



# Unconfirmed Minutes Ordinary Council Meeting

18 January 2022



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# FLINDERS COUNCIL ORDINARY MEETING UNCONFIRMED MINUTES TUESDAY 18 JANUARY 2022

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<b>Venue</b>	Flinders Island Arts and Entertainment Centre
<b>Commencing</b>	2.01pm
<b>Attendees – Councillors</b>	Mayor Annie Revie Deputy Mayor David Williams Aaron Burke Vanessa Grace Peter Rhodes Rachel Summers
<b>Apologies</b>	Sharon Blyth
<b>Attendees – Staff</b>	Warren Groves   General Manager (2.00 – 3.03pm) Heidi Marshall   Financial Organisational Performance Manager (2.01 – 3.03pm) Chris Wilson   Infrastructure and Airport Manager (2.01 – 3.03pm) Sammi Gowthorp   Community Development Officer   Council Engagement Officer (2.01 – 2.31pm) Jacci Smith   Development Services Coordinator (2.01 – 2.21pm) Rowena Gill   Administrative Services Officer (minute taker) (2.01 – 3.03pm)

## 1. ACKNOWLEDGEMENT OF COUNTRY

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The Mayor began by acknowledging the Traditional Owners of the land on which we meet 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.

## 2. CONFIRMATION OF MINUTES

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### RECOMMENDATION

That the Minutes from the Ordinary and Closed Council Meetings held 14 December 2021 be confirmed.

### DECISION

**1.01.2022 Moved: Cr R Summers**

**Seconded: Cr P Rhodes**

**That the Minutes from the Ordinary and Closed Council Meetings held on 14 December 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.**

### 3. PUBLIC QUESTION TIME

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#### QUESTION 1 – Maxine Roughley

I am writing on behalf of FIAAI to enquire about Council's position on protecting the community regarding Covid-19.

Does Council support the State Government's Public Health advice? If so, how are you providing leadership to the community and modelling good practice on the value of vaccination, wearing of masks and social distancing?

Have you had the opportunity to learn from the King Island experience and do you have any plans or recommendations to mitigate similar risk in the Furneaux group?

#### MAYORS' RESPONSE

There are five questions included in your enquiry. For ease of meaning, I have chosen to address each question separately, despite their connectedness.

#### WHAT IS COUNCIL'S POSITION ON PROTECTING THE COMMUNITY REGARDING COVID-19?

The authority on how Tasmanian Municipalities, including Flinders Council, address the current COVID-19 situation, lies with the State Government. Both Tasmanian State and Federal Governments have posited a move from protecting the Australian people from Coronavirus to a position of transition, with the main focus being, to enable communities to live as safely as possible with COVID -19 present. Such a situation implies that each person, business, and organisation, including Council, accepts responsibility for providing as safe an environment as possible for self, staff, members, and participants.

Council has a Business Plan for addressing Coronavirus, as should every business and organisation. It is the responsibility of individuals, management, and leaders to act according to such a plan. Due to the ever-evolving nature of the virus, these plans must be reviewed and updated constantly.

Flinders Council has acted in the following manner:

- Temporarily modifying arrangements for the Visitor Centre to ensure further protection of staff and our community. Instead, of full opening of the Centre, there are individual information packages for visitors at the Airport and in the Council Office Porch.
- In collaboration with its co-partner, Flinders Island Aboriginal Association Incorporated (FIAAI), Council has postponed Furneaux Islands Festival to lessen the increased risks that large mingling gatherings pose to the spread of the virus – particularly Omicron, which is deemed to have a high risk of spread in gatherings.
- There is regular review of State Government protocols identified on the Public Health Coronavirus website – [www://coronavirus.tas.gov.au](http://www://coronavirus.tas.gov.au). Updates are monitored and communicated regularly through our Facebook and Council Websites, and through Island News.
- Council arranged for all interstate aeroplanes to land at Whitemark rather than on runways across the Island, so that checking of entry protocols are enabled.
- Council has arranged for interstate flights to be met by biosecurity to enable checking and identifying of travellers re COVID.

- Council has regular and ongoing meetings / communication with police, airport staff and biosecurity to provide each other with regular updates.
- Council has no authority to enforce, however it communicates the protocols, including how to report non-compliance.
- Council has already reported an incidence of non-compliance to the appropriate authority, and this is being monitored and acted upon.
- Council performs an ongoing Community information transmission role on behalf of Public Health, utilising its website and Facebook presence, and other methodologies as required.

#### **DOES COUNCIL SUPPORT THE STATE GOVERNMENT'S PUBLIC HEALTH ADVICE?**

- The State Government Public Health Authority, as lead agency in the COVID emergency, is the only legislated authority that Council can take direction from in the current State emergency situation. As such Council practices and observes all the required protocols that come from that Authority.
- Council regularly encourages its community, through all its media outlets, to comply with the State Government protocols with regards to the COVID pandemic. These include: mask wearing, hand-sanitising, social distancing, use of the sign-in applications, vaccination and COVID-19 testing.

#### **HOW IS COUNCIL PROVIDING LEADERSHIP TO THE COMMUNITY, AND MODELLING GOOD PRACTICE ON THE VALUE OF VACCINATION, WEARING OF MASKS AND SOCIAL DISTANCING?**

Key aspects of good leadership re Covid include:

- articulating the desired vision in the current circumstance of a coronavirus-safe community;
- articulating and modelling safe practices;
- sharing positive human values and principles that will support a safe community;
- encouraging shared responsibility in the uncertain times of the pandemic;
- showing open-ness to queries;
- developing coping plans and strategies with the Municipal Emergency Management Committee (MEMC) in particular; and working collaboratively with those who wish to do so.

In line with this, Council has engaged in the following:

- Articulating what should be happening regarding safe practices; and communicating, through Council's various media platforms, changes required by the State Government Public Health Authority.
- Modelling appropriate behaviour as required by the State Government Public Health Authority.
- Updating continuous improvement of the Council Business Plan;
- Reviewing the ongoing level of risks and what appropriate action is required at each phase of the plan.
- Working with staff to adjust to working patterns to protect staff, Councillors and Community, at the differing risk levels.

- Demonstrating positive leadership values to encourage unity in our community rather than division e.g.: encouraging positive human values, such as mutual respect, human kindness and caring, trust and confidentiality, especially during these uncertain times.

### **HAS COUNCIL HAD THE OPPORTUNITY TO LEARN FROM THE KING ISLAND EXPERIENCE?**

- Most certainly Council has been learning from the King Island experience. Prior to the State borders opening, Council personnel have invested time and energy in meetings and communications, working with the Regional Emergency Health Committee, and King Island Council personnel to review and plan for mitigating COVID situations in both Municipalities.
- To date the King Island situation is totally different to that of Flinders Island. King Island has experienced a number of super spreader events. Flinders Council has learned that:
  - Encouraging large group gatherings, particularly inside, is not appropriate during the pandemic;
  - Taking quick action if risky situations occur is vital; and
  - Constantly amending Council's COVID Business plan and articulating it to staff and community as well as possible is critical.
- Council has enabled ongoing discussions to be scheduled in Council Workshops to identify appropriate trigger actions that could lead to higher COVID risk.

### **DOES COUNCIL HAVE ANY PLANS OR RECOMMENDATIONS TO MITIGATE SIMILAR RISKS IN THE FURNEAUX GROUP?**

- Council is neither an enforcing body nor a primary health provider. As such, Council communicates, educates, and encourages the message and protocols of the State Government.
- Recommendations are and will be aligned to the State Government Public Health Authority message and protocols.
- With the constant evolving of the COVID situation, our business plan will be consistently reviewed to ensure that we can respond to the best of our ability.
- Council is currently setting up a Council Incident Management Team to ensure all levels of employees are represented in decision-making related to the ever-changing situation.
- Council will communicate with key groups within the municipality and assist / collaborate as necessary: e.g. FIAAI, Cape Barren Island Aboriginal Association Incorporated, Flinders Island Business Incorporated (FIBI), etc.

### **CONCLUSION**

As I alluded to earlier in this document, Council's values focus on working together with our community to co-create ever-improving practices and actions. Council will be very happy to collaborate with various individuals and groups in our community to maintain and improve safety as much as possible.

### **QUESTION 2 – Carita Bathman**

Further to my previous requests. A solution to increase road safety at Palana is to simply change the existing speed limit sign to read 40 instead of the current 50. There is then no need for additional signage and the speed limit will also be in line with that of Killiecrankie village zone.

#### **MAYORS' RESPONSE**

Taken on notice

## **4. RESPONSES TO PUBLIC QUESTIONS**

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### **14 December 2021 MEETING**

#### **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**

Traditionally, signs, indicating animals on roads, have been primarily installed to warn road users of a potential hazard, rather than for the protection of animals. Wildlife warning and information signs are not specifically intended to perform an animal preservation role, and research to date indicates that they are not particularly effective for this purpose.

In current times, with more community awareness of and concern for animal welfare, it is more common for community members to express concern re the safety of animals on roads, especially smaller species. Hence, members of the public make approaches to Council asking for signs to be installed in the belief that these warning signs will alter driver behaviour and, thereby, reduce the animal fatality rate.

If the preservation of animals is considered to be critical for the survival of the local animal population, other traffic management and animal management treatments will be required (signs alone are not adequate). Even trials done in Tasmania, using electronic signage to alert wildlife, have not proved to be efficient and effective.

Warning signs alert road users in advance of a dangerous situation (that may or may not be expected or visible), so that road users may exercise caution: reduce speed, or manoeuvre in the interest of safety for drivers, passengers, and / or other road users. Such warning signs indicate the physical conditions of the road or hazard ahead, such as changes in alignment or an approach to an intersection. It is generally believed that signs lose their effectiveness if

overused. Thus, their use should be restricted to the minimum required for general safety of all road users. Each and every individual situation should be assessed to determine, as closely as possible, the need for a warning sign. It should also be considered that signage indicating wildlife can be distracting to drivers and lead to injury and even death.

Requests to install road signage for the protection of wildlife must be assessed and monitored by applicants, according to the following criteria:

- a) type of animal (species / native / conservation status)
- b) number and severity of officially recorded wildlife-related accidents
- c) local animal population
- d) movement habits of the animal in question (fast / slow / predictable)
- e) nature of occupation of the area by the animal in question: (seasonal / nocturnal)
- f) frequency at which animals cross or are on the road
- g) time of crossings (day or night, dusk or dawn)
- h) visibility of the animal to the road user (animal size / street lighting)
- i) do the animals cross the road at a small, localised area or over a long length of the road?
- j) the habitat adjacent to the road (roadside environment) and the consistency of this habitat over the length of area being assessed?
- k) traffic volume (particularly during times the animals are crossing or on the road)
- l) information on animal mortality along the road section
- m) whether drivers are unlikely to expect the animal to be crossing or be on the road at this location
- n) what other wildlife warning signs are in the area and have evidence of their effectiveness and efficiency in reducing crashes involving animals or animal mortality rates?
- o) are there any other wildlife-friendly road environment features installed or that could be installed / recommended (canopy bridges, underpasses, land bridges, wildlife fencing, and so on)?
- p) whether the animal or colony of animals is endangered or considered environmentally significant to the area
- q) does the animal reside within an established wildlife conservation area?
- r) is the location defined as a wildlife movement corridor?
- s) Traffic speed on particular stretch of road.

The following is from Qld Transport and Main Roads:

*“To encourage the highest possible levels of voluntary compliance with speed limits, Queensland's MUTCD Part 4 aims to ensure that speed limits throughout the state are consistent and credible. Accordingly, the MUTCD Part 4 contains some important objectives and principles, including:*

- *the need to contribute to road safety, mobility and amenity on public roads by providing a **credible** system of speed limits that is compatible with the speed environment*
- *the need to ensure that a speed limit will not be **so low** that a significant number of road users ignore it, and*
- *the need to ensure that speed limits maintain a balance between a road users' perception of the speed environment and encouragement of voluntary compliance from all road users.*

*The operating speed of vehicles along a section of road may be influenced by a range of factors that vary over time, including weather events, lighting, road surface condition and the presence of animals within the road reserve; however, the MUTCD Part 4 **states that such factors should not be considered in the determination of speed limits.***

*If the speed limit on any road is seen as unreasonably low by motorists or if motorists cannot see a reason for the lower speed limit, it can lead to low compliance with the speed limit. This lack of credibility at one location may lead to a more widespread disregard of speed limits on other roads, which may result in adverse effects on road safety.*

*Transport and Main Roads has previously carried out an extensive trial of reduced speed limit on roads in koala habitat areas. The study found that there was no significant change in operating speeds, even with police enforcement. Road users generally disregarded the reduced speed limit and, consequently, there was no observed reduction to the number of reported koala deaths and injuries.”*

Depending on the priority given by community and Council to wildlife safety issues, trials relating to gathering evidence re the above criteria may be considered possible in future times. Of course, such trials would depend also on the availability of funds.

### **RECOMMENDATION**

That the response to the public question from the 14 December 2021 Council Meeting be noted.

### **DECISION**

**2.01.2022 Moved: Deputy Mayor D Williams      Seconded: Cr P Rhodes**  
That the response to the public question from the 14 December 2021 Council Meeting 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.**

## **5. COUNCILLOR QUESTIONS ON NOTICE**

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Nil

## **6. COUNCILLORS' QUESTIONS WITHOUT NOTICE**

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None received

## **7. LATE AGENDA ITEMS**

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Nil

## **8. DECLARATION OF PECUNIARY INTEREST**

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Nil

## 9. CONFLICT OF INTEREST

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Nil

## 10. POLICIES

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The Code for Tenders and Contracts was reviewed and adopted at the 16 November 2021 Ordinary Council Meeting and no submissions were received throughout the 28 day public consultation period. As per the requirements of the Flinders Council Policy Manual Policy, the Code for Tenders and Contracts can now be adopted.

### **RECOMMENDATION**

That the adoption of the Code for Tenders and Contracts be noted.

### **DECISION**

**3.01.2022 Moved: Cr R Summers                      Seconded: Cr V Grace**

**That the adoption of the Code for Tenders and Contracts 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.**

## 11. WORKSHOPS & INFORMATION FORUMS

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File No. COU/0205

### Council Workshop – 14 December 2021

Council held a workshop on the following subjects:

- Item 1 Multi Factor Authentication for Councillor Laptops
- Item 2 General Manager's Update
- Item 3 Petition to Amend Sealed Plan
- Item 4 Councillor Portfolio Updates

### Councillors in Attendance

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

### Apologies

Cr Sharon Blyth

### Staff and Consultants in Attendance

Warren Groves	General Manager
Chris Wilson	Infrastructure and Airport Manager
Cathy Sausa	IT Officer (Item 1)
Jacci Viney	Development Services Coordinator (Item 3 & 4)
Rowena Gill	Administrative Services Officer

### RECOMMENDATION

That the Council Workshop held on 14 December 2021 be noted.

### DECISION

**4.01.2022 Moved: Cr V Grace**                      **Seconded: Cr A Burke**  
That the Council Workshop held on 14 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.

## 12. PUBLICATIONS/REPORTS    TABLED    FOR    COUNCIL INFORMATION

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## 13. REPORTS TO BE RECEIVED

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### 13.1 FLINDERS COUNCIL AUDIT PANEL

**File Reference** FIN/0401

**Annexure** 13.1.1 Flinders Council Audit Panel Meeting 6 December 2021 Unconfirmed Minutes

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

The unconfirmed minutes of the Flinders Council Audit Panel meeting held Monday, 6 December 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 Flinders Council Audit Panel Meeting held 6 December 2021 be noted.

#### **DECISION**

**5.01.2022 Moved: Cr V Grace                      Seconded: Cr R Summers**

**That the unconfirmed minutes of the Flinders Council Audit Panel meeting held 6 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.**

### 13.2 FURNEAUX GROUP AVIATION SPECIAL COMMITTEE

**File Reference** COM/0104

**Annexure** 13.2.1 Furneaux Group Aviation Special Committee Meeting 24 November 2021 Unconfirmed Minutes

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

The unconfirmed minutes of the Furneaux Group Aviation Special Committee Meeting held 24 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 Furneaux Group Aviation Special Committee Meeting held 24 November 2021 be noted.

#### **DECISION**

**6.01.2022 Moved: Cr V Grace                      Seconded: Cr A Burke**

**That the unconfirmed minutes of the Furneaux Group Aviation Special Committee Meeting held 24 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.**

### **13.3 FLINDERS BOATING SPECIAL COMMITTEE**

**File Reference** COM/0404  
**Annexure** 13.3.1 Flinders Boating Special Committee Meeting 24 November 2021  
Unconfirmed Minutes

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

The unconfirmed minutes of the Flinders Boating Special Committee meeting held Wednesday 24 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 Flinders Boating Special Committee meeting held 24 November 2021 be noted.

#### **DECISION**

**7.01.2022 Moved: Cr P Rhodes**                      **Seconded: Deputy Mayor D Williams**  
That the unconfirmed minutes of the Flinders Boating Special Committee meeting held 24 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.**

## 14. MAYOR'S REPORT

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

### APPOINTMENTS

DATE	DIARY ACTIVITY
13/12/21	Zoom meeting with Regional Police Commander and team
13/12	Council Annual General Meeting
14/12	Met with Cathy Sausa regarding IT
14/12	Council Workshop
14/12	Council Ordinary Meeting
14/12	Presentations at Flinders Island District High School
15/12	Administration
17/12	Zoom meeting with Northern Emergency Management
17/12	Meeting with Jacci Smith and Sammi Gowthorp
20/12	Pre-arranged phone call with Tommy Krauss regarding Island rock climbing
21/12	Met with Cathy Sausa regarding IT
22/12	Council Christmas Closure
9/01/22	Administration
10/01	Administration
11/01	Administration

### CORRESPONDENCE IN

DATE	FROM	SUBJECT
8/12/21	Amanda Lovell	Copy of embargoed Media Release Bass Offshore Wind Energy Project
14/12	Coral Expeditions	Cruises planned to Flinders Island in 2022
15/12	Local Government association of Tasmania (LGAT)	Make-up of Local Government Board for the Local Government Review
16/12	Police Commander Stuart Wilkinson	Aircraft flying into Whitemark after borders open
17/12	Police Commander Stuart Wilkinson	Minute to Deputy State Controller regarding travel process for unapproved travellers
19/12	Ronald Wise	Coral Expedition Cruises
20/12	James Luddington	Coral Expedition Cruises
20/12	Aboriginal Land Council Tasmania (ALCT)	Sea Country Submission
20/2	Minister Jaensch	Terms of Reference for Local Government Review Board
20/12	Sarah Lebski	Notes from Islander Way Local Project Group Meeting
20/12	Sue Smith Local Government Board	Terms of Reference - Review of the Future of Local Government in Tasmania



**DECISION**

**9.01.2022 Moved: Cr V Grace**

**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 (5-1)**

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

**Against: Deputy Mayor D Williams.**

# 15. DEVELOPMENT SERVICES

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***Pursuant to Section 25 of the Local Government (Meeting Procedures) Regulations 2015, at 2.08 pm, the Mayor announced the Council would now act as a Planning Authority under the Land Use Planning and Approvals Act 1993.***

## 15.1 DEVELOPMENT APPLICATION

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Cohen & Associates Pty Ltd
<b>Officer</b>	Karin van Straten Senior Consultant Town Planner
<b>File Reference</b>	DA 20210074
<b>Annexures</b>	15.1.1 Plans 15.1.2 Titles 15.1.3 Bushfire Exemption Report 15.1.4 Representation

### INTRODUCTION

The proposal is for a 2-lot subdivision at 49 Boyes Road, Whitemark. The proposal is to subdivide the 10ha lot into 2 lots of 4ha and 6ha each. Proposed Lot 1 (4ha) contains an existing house and outbuildings; proposed Lot 2 (6ha) also contains an existing house and outbuildings. Both proposed lots will have access from the portion of Boyes Road maintained by Council.

### PREVIOUS COUNCIL CONSIDERATION

Nil

### PREVIOUS COUNCIL DISCUSSION

Nil

### STATUTORY REQUIREMENT

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

### POLICY/STRATEGIC IMPLICATIONS

The Strategic Plan 2021 – 2031 will guide Flinders Council's work over the next 10 years in delivering the vision for the Flinders Municipality.

- 1 Liveability - To protect and build upon our island's way of life.
- 1.1 A viable population that enables the necessary services and activities required for the Community to prosper.
- 1.1.1 Encourage and support an increased supply of affordable accommodation for long-term rental and purchases.

### 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.

### OFFICER'S REPORT

#### SUBJECT SITE AND SURROUNDING AREA

The subject site is located at the western end of Boyes Road approximately 410m from the junction with Bluff Road. The subject site contains 2 houses and outbuildings. The surrounding land uses are similar. The subject site and adjoining Rural Zoned lots are all subject to the Buffer/Attenuation Special area. A “dwelling unit” is prohibited within this area. As mentioned before, the 2 proposed lots each contain an existing house; furthermore this proposal is for subdivision only and no other development.

**THE PROPOSAL**

The proposal is for a 2-lot subdivision in the Rural Zone, at 49 Boyes Road, Whitemark. The proposal is to subdivide the 10ha lot into 2 lots of 4ha and 6ha each.

**REFERRAL**

The proposal was referred to internal departments and Manager Infrastructure and Airport required a condition regarding the construction of a driveway from the edge of the road pavement to the property boundary in compliance with the relevant LGAT Standard Drawing. This has been added as a condition of approval. No objections were raised.

**NOTIFICATION**

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

Issued raised	Officer comments
<p>A representation was received from Property Services: from a preliminary review of the application documentation provided by Council, it appears that the proposal intends to have a structure within a reserved road corridor. It therefore appears that Crown consent may be required for the lodgement of the planning application pursuant to section 52(1B) of the <i>Land use Planning and approvals Act 1993</i>. Any works on the Crown Land also requires distinct consent from the department.</p>	<p>Legal advice confirmed that this is to be considered as a representation. Council staff contacted the representor and confirmed that this proposal is for a 2 lot subdivision only – no other development is proposed; and that the structure referred to is existing and has been for some time. No Crown consent is required for this proposed 2 lot subdivision as no works are proposed on Crown Land.</p>



Subject site

development in reserved road (Crown land)



## PLANNING ASSESSMENT

### PART 5: ZONING

#### 5.8 Rural Zone

##### 5.8.1 Zone Intent

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PLEASE NOTE: While every attempt has been made to ensure the accuracy of these minutes, they are still subject to confirmation at the next meeting of Council and as such cannot be construed as an official record of this meeting, pursuant to Division 5 of the *Local Government (Meeting Procedures) Regulations 2015*, until endorsed at the next meeting.

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

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

- (a) The use or development of small existing rural lots for the purpose of residential living shall only be approved where such use or development is compatible with any existing or potential agricultural use of that land or surrounding lands.
- (b) Use or development should enhance the rural character of the zone. Buildings should be substantial distances from the road frontage and apart, unless inappropriate for operational or topographical reasons. Where land clearance is undertaken it should be visually sympathetic; important trees (or stands of trees) should be retained, important hilltop locations should not be cleared and location of trees and shrubs along fence lines, property boundaries, watercourses and at property entrances is encouraged. Buildings and structures for aquaculture should be sited with regard to the protection of coastal scenery and compatibility with recreational use of the coastline.
- (c) Land use or development and management practices shall be environmentally appropriate and shall avoid contamination or despoliation of the land, ground water, water courses, 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.

### 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: the subject site contains 2 houses and the proposed subdivision will contain each house on a separate title. These are existing developments, considered to be in compliance with the Zone Intent and Desired Future Character and Zone Guidelines of the zone. This proposal does not include any other development.**

**The proposed subdivision results in 2 lot less than 40ha. Neither the subject site nor the adjoining Rural Zoned land are used for agriculture. It is considered that the proposal complies with b (ii) *For a use, other than agriculture, that is consistent with the zone intent, desired zone character and zone guidelines.***

**The aim of the *Agricultural Land Mapping Project*, prepared by the Department of Justice and the Planning Policy Unit was to identify existing and potential agricultural land. The constraints analysis classified the subject site as Criteria 2B. This land is considered potentially constrained due to its size and capital value per ha. The subject site is considered to have limited agricultural potential.**

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

## PART 6: USES AND DEVELOPMENT PRINCIPLES

### 6.1 USE

Principles		Complies	Not Applicable
A	Use or development shall not unreasonably impact on any existing or intended use of development of neighbouring land	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B	Subdivision of land shall be carried out in accordance with the subdivision provisions for the zone within which the land is located or where that is not appropriate in accordance with: <ol style="list-style-type: none"> <li>i. the requirements of the intended use, and</li> <li>ii. the Zone Intent, or alternatively by</li> <li>iii. an approved Development Plan that has been adopted by Council and inserted as a provision in the Scheme.</li> </ol>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C	Residential Zones shall be protected from encroachment by incompatible use or development.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D	Rural Industrial operations shall be appropriately located and designed to avoid any detrimental effects on neighbouring land use or development, particularly in respect of atmospheric emissions, solid waste disposal and water pollution, soil erosion, noise or visual quality.	<input type="checkbox"/>	<input type="checkbox"/>
E	Mining and quarrying operations shall be located and carried out in a form which does not conflict with surrounding land use or development, scenic values and the environment.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Officer comments: the proposal is for a 2 lot subdivision to contain each of the existing houses on the site on its own title. No other development is proposed and therefore it is considered that this proposal will not have any impact on any existing or intended use or development of adjoining land.**

### 6.2 CHARACTER

Principles		Complies	Not Applicable
A	Use and development shall adequately respect the character of, and future intentions for the area in which it is to be located.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B	Subdivision layout, particularly roads, shall take adequate account of land contours and the need to avoid visual scarring.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C	Use or development (including public facilities and services) should adequately respect the surrounding streetscape and neighbouring use or development, particularly in relation to scale, setbacks, form (including roof shape), landscaping, materials, colours and fencing.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D	Landscaping of use or development shall be of a type, form, variety(s) and character which is suited to the intention of the zone, the area and the nature of the use or development.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E	Where trees are an important element in the character of an area they should be retained.	<input type="checkbox"/>	<input type="checkbox"/>
F	Signs shall be consistent in type, scale and location, with the intention of the zone, the streetscape and the building or structure on which they are positioned or to which they otherwise relate.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

G	Forestry use or development, particularly plantations, shall be appropriately sited and planned to protect the visual quality and character of the countryside generally, and from important viewing locations in particular.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Officer comments: the proposal is for a 2 lot subdivision to contain each of the existing houses on the site on its own title. No other development is proposed and therefore it is considered that this proposal adequately respects the character of and future intentions for the surrounding area.**

### 6.3 AMENITY

Principles		Complies	Not Applicable
A	Adequate public open space shall be provided in areas of new subdivision, to meet the recreational and open space requirements of the community generally and particularly the new owners of the lots created by subdivision.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B	Use or development shall accord all existing and/or future occupiers with adequate and reasonable levels of amenity, especially in relation to privacy, sunlight, aspect, views and noise disturbance.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C	Dwellings shall provide an adequate amount and appropriate type of private open space, to meet the expected lifestyle requirements of occupants. Such private open space shall provide adequate privacy, be exposed to reasonable levels of sunshine and directly accessible from the dwelling to which it belongs.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Officer comments: the proposal is for a 2 lot subdivision to contain each of the existing houses on the site on its own title. No other development is proposed. The proposed lots – being 4ha and 6ha in area will provide sufficient land area for private open space and privacy. No public open space is provided as part of this subdivision. A condition of approval will require a cash contribution to the Council to be utilised for private open space provision and maintenance.**

### 6.4 ENVIRONMENT

Principles		Complies	Not Applicable
A	Use or development shall not be allowed to detrimentally affect the environment. All areas, and sensitive ecological and/or visual areas in particular, shall be developed in a manner and to an extent which is consistent with the protection of the values of the area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B	Use or Development and land management practices shall be directed towards achieving environmental sustainability, biodiversity and ecological balance, and avoiding environmental damage such as soil erosion, coastal dune erosion, loss of important animal and plant species and increases in vermin populations.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C	Use or Development shall not be located in areas of unacceptable risk (e.g. from fire, flood or landslip). In situations where risk may exist, use and development shall be appropriately sited and designed to provide an acceptable level of protection and safety for future users. In particular.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	<p>i. Lands subject to flood risk are those subject to a greater than one in a 100 year flood interval (1% probability), and land, the natural surface level of which is below 3 metres Australian Height Datum (AHD); and</p> <p>ii. Land which comprises soils of known or suspected instability, has a slope greater than 1 in 4, or is filled or reclaimed land, are deemed to constitute an unstable land hazard; and</p> <p>iii. Use and development in bushfire prone areas will comply with the provisions of Schedule 7 Development in Bushfire Prone Areas or some other provisions acceptable to Council and the Tasmania Fire Service.</p>		
D	<p>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:</p> <p>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.</p> <p>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.</p> <p>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.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E	<p>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.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F	<p>Use or development shall be of a suitable form and siting to avoid any adverse impact on any watercourse and vice versa. Use or development (including the siting of effluent disposal systems) shall be setback a minimum of 40 metres, or such distance as is required, from a watercourse to avoid degradation of water quality.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
G	<p>Use of land in the vicinity of those watercourses identified in Schedule 3 shall provide Riparian Reserves in an appropriate location and form.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Officer comments: the proposal is for a 2 lot subdivision to contain each of the existing houses on the site on its own title. No other development is proposed and therefore it is considered that this proposal will have no detrimental impact on the environment.**

## 6.5 HERITAGE

	Principles	Complies	Not Applicable
A	Use or Development shall be undertaken in areas and in a manner which conserves items, sites, areas and customs of historic and cultural value.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B	Any Use or Development carried out on or in the vicinity of an item, site, area, feature or customary activity (including Aboriginal sites and shipwrecks) or conservation value, shall adequately respect its historic and cultural integrity.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C	The protection and conservation of items, sites, areas, features and customary activities of historic and cultural importance applies to those previously identified and listed in the Scheme, and those which subsequently become known to Council.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D	Where an item, site, area, feature or customary activity has or may have historic or cultural importance, Council may require a Statement of Cultural Significance to be prepared.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E	Use or development shall be carried out in accordance with the principles and practices of the <i>Burra Charter</i> .	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F	Use or Development involving any historic building or group of buildings shall adequately respect the design and construction elements of the building(s) and particularly the relationship of spaces, orientation, form, mass, scale, fenestration, detailing, style, materials and colour.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
G	Areas of identified conservation value, including National Parks and Nature Reserves, shall be protected from inappropriate use or development and detrimental land management practices including land clearance, within such areas and adjacent areas outside them.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Officer comments: The subject site is not a heritage listed Place. A standard note on any approval requires that if any relic is found on site, all works must stop and the find be reported to Heritage Tasmania.**

## 6.6 ACCESS AND PARKING

	Principles	Complies	Not Applicable
A	Areas of identified conservation value, including National Parks and Nature Reserves, shall be protected from inappropriate use or development and detrimental land management practices including land clearance, within such areas and adjacent areas outside them.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B	All Use or Development shall provide satisfactory pedestrian and vehicular access which is suited to the volume and needs of future users.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C	Buildings and spaces intended for public access shall provide for satisfactory use and access by the disabled; the requirements of the Building Regulations in relation to AS1428.1-1988 shall be met.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D	Road widths shall be appropriate to the road function, expected traffic type and volume, and future subdivision potential of the subject and surrounding land.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

E	Footpaths shall normally be required in areas of new subdivision except where low vehicle traffic volumes are anticipated, in which case a footpath one side only or no footpath may be appropriate.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F	Road intersections shall be kept to a minimum with the use of existing roads, service roads and/or shared driveways being encouraged where appropriate.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
G	Intersections of roads, footpaths and foot crossings and driveways shall provide adequate safety for all users and shall satisfy the relevant requirements of Schedule 4.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
H	New Use or Development shall provide a suitably constructed driveway of a width to provide for the safe ingress and egress of the anticipated volume of traffic associated with the Use or Development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I	New Use or Development shall provide adequate car parking to provide for the demand it generates and shall be capable of being safely accessed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
J	On site turning shall be provided for development involving significant traffic volumes, heavy vehicle types and/or on roads which carry significant amounts of traffic.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
K	New Use or Development in Bushfire Prone Areas will require access that complies with the provisions of Schedule 7, Development in Bushfire Prone Areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Officer comments: the proposal is for a 2 lot subdivision to contain each of the existing houses on the site on its own title. No other development is proposed. The proposed size of the new lots will provide adequate space for access, car parking and manoeuvring of vehicles on site. The applicant addressed Schedule 7 of the planning scheme and the application also included a Bushfire exemption report by an accredited person. This report certified that there is insufficient increase in the risk to the use or development from bushfire to warrant any specific bushfire protection measures.**

## 6.7 SERVICES

Principles		Complies	Not Applicable
A	Use or Development shall be provided with adequate and appropriate services which are suited to the lifestyle requirements of people, the nature of the location, and the ability of the community to provide.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B	Lot size and arrangement shall be adequate and appropriate to ensure an acceptable level of servicing, particularly in relation to waste disposal.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C	In areas not serviced with water use or development shall provide adequate water supply and effluent disposal systems. Each dwelling shall provide a potable water storage facility (minimum capacity of 40kl) to provide for the anticipated number of occupants, and a wastewater disposal system approved by the Council's Environmental Health Officer.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D	Use or Development in the bushfire prone areas will provide fire protection features and water supplies which comply with Schedule 7.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E	Use or Development shall be appropriately sited, designed and constructed to avoid conflict with service mains (including	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
G	Use or Development shall optimise efficiency in the use of energy and resources. In particular, land should be subdivided on a generally sequential basis (i.e. one area is substantially developed before the next is subdivided), common trenching should be used for different services where appropriate, and solar access maximised.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Officer comments: the proposal is for a 2 lot subdivision to contain each of the existing houses on the site on its own title. No other development is proposed no additional service provision is required.**

### 6.8 SOCIAL INTEREST

Principles		Complies	Not Applicable
1	Use or Development should demonstrate how it suits the community interest.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	Use or Development shall have adequate and appropriate types and levels of access to social facilities and services (eg. shops, government agencies, telecommunication, health services and educational facilities).	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Officer comments: the proposal is for a 2 lot subdivision to contain each of the existing houses on the site on its own title. No other development is proposed and the proposed lots and the existing houses will continue to have access to the services and social facilities in the Whitemark village.**

### 6.9 ADMINISTRATION

Principles		Complies	Not Applicable
A	In considering subdivision and/or rezoning proposals, an appropriate balance shall be maintained between current demand and stock available for use or development, and the number of new lots that would be created.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B	Use or Development proposals should only be approved where the cost to the public of providing and maintaining services is not exceeded by the economic benefit of the use or development to the community.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C	In considering any proposal, Council shall obtain the advice and opinion of other relevant group(s), individual(s) or organisation(s) with direct interest in the proposal.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D	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: <ul style="list-style-type: none"> <li>i. The intended use for the land for which the Development Plan has been created;</li> <li>ii. The reason(s) for selection of the area;</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<ul style="list-style-type: none"> <li>iii. A map showing clearly the area subject to the Development Plan showing principal physical features, including existing use or development, hills/slopes, trees, watercourses and existing services buildings and improvements;</li> <li>iv. The nature, form and capacity of proposed services including water, sewerage disposal, power, telephone, roads, footways and reserves;</li> <li>v. A plan of subdivision with proposed staging showing lot sizes and layouts, building envelopes where appropriate, and physical features intended to be conserved;</li> <li>vi. Any special provisions to be used to control land use and development in the area (eg. height, form, character, materials, colours etc.);</li> <li>vii. Any other provisions intended to secure the intention of the Plan.</li> </ul> <p>A Development Plan shall be incorporated into the Scheme by way of a Scheme amendment in accordance with the Act.</p>		
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**Officer comments: the proposal is for a 2 lot subdivision to contain each of the existing houses on the site on its own title. No other development is proposed and there is no cost to the public in providing, extending and maintaining services. The proposal was referred to Council's internal departments – no objections were raised. Manager Infrastructure and Airport required specific condition with regards to access. This has been included in the conditions of approval.**

#### **Part 7: Special Area Provisions**

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

**Officer comments:**

#### **Part 8: Schedules**

<b>Schedule</b>	<b>Applicable</b>	<b>Not Applicable</b>
Schedule 2 – Buildings and Works of Historic Interest	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schedule 3 - Riverside, Wetlands and Shoreline Areas	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schedule 4 – Roads	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schedule 5 – Signs	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schedule 6 - Telecommunications Infrastructure Schedule	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schedule 7 - Development in Bushfire Prone Areas	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Schedule 8 - North East River Development Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Officer comments: A Bushfire exemption report by Michael Tempest confirmed that this proposal is exempt from the Bushfire Code due to insufficient increase in risk. As**

**mentioned before, the subject site contains 2 existing houses each with its own water supply and adequate access. This proposal for subdivision will not change the existing low threat vegetation (managed yards) around the existing houses.**

#### **OFFICER'S RECOMMENDATION**

That the application for a 2 lot subdivision in the Rural Zone, by Cohen & Associates for land located at 49 Boyes Road, Whitemark (Lot 1 on Plan 245015) be APPROVED subject to the following conditions:

#### **ENDORSED PLAN**

1. The use and/or development must be carried out as shown on the endorsed plan by Cohen & Associates Pty Ltd, dated 19-10-21 Plan number 22-78 (8276) Revision 3 to the satisfaction of the Council. Any other proposed development and/or use will require a separate application to and assessment by the Council.

#### **FINAL SURVEY DIAGRAM**

2. The Final Survey Diagram and Schedule of Easements (and three copies) must be submitted for sealing, together with a copy of the Survey Notes.
3. Unless this permit specifically provides otherwise, the Final Survey Diagram will not be sealed by Council until all conditions of this permit have been satisfied.
4. Prior to the sealing of the Final Survey Diagram, any existing services that are disturbed during the subdivision, including any damage to road, kerb and channel, nature strip and footpath, must be reinstated to the satisfaction of Council's Manager Infrastructure and Airport.

#### **COVENANTS ON SUBDIVISIONS**

5. Covenants or similar restrictive controls must not be included on or otherwise imposed on the titles to the lots created by the subdivision permitted by this permit either by transfer, by inclusion of such covenants in a Schedule of Easements or by registration of any instrument creating such covenants with the Recorder of Titles unless:
6. Such covenants or controls are expressly authorised by the terms of this permit: or
7. Such covenants or similar controls are expressly authorised by the consent in writing of the Council.

#### **CONSTRUCTION PRIVATE DRIVEWAYS**

8. Prior to the Sealing Final Survey Diagram all lots must be provided with a constructed driveway from the edge of road pavement to the property boundary in compliance with LGAT Standard Drawings – rural road driveways TSD-R03-v3 to the satisfaction of Council's Manager Infrastructure and Airport.

#### **OPEN SPACE CONTRIBUTION**

9. Prior to the Sealing of the Final Survey Diagram, the applicant must pay to Council an Open Space contribution of \$5,000.00.

#### **ADVISORY NOTES:**

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

- A. This permit was issued based on the proposal documents submitted for DA20210074 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. A once only extension may be granted if a request is received within 6 months after the expiration date.

#### Restrictive Covenants

- D. The granting of this permit takes no account of any covenants applicable to the land. The permit holder and any other interested party, should make their own enquires as to whether the proposed development is effected, restricted or prohibited by any such covenant. If the proposal is non-compliant with any restrictive covenants, those restrictive covenants should be removed from the title prior to construction commencing or the owner will carry the liability of potential legal action in the future.

#### Access for People with a Disability

- E. This permit does not ensure compliance with the Disability Discrimination Act, furthermore the developer may be liable to complaints under the said Act. The developer is directed to Australian Standard 1428 Parts 1 - 4 for technical direction on how to cater for people with disabilities.

#### Appeal Provisions

- F. A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal Tribunal.  
A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant.  
For more information see the Resource Management and Planning Appeal Tribunal website [www.rmpat.tas.gov.au](http://www.rmpat.tas.gov.au)

#### Permit Commencement

- G. 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.

#### Aboriginal Heritage

- H. If any Aboriginal relics are uncovered during works;
  - a) All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,
  - b) The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage

Tasmania) Fax: (03) 6233 5555 Email: [aboriginal@heritage.tas.gov.au](mailto:aboriginal@heritage.tas.gov.au)); and the relevant approval processes will apply with state and federal government agencies.

## **DECISION**

**10.01.2022 Moved: Deputy Mayor D Williams**

**Seconded: Cr P Rhodes**

**That the application for a 2-lot subdivision in the Rural Zone, by Cohen & Associates for land located at 49 Boyes Road, Whitemark (Lot 1 on Plan 245015) be APPROVED subject to the following conditions:**

## **ENDORSED PLAN**

**10. The use and/or development must be carried out as shown on the endorsed plan by Cohen & Associates Pty Ltd, dated 19-10-21 Plan number 22-78 (8276) Revision 3 to the satisfaction of the Council. Any other proposed development and/or use will require a separate application to and assessment by the Council.**

## **FINAL SURVEY DIAGRAM**

**11. The Final Survey Diagram and Schedule of Easements (and three copies) must be submitted for sealing, together with a copy of the Survey Notes.**

**12. Unless this permit specifically provides otherwise, the Final Survey Diagram will not be sealed by Council until all conditions of this permit have been satisfied.**

**13. Prior to the sealing of the Final Survey Diagram, any existing services that are disturbed during the subdivision, including any damage to road, kerb and channel, nature strip and footpath, must be reinstated to the satisfaction of Council's Manager Infrastructure and Airport.**

## **COVENANTS ON SUBDIVISIONS**

**14. Covenants or similar restrictive controls must not be included on or otherwise imposed on the titles to the lots created by the subdivision permitted by this permit either by transfer, by inclusion of such covenants in a Schedule of Easements or by registration of any instrument creating such covenants with the Recorder of Titles unless:**

**15. Such covenants or controls are expressly authorised by the terms of this permit:  
or**

**16. Such covenants or similar controls are expressly authorised by the consent in writing of the Council.**

## **CONSTRUCTION PRIVATE DRIVEWAYS**

**17. Prior to the Sealing Final Survey Diagram all lots must be provided with a constructed driveway from the edge of road pavement to the property boundary in compliance with LGAT Standard Drawings – rural road driveways TSD-R03-v3 to the satisfaction of Council's Manager Infrastructure and Airport.**

## **OPEN SPACE CONTRIBUTION**

**18. Prior to the Sealing of the Final Survey Diagram, the applicant must pay to Council an Open Space contribution of \$5,000.00.**

## **ADVISORY NOTES:**

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

- I. This permit was issued based on the proposal documents submitted for DA20210074. You should contact Council with any other use or developments, as they may require the separate approval of Council.
- J. This permit takes effect after:
- e) the 14 day appeal period expires; or
  - f) any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined; or
  - g) any agreement that is required by this permit pursuant to Part V of the Land Use Planning and Approvals Act 1993 is executed; or
  - h) any other required approvals under this or any other Act are granted.
- K. 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. A once only extension may be granted if a request is received within 6 months after the expiration date.

#### Restrictive Covenants

- L. The granting of this permit takes no account of any covenants applicable to the land. The permit holder and any other interested party, should make their own enquires as to whether the proposed development is effected, restricted or prohibited by any such covenant. If the proposal is non-compliant with any restrictive covenants, those restrictive covenants should be removed from the title prior to construction commencing or the owner will carry the liability of potential legal action in the future.

#### Access for People with a Disability

- M. This permit does not ensure compliance with the Disability Discrimination Act, furthermore the developer may be liable to complaints under the said Act. The developer is directed to Australian Standard 1428 Parts 1 - 4 for technical direction on how to cater for people with disabilities.

#### Appeal Provisions

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#### Permit Commencement

- O. 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.

#### Aboriginal Heritage

- P. If any Aboriginal relics are uncovered during works;
- c) All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,
  - d) The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: (03) 6233 6613 or 1300 135 513 (ask for Aboriginal

Heritage Tasmania) Fax: (03) 6233 5555 Email:  
[aboriginal@heritage.tas.gov.au](mailto:aboriginal@heritage.tas.gov.au)); and the relevant approval processes  
will apply with state and federal government agencies.

**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.**

## 15.2 PLANNING AUTHORITY REPORT – RURAL ENTERPRISE WORK FOR LOCAL PROVISIONS SCHEDULE

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Mick Purves   Strategic Planning Consultant
<b>File Reference</b>	PLN/0101
<b>Annexures</b>	<i>15.2.1 Addendum to Section 35F Report – Rural Enterprise Concept</i> <i>15.2.2 RMCG Flinders LPS Rural Enterprise Concept Report</i> <i>15.2.3 RMCG Enterprise Scale</i>

### INTRODUCTION

This report provides a discussion paper on changes to the Local Provisions Schedule (LPS) as a result of background work provided in two reports by RMCG, following the previous decision on the Section 35F Report on Representations that were lodged to the exhibition of the LPS.

A recommendation is provided for the Planning Authority to endorse the Discussion Paper and two RMCG Reports that support it.

### PREVIOUS COUNCIL CONSIDERATION

218.11.2021                      16 November 2021 Council Meeting – Section 35F Report on Representations to LPS

### PREVIOUS COUNCIL DISCUSSION

6 July 2021                      Councillor workshop  
20 July 2021                      Councillor workshop  
7 September 2021                Councillor workshop  
5 October 2021                    Councillor 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 Tasmanian Planning Commission (Commission).

The Section 35F Report contained recommendations that, amongst other matters, supported use of the Rural Zone under the LPS to reflect local strategies that would enable expansion of local industry for what was identified as Rural Enterprise activities. This provided a significant component for delivering local strategies for population attraction, building a sustainable population base and diversification of the economic base for Flinders Island.

The Discussion Paper and supporting reports were expected as part of the Section 35F Report on Representations for the LPS, however their delivery was frustrated by financial and business constraints. This meant that some of the recommendations within the Section 35F report were not supported by the relevant expert advice. Notwithstanding this lack of expert reports, recommendations were provided within the Section 35F Report based on local strategy, pending the expert advice.

Translation of the Flinders Planning Scheme 2000 (2000 Scheme) to the required format and zones under the Tasmanian Planning Scheme (TPS) required extensive rezoning of areas from Rural to Agriculture, based on the requirements of the TPS itself and Guideline No.1 Local Provisions Schedule (LPS): zone and code application (Guideline No.1).

The draft *Flinders Structure Plan 2016* (Structure Plan) was endorsed by Council to support the LPS and identified that the Rural zone should be used through Primary Production Area 2 to enable diversification of the rural economy and establishment of boutique enterprises for rural and tourism operations. This followed the *Northern Tasmanian Regional Land Use Strategy* providing extensive recognition for local strategy to drive population, settlement, economic and zoning regimes within the Furneaux Islands.

The Tasmanian Planning Commission (Commission) placed a higher value on the *Agricultural Land Mapping Project* than Council's local strategy and the recognition within the *Northern Tasmanian Regional Land Use Strategy* and directed Council to use the Agriculture zone in selected locations for exhibition of the LPS.

A brief was won by RMCG to essentially test and develop up the rural enterprise concept and resulted in two being produced. The Enterprise Scale Report developed previous work by RMCG to define appropriate scales of agricultural and rural operations as Commercial, Small, Lifestyle and Hobby scales. In simple terms, Commercial and Small-scale operations are more profit-driven in intent, while Lifestyle and Hobby scale operations tend to be driven by a range of factors. Rural Enterprise Concept Report examined a range of factors and determined that while small, lifestyle and hobby scales have opportunity to expand on Flinders, the economic significance of commercial scale grazing operations will remain the primary economic driver and must be supported. As a result, the decision rules that informed selection of the Rural and Agriculture zones were revised and seven key areas within Primary Production Area 2 were reviewed.

Together, these reports identify that the Rural Enterprise concept within the Structure Plan has merit and can be expected to provide reasonable opportunity for its intended purpose. RMCG note that there are limitations on the available data to inform their reports and that a number of projects are currently underway that are likely to provide significant information that is relevant to the rural enterprise concept in the short to medium term. The implications of this situation are beyond the current LPS assessment process and will require separate consideration once the LPS is operational.

The outcomes of the Rural Enterprise Concept Report were then reviewed in the *Addendum to Section 35F Report – Rural Enterprise Concept*, with recommended actions provided based on three options:

1. areas that were recommended for rezoning that were identified in the Section 35F Report were supported;
2. areas that were recommended for rezoning that were not identified in the Section 35F but were consistent with its strategy or decisions, were supported; and
3. areas that were recommended for rezoning that were not identified in the Section 35F Report and were not consistent with the Strategy or decisions in it, were not supported.

The Addendum to the Section 35F Report, Rural Enterprise Concept Report and Enterprise Scale Report were provided as Annexures to this report. The Addendum provides a detailed examination of the areas reviewed by RMCG and provides recommended actions from them.

## **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 meeting in November 2021 and determined under Section 35F that Council strategy for use of the Rural zone within Primary Production Area 2 be pursued through the LPS assessment process with the Commission.

This report, and the subsequent decision of the planning authority, includes recommendations that provide further information to the planning authority's previous decision under Section 35F of the Act.

### **POLICY/STRATEGIC IMPLICATIONS**

The Addendum and supporting documents align with Council's Strategic Plan 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 islands' 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.

AP1920-23 Advance the completion of the Flinders Planning Scheme.

### **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 changes to the Section 35F Report.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

That the Planning Authority endorse Annexure 15.2.1 '*Addendum to Section 35F, Rural Enterprise Concept, Local Provisions Schedule*' Annexure 15.2.2 '*RMCG Flinders LPS Rural Enterprise Concept Report*' and Annexure 15.2.3 '*RMCG Enterprise Scale Report*' and submit to the Tasmanian Planning Commission.

## **DECISION**

**11.01.2022 Moved: Deputy Mayor D Williams      Seconded: Cr R Summers**  
**Consideration of Item 15.2 Planning Authority Report – Rural Enterprise Work for Local Provisions Schedule be deferred to a Special Council Meeting on 25<sup>th</sup> January 2022 at 1pm.**

## **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.***

## 15.3 DEVELOPMENT ASSESSMENT 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>	15.3.1 Development Assessment Report – December 2021

### INTRODUCTION

This report provides Councillors with an overview of the applications for the current period as per motion 249.09.2015, passed at the 24 September 2015 Council Meeting when Council requested monthly data from the West Tamar Council planning consultancy service. As of July 2020, Flinders Council now generates the data and prepares the Development Assessment Report monthly.

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

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

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

### PREVIOUS COUNCIL CONSIDERATION

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

### OFFICER'S REPORT

Refer to Annexure 15.3.1, Development Assessment Report – December 2021.

### VOTING REQUIREMENTS

Simple Majority

### RECOMMENDATION

That the Development Assessment Report – December 2021 be received.

### DECISION

**12.01.2022 Moved: Cr P Rhodes**                      **Seconded: Deputy Mayor D Williams**  
**That the Development Assessment Report – December 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.**

*Jacci Smith left the meeting at 2.21pm*

# 16. INFRASTRUCTURE AND AIRPORT

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## 16.1 INFRASTRUCTURE AND AIRPORT REPORT – DECEMBER 2021

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Chris Wilson   Manager Infrastructure and Airport
<b>File References</b>	WOR/3000
<b>Annexures</b>	16.1.1 <i>Manager Infrastructure and Airport Report – December 2021</i>

### 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 – December 2021 be received and accepted by Council.

### DECISION

13.01.2022 Moved: Cr V Grace

Seconded: Deputy Mayor D Williams

That the Infrastructure and Airport Report – December 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.

# 17. COMMUNITY DEVELOPMENT

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## 17.1 POSTPONEMENT OF THE 2022 FURNEAUX ISLANDS FESTIVAL

<b>Action</b>	<b>Information</b>
<b>Proponent Officer</b>	Council Officer Samantha Gowthorp   Community Development Officer   Council Engagement Officer
<b>File Reference</b>	CDV/0301
<b>Annexures</b>	<i>Nil</i>

### INTRODUCTION

Flinders Council, in collaboration with the Flinders Island Aboriginal Association Inc. (FIAAI), co-organises the Furneaux Islands Festival each January to celebrate our islands communities. In previous years, we have hosted visiting musicians from Tasmania and the mainland and held large community events such as the Acoustic Supper; Street / Night Market; 'Music on the Verandah' at the Furneaux Tavern; Community BBQ Day at FIAAI Park and the Furneaux Museum; Discovery Ranger Program; and the School Holiday program, among other activities.

These events are run over the course of the third weekend in January and are always well attended by visitors and locals alike.

### PREVIOUS COUNCIL CONSIDERATION

*Nil*

### PREVIOUS COUNCIL DISCUSSION

*Nil*

### OFFICER'S REPORT

For this year's Festival, the following activities have been planned:

1. Saturday Street Market Day.
2. Islander Portrait Prize and exhibition at Lady Barron Hall.
3. Storytelling Sessions at Flinders Island Sports & RSL Club.
4. Music on the Verandah at the Furneaux Tavern.
5. Community BBQ Day at FIAAI Park.

Since the reopening of the Australian borders in December, Flinders Island has had active COVID-19 cases. At the time of writing this report, there hasn't been widespread community transmission, but due to our community having a higher number of vulnerable demographic community members (elderly and aboriginal people), event co-organisers have agreed that it would be wise to postpone the January 2022 Furneaux Islands Festival events until another time.

Co-organisers have discussed the option of changing the Furneaux Islands Festival timeframe to a future date. Waiting until later in the year will give Council and FIAAI staff a better understanding of how the COVID-19 situation plays out in the Furneaux Islands communities.

### STATUTORY REQUIREMENT

*Local Government Act 1993*

## **POLICY/STRATEGIC IMPLICATIONS**

1. Liveability - To protect and build upon our islands' way of life.
  - 1.2 A harmonious and healthy community actively engaged in recreation, volunteering, arts and culture.
  - 1.2.2 Maintain and develop partnerships with Arts and Cultural organisations and support activities, projects and events that provide opportunities for community involvement and creative expression.
- AP 2021-2 Deliver the Furneaux Islands Festival program in conjunction with the community and provide support for key community events.

## **BUDGET AND FINANCIAL IMPLICATIONS**

Budget allocation already made.

## **RISK/LIABILITY**

Postponing the Festival until a date later in the year will reduce the risk of widespread community transmission from a large-scale event at a time of COVID-19 uncertainty.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

That Council agrees to reschedule components of the 2022 Furneaux Islands Festival activities to occur at a future date during 2022.

## **DECISION**

**14.01.2022 Moved: Cr V Grace**

**Seconded: Cr R Summers**

**That Council agrees to reschedule components of the 2022 Furneaux Islands Festival activities to occur at a future date during 2022.**

## **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.**

*Noted by Councillor Rachel Summers, it is with regret Council must make this decision, however, the health of community is far more important.*

# 18. GOVERNANCE

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## 18.1 ACCIDENT AND INCIDENT QUARTERLY REPORT

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Heidi Marshall   A/General Manager
<b>File Reference</b>	RMS/0100
<b>Annexures</b>	<i>18.1.1 Accident and Incident Quarterly Report October - December 2021(Elected Members Only)</i>

### INTRODUCTION

The Accident and Incident Report was previously reviewed by Council quarterly as part of the Quarterly Financial Reports and discussed at Workshops. The Report will be presented to Council for consideration quarterly at Council Meetings as from August 2021.

### PREVIOUS COUNCIL CONSIDERATION

Provided as quarterly reports to Council as from August 2021.

### OFFICER'S REPORT

Please read Annexure 18.1.1 Accident and Incident Quarterly Report October - December 2021. This report is for the information of Elected Members only as it contains confidential personnel information.

### VOTING REQUIREMENTS

Simple Majority

### RECOMMENDATION

That the Accident and Incident Quarterly Report October - December 2021 be noted.

### DECISION

**15.01.2022 Moved: Cr R Summers                      Seconded: Deputy Mayor D Williams**  
**That the Accident and Incident Quarterly Report October - 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.**

## **18.2 USE OF THE FLINDERS COUNCIL COMMON SEAL**

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Heidi Marshall   A/General Manager
<b>File Reference</b>	GOV/1000
<b>Annexures</b>	<i>18.2.1 Common Seal Register October to December 2021</i>

### **INTRODUCTION**

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

### **PREVIOUS COUNCIL CONSIDERATION**

Considered quarterly.

### **OFFICER'S REPORT**

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

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

Annexure 18.2.1 details the use of the Flinders Council Common Seal from October to December 2021.

### **STATUTORY REQUIREMENT**

*Local Government Act 1993*

### **POLICY/STRATEGIC IMPLICATIONS**

No policy exists on this matter.

### **BUDGET AND FINANCIAL IMPLICATIONS**

Nil

### **RISK/LIABILITY**

Minimum

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

That the report on the use of the Flinders Council Common Seal from October to December 2021 be received.

**DECISION**

**16.01.2022 Moved: Cr P Rhodes**

**Seconded: Deputy Mayor D Williams**

**That the report on the use of the Flinders Council Common Seal from October to December 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.**

The following item was deferred at the 14 December 2021 Council Meeting and is represented here for Council's further consideration.

### 18.3 AUDIT PANEL – MEMBERSHIP

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Heidi Marshall   A/General Manager
<b>File Reference</b>	FIN/0401
<b>Annexures</b>	18.3.1 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
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#### 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

Flinders Council Ordinary Meeting 18 January 2022 – Unconfirmed Minutes

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PLEASE NOTE: While every attempt has been made to ensure the accuracy of these minutes, they are still subject to confirmation at the next meeting of Council and as such cannot be construed as an official record of this meeting, pursuant to Division 5 of the *Local Government (Meeting Procedures) Regulations 2015*, until endorsed at the next meeting.

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.

#### **DECISION**

17.01.2022 Moved: Cr V Grace      Seconded: Deputy Mayor D Williams

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

#### **CARRIED (5-1)**

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

Against: Cr P Rhodes (abstained)

## **18.4 COUNCIL'S 2021/22 2ND QUARTER REPORT AGAINST THE ANNUAL PLAN**

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Heidi Marshall   A/General Manager
<b>File Reference</b>	COU/0600
<b>Annexures</b>	<i>18.4.1 Council's 2021/22 2<sup>nd</sup> Quarter Report (October - December 2021)</i>

### **INTRODUCTION**

The purpose of this report is to provide Councillors with progress updates on the various Annual Plan actions undertaken by the whole of Council for the second quarter of the financial year.

### **PREVIOUS COUNCIL CONSIDERATION**

Provided as quarterly reports.

### **OFFICER'S REPORT**

Please read Annexure 18.4.1 - 2<sup>nd</sup> Quarter Report for 2021/22.

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

That the Council's 2021/22 2<sup>nd</sup> Quarter Report (October - December 2021) be received and accepted by Council.

### **DECISION**

**18.01.2022 Moved: Cr R Summers                      Seconded: Cr P Rhodes**

**That the Council's 2021/22 2<sup>nd</sup> Quarter Report (October - December 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.**

## 18.5 SERVICE REQUEST REGISTER REPORT

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Heidi Marshall   A/General Manager
<b>File Reference</b>	GOV/1000
<b>Annexures</b>	<i>18.5.1 Service Request Register Report January 2022</i>

### INTRODUCTION

This register identifies the service requests received, recommended actions and resolutions actioned by staff up to 5 January 2022.

### PREVIOUS COUNCIL CONSIDERATION

The report is presented on a monthly basis.

### OFFICER'S REPORT

Please read Annexure 18.5.1 – Service Request Register Report January 2022.

### VOTING REQUIREMENTS

Simple Majority

### RECOMMENDATION

That the Service Request Register Report January 2022 be noted.

### DECISION

**19.01.2022 Moved: Cr V Grace**                      **Seconded: Cr P Rhodes**  
**That the Service Request Register Report January 2022 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.**

## 18.6 COUNCILLOR RESOLUTION REPORT

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Heidi Marshall   A/General Manager
<b>File Reference</b>	GOV/0300
<b>Annexures</b>	18.6.1 Councillor Resolution Report January 2022

### 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 18.6.1 – Councillor Resolution Report January 2022.

### VOTING REQUIREMENTS

Simple Majority

### RECOMMENDATION

That the Councillor Resolution Report January 2022 be noted.

### DECISION

**20.01.2022 Moved: Cr R Summers                      Seconded: Cr A Burke**  
That the Councillor Resolution Report January 2022 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.**

*Noted by Councillor Rachel Summers. Nice to see action is happening in some capacity, everyone at Council is working hard, thank you to all for your service.*

*Mayor Annie Revie declared the meeting closed at 3.03pm.*

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## MEETING CLOSED 3.03PM

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