for some ten years before selling to the Hay family and building his new house named “Stella Maris” where he lived for the rest of his life.*

*In 1905 Valentine Huitfeldt was a founding member and Chairman of the local Road Trust at a time when we had tracks, not roads, and when the Road Trust gave way to municipal governance in 1908, he was elected as one of the three Councillors for this area, it then being the North Ward. His peers elected him as our first Warden and did so for the first 4 years until he retired in 1911.*

*Valentine Huitfeldt’s contributions to our islands’ history and development are numerous and significant, but he did not do it all alone. Let us recall that first Council, and I quote from the Hon. A. W. Loone’s Comprehensive History of Tasmania’s North East: “Thomas William Barrett, Alfred George Collis, Henry George Collis, Thomas John Gunter, James Holt, William Holt, Valentine V Hartwig Huitfeldt, George Maclaine, John Maclaine, jun., Gustav A Messner, Harold Jeff Walker, and Jules Leon Virieux. John [Edwin] Blundstone was the first Council Clerk” - Examiner, 10 Mar 1928 Page 11.*

*It is in the footsteps of these pioneers that we tread today.*

*In conclusion, I offer to two testimonials on Mr Huitfeldt that give a small measure of a much larger man.*

*“The Trueman family came to Flinders Island from England and landed January 7th 1914. They spent three days on the Island Trader, S.S. “Toroa” as she lay under Prime Seal Island waiting for suitable weather to work Emita. They landed at Emita on the third day before breakfast, and were by chance met by a Mr Valentine Huitfeldt, who took them to his home “Stella Maris” and gave them their first meal on Flinders Island. This Mr Huitfeldt was one of the most hospitable men I have ever known. No-one ever passed his door, all were taken in and given food and shelter”. - Horace Stanley Blyth - These days are gone forever - page 136*

*Valentine Huitfeldt died on the 8<sup>th</sup> of June 1922, at his home “Stella Maris” leaving a wife three sons three daughters. His obituary, no doubt written by Walter Bing Lyall stated:*

*“After he resigned the position of Warden, and his health failing, he ceased to take an active part in local affairs; but he always manifested a keen interest in anything that tended to the progress of Flinders, and especially the improvement of the communication with the mainland. He was also one of the original guarantors for the installation of the telephone service. He was well versed in history, and he took a great interest in international politics, and despite his aristocratic descent held very very democratic views as to the policy and government of nations.” - Launceston Examiner, Sat 17 Jun 1922 Page 14.*

*Next year will be the centenary of Valentine’s passing. It is fitting that Council now considers formally acknowledging his legacy.”*



*Mayor Annie Revie passed the chair to Deputy Mayor D Williams at 2.30pm.*

*Mayor Annie Revie foreshadowed an amendment.*

*David Williams passed chair back to Mayor Annie Revie at 2.31pm.*

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## 17 Governance

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### 17.1 Roadside and Reserve Vegetation Policy and Procedure Review

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	WOR/1500, ADM/0600
<b>Annexures</b>	<i>17.1.1 Roadside and Reserve Vegetation Management Policy draft</i> <i>17.1.2 Roadside and Reserve Vegetation Management Procedure draft</i>

#### **INTRODUCTION:**

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

#### **PREVIOUS COUNCIL CONSIDERATION**

005.01.03	16 January 2003
372.11.10	18 November 2010
279.09.2012	20 September 2012

#### **PREVIOUS COUNCIL DISCUSSION**

26th July 2012	Council Workshop
21st June 2012	Council Workshop
30 November 2021	Council Workshop

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

The 'Roadside and Reserve Vegetation Management Policy' has been updated and the Policy split into a Policy and Procedure.

Previously an 'Identification of Sprayed Areas Policy' detailed procedures, which was combined in the 'Roadside and Reserve Vegetation Management Policy' as per a motion at the 20 September 2012 Council Meeting.

The Policy review identified minor amendments, which are recommended to improve Council's management of roadsides and reserve vegetation. The Procedure has been drafted to detail the practices, which staff and contractors need to observe when managing roadside and reserve vegetation.

#### **STATUTORY REQUIREMENT**

Nil

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

Nil

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

Nil

#### **RISK/LIABILITY**

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

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

That Council endorses the Roadside and Reserve Vegetation Management Policy and Roadside and Reserve Vegetation Management Procedure and allows them to lay on the table for 28 days.

## **DECISION**

**245.12.2021 Moved: Cr R Summers                      Seconded: Deputy Mayor D Williams**

**That Council endorses the Roadside and Reserve Vegetation Management Policy and Roadside and Reserve Vegetation Management Procedure, as amended and allows them to lay on the table for 28 days.**

## **CARRIED UNANIMOUSLY (6-0)**

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

## 17.2 Audit Panel – Membership

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	FIN/0401
<b>Annexures</b>	17.2.1 Audit Panel Charter

### INTRODUCTION

The tenure for Audit Panel members, as per the Audit Panel Charter, is for a period of four years. A panel member was appointed on 21 September 2017, therefore their tenure has ceased.

### PREVIOUS COUNCIL CONSIDERATION

76.03.2015	26 March 2015
50.03.2017	23 March 2017
239.09.2017	21 September 2017
38.02.2019	19 February 2019

### PREVIOUS COUNCIL DISCUSSION

31 August 2017 Council Workshop

### OFFICER'S REPORT

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

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

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

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

Independent Chair Mark Scanlon was appointed to the Audit Panel by Council on 21 September 2017 for 4 years. Independent member Diana Droog was appointed at the 26 March 2015 Council Meeting and reappointed 19 February 2019. Gerard Willis commenced on 26 August 2019 after John Dick resigned.

Mark Scanlon has indicated his willingness to continue in the role for another four years.

As an entity, the Audit Panel has performed well, as they equally have individually.

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

### STATUTORY REQUIREMENT

*Local Government Act 1993*

Local Government (Audit Panels) Order 2014

### POLICY/STRATEGIC IMPLICATIONS

4. Good Governance – Effective, efficient and transparent management and operations.

### BUDGET AND FINANCIAL IMPLICATIONS

Nil

**RISK/LIABILITY**

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

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

That Council re-appoints independent chair Mark Scanlon to Council's Audit Panel for a further four years.

**DECISION**

246.12.2021 Moved: Cr A Burke    Seconded: Cr V Grace

That Council defers item 17.2 Audit Panel – Membership to a future Council meeting.

**CARRIED UNANIMOUSLY (6-0)**

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

## 17.3 2021 Complaints Received Report

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	GOV/1001
<b>Annexures</b>	17.3.1 Complaints Received Register 2021

### INTRODUCTION

Council has a Customer Service Charter that specifies a procedure for dealing with written complaints received. Section 339F(5) of the *Local Government Act 1993* requires the General Manager to provide the Council with a report, at least once a year, of the number and nature of such complaints received.

### PREVIOUS COUNCIL CONSIDERATION

The report is presented on an annual basis.

### OFFICER'S REPORT

Council's Customer Service Charter defines a complaint as "an expression of dissatisfaction with a level or quality of service or product offered or provided, or an appeal for action." Complaints must be made in writing and addressed to the attention of the General Manager.

*Annexure 17.3.1* details the written complaints received by the General Manager throughout the 2021 calendar year, along with the action taken to resolve the issue, where possible.

### VOTING REQUIREMENTS

Simple Majority

### RECOMMENDATION

That the report on complaints received during 2021 be noted.

### DECISION

247.12.2021 Moved: Cr R Summers      Seconded: Cr V Grace

That the report on complaints received during 2021 be noted.

### CARRIED UNANIMOUSLY (6-0)

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

*Note: General Manager, Warren Groves, remarked that it is good that people have the confidence to report complaints to Council. Depending on the nature of the complaint, a small number of complaints is not concerning, the measure is how quickly and thoroughly Council responds.*

## 17.4 Exemption from Pecuniary Interest for Committee Members

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	COU/0600
<b>Annexures</b>	Nil

### INTRODUCTION

Flinders Council currently has a number of special committees that were established to allow communication, discussion and community input into decision-making on specific areas or activities of community and Council importance.

Special Committees include community members who are often nominated for membership due to their expertise in an activity and their involvement in the activity could be perceived as a pecuniary interest. Under the *Local Government Act 1993* councils are authorised to provide exemption for community committee members for a period of 12 months.

### PREVIOUS COUNCIL CONSIDERATION

Council Workshop                      1 December 2016

### PREVIOUS COUNCIL DISCUSSION

326.12.2016	15 December 2016
297.12.2017	14 December 2017
344.12.2018	18 December 2018
328.12.2019	17 December 2019
250.12.2020	15 December 2020

### OFFICER'S REPORT

The membership of all Special Committees also includes community members who are often nominated for membership due to their expertise in a business, community group or activity specifically related to the Special Committee. Under the *Local Government Act 1993*, this expertise could be perceived as a potential pecuniary interest in which case the committee member would not be entitled to vote on matters being dealt with by the Committee.

Section 52(3) of Part 5 of the *Local Government Act 1993* enables a council to exempt community members who are Special Committee members from pecuniary interest for a period of 12 months if the community member has a potential pecuniary interest in a matter only because of being appointed as a member due to expertise arising from direct involvement in an activity that gives rise to that potential pecuniary interest.

Providing community members on Special Committees with exemption from pecuniary interest supports their right to vote on matters being dealt with that might otherwise appear as though an interest should be declared.

Council resolved to grant exemption from pecuniary interest for Special Committee community members for a period of 12 months at the December 2020 Council Meeting and it is again time to consider this matter.

### STATUTORY REQUIREMENT

*Local Government Act 1993*

Local Government (Meeting Procedures) Regulations 2015

### POLICY/STRATEGIC IMPLICATIONS

No Policy exists on this matter

## **BUDGET AND FINANCIAL IMPLICATIONS**

Nil

## **RISK/LIABILITY**

Low

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

1. That Council agrees to grant an exemption from pecuniary interest to the community members appointed to all its Special Committees for a period of 12 months, from December 2021 to December 2022.
2. That Council again considers the pecuniary interest of community members on its Special Committees at the December 2022 Ordinary Meeting of Council.

## **DECISION**

**248.12.2021 Moved: Cr V Grace**

**Seconded: Deputy Mayor D Williams**

1. That Council agrees to grant an exemption from pecuniary interest to the community members appointed to all its Special Committees for a period of 12 months, from December 2021 to December 2022.
2. That Council again considers the pecuniary interest of community members on its Special Committees at the December 2022 Ordinary Meeting of Council.

## **CARRIED (4-2)**

**For: Deputy Mayor D Williams, Cr A Burke, Cr V Grace and Cr P Rhodes**

**Against: Mayor A Revie and Cr R Summers.**



## 17.5 Councillor Resolution Report

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	GOV/0300
<b>Annexures</b>	17.5.1 Councillor Resolution Report December 2021

### INTRODUCTION

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

### PREVIOUS COUNCIL CONSIDERATION

The Report is presented on a monthly basis.

### OFFICER'S REPORT

Please read *Annexure 17.5.1 – Councillor Resolution Report December 2021*.

### VOTING REQUIREMENTS

Simple Majority

### RECOMMENDATION

That the Councillor Resolution Report December 2021 be noted.

### DECISION

**249.12.2021 Moved: Deputy Mayor D Williams    Seconded: Cr R Summers**  
That the Councillor Resolution Report December 2021 be noted.

### CARRIED UNANIMOUSLY (6-0)

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

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## 18 Closed Council

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### 18.1 Road Off Pot Boil Road, Lady Barron

### 18.2 Budget Variation 2021-22, Toyota Hilux 4WD Dual Cab Utility Replacement

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

For 18.1 and 18.2

#### PREVIOUS COUNCIL CONSIDERATION

Nil

For 18.1

#### PREVIOUS COUNCIL DISCUSSION

30 November 2021                  Council workshop

For 18.2

#### PREVIOUS COUNCIL DISCUSSION

Nil

#### REASON FOR CLOSED COUNCIL

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

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

#### VOTING REQUIREMENTS

Absolute Majority

#### RECOMMENDATION

That Council moves into Closed Council.

#### DECISION

**250.12.2021 Moved: Cr V Grace      Seconded: Cr A Burke**

**That Council moves into Closed Council**

#### CARRIED UNANIMOUSLY (6-0)

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

*Council moved into Closed Session at 3.05pm.*

*Council moved out of Closed Session at 3.21pm.*

*The following motions for the Open Minutes were passed in Closed Council:*

**“253.12.2021 Moved: Cr R Summers                  Seconded: Cr V Grace  
That for Agenda Item 18.1 Road Off Pot Boil Road, Lady Barron, the agenda item and motion passed in Closed Council be made public.**

#### CARRIED UNANIMOUSLY (6-0)

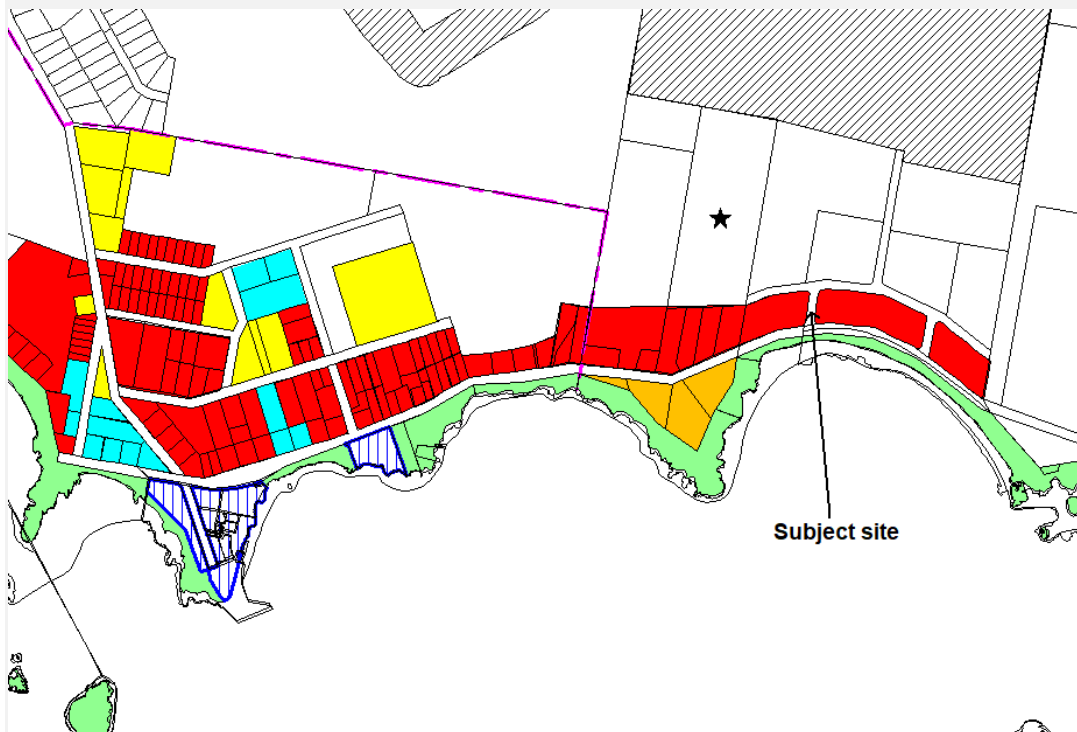
**For: Mayor A Revie, Deputy Mayor D Williams, Cr A Burke, Cr V Grace, Cr P Rhodes and Cr R Summers.”**

## “18.1 Road Off Pot Boil Road, Lady Barron

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Jacci Smith   Development Services Coordinator
<b>File Reference</b>	ROA/0241
<b>Annexures</b>	18.1.1 <i>Historic copy of title – 1969 (2534/8)</i> 18.1.2 <i>Legal advice 2010</i> 18.1.3 <i>Advice to law firm re road from GM 2012</i> 18.1.4 <i>Legal advice 2013</i>

### INTRODUCTION

The subject land is located to the east of the township of Lady Barron, near to where the road changes from Franklin Parade to Pot Boil Road. The land is located to the northern side of Pot Boil road.



It is unclear when the land was subdivided into its current form, but a search of historical records (see annexure 18.1.1) indicates that the current arrangement was in situ in 1969.

On the folio plan the section that takes the form of the road is clearly marked as “ROAD” but for some reason that section of land was not provided to Council, for Council to maintain under, what would have been the equivalent of the Local Government (Highways) Act at the time. The portion marked as “ROAD” had a title created and remained in the ownership of the land holder.

Lots were sold from the plan around 1994 and one of the lots was developed with a house. It is alleged that Council provided advice to purchasers of the legal rights of access over the road, but the information was incorrect. A legal battle followed to ascertain the status of the road and to provide a legal access to landowners. Some

of the legal correspondence, relevant to the matter, is provided as annexures to further explain the background.

Council now owns the land noted as "ROAD" on the plan. There are two Right of Way (ROW) registered over the land providing access to two of the lots.

#### **PREVIOUS COUNCIL CONSIDERATION**

Nil

#### **PREVIOUS COUNCIL DISCUSSION**

30 November 2021 Council Workshop

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

Although a resolution was developed for the existing landowners, an adjoining landowner has presented a request to Council, for a ROW over a portion of the land, to allow for legal access to an adjoining lot. The land subject to the request, is denoted with a star on the map, provided at the introduction of this report.

Initially, the land subject of this request, was to be accessed by one of the lots to the south of it, that have access from Pot Boil Road. The current landowner is stating that there is no ability for the land to gain a legal access via the lots to the south anymore.

The following options are presented for Council's consideration:

1. Grant another ROW over the road title, allowing access to the lot requiring access, bearing in mind, that it would need to overlap another ROW. As each landowner is responsible for maintaining the ROW, the situation may not be ideal to have overlapping ROWs.
2. Refuse to grant a ROW and leave the land as it is.
3. Adopt the land, as a local highway under s6 of *Local Government (Highways) Act 1982*. This would mean that all ROWs are removed, and all lots are able to utilise the land as a Council maintained road. Budget implications will apply. A staged approach is suggested to forming the road, noting that the entire length of the road is not currently required.

#### **STATUTORY REQUIREMENT**

*Local Government (Highways) Act 1982*

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

The Long-Term Financial and Asset Management Plans, Strategies and Policy 2021-2031 may be impacted by any increase in road asset.

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

Council's Infrastructure and Airport Manager has provided an indicative costing of approximately \$80,000. There is an ability for the development of the road to be staged, i.e. \$30,000 per year for 3 years.

If determined, the Road would be added to the asset register, depreciated and maintained as per other road related financial protocols.

#### **RISK/LIABILITY**

There is a risk that granting overlapping ROWs can cause neighbourly disputes. Although, these matters are usually dealt with at a civil level, it would be short-sighted for Council to ignore this possibility, bearing in mind that the current owners

may not always be the owners of the land and therefore not the persons initially granted the ROW maintenance responsibility.

#### **VOTING REQUIREMENTS**

Absolute Majority

#### **RECOMMENDATION**

That Council adopts one of the following options on the land known as 165274/1:

1. Allow a Right of Way to service PID: 2921081; or
2. Adopt the land as a local highway under s6 of *Local Government (Highways) Act 1982* and develop a staged approach regarding forming the road and associated budget.

#### **DECISION**

**252.12.2021 Moved: Deputy Mayor D Williams      Seconded: Cr R Summers**  
That Council adopts the land known as 165274/1: as a local highway under s6 of *Local Government (Highways) Act 1982* and develops a staged approach regarding forming the road and associated budget.

#### **CARRIED UNANIMOUSLY (6-0)**

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

***“255.12.2021 Moved: Deputy Mayor D Williams      Seconded: Cr A Burke  
That for Agenda Item 18.2 Budget Variation 2021-22, Toyota Hilux 4WD Dual Cab Utility, that the motion passed in Closed Council be made public.***

#### **CARRIED UNANIMOUSLY (6-0)**

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

***“254.12.2021 Moved: Cr R Summers      Seconded: Deputy Mayor D Williams  
That Council approves a budget variation of approximately \$50,000 for the purchasing of a replacement vehicle for the current Toyota Hilux 4WD Dual Cab A17NG within this financial year 2021/22.***

#### **CARRIED UNANIMOUSLY (6-0)**

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

*Mayor Annie Revie declared the meeting closed at 3.21 pm.*

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**Meeting Closed 3.21pm**

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