



Confirmed Minutes Ordinary Council Meeting

15 February 2022

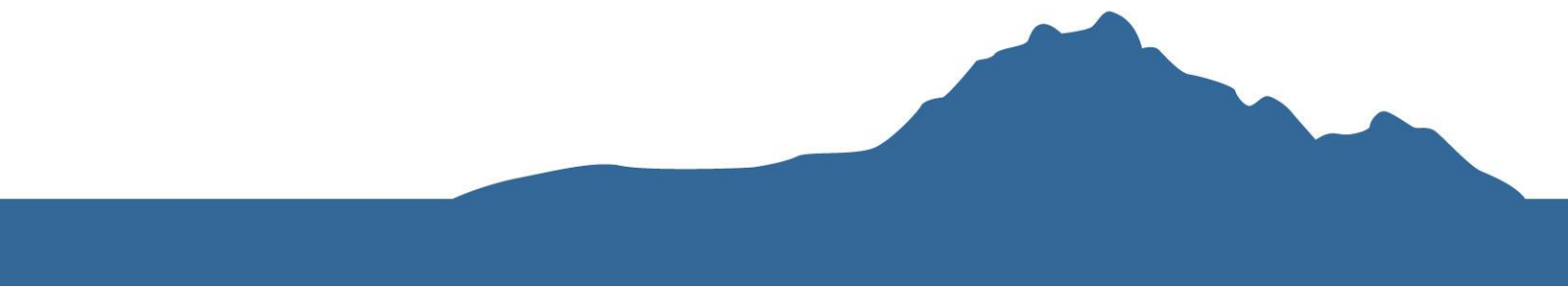


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FLINDERS COUNCIL ORDINARY MEETING – CONFIRMED MINUTES

TUESDAY 15 FEBRUARY 2022

Venue	Flinders Island Arts and Entertainment Centre
Commencing	2.01 pm
Attendees – Councillors	Mayor Annie Revie Deputy Mayor David Williams Sharon Blyth Vanessa Grace Peter Rhodes Rachel Summers
Apologies	Aaron Burke
Attendees – Staff	Warren Groves General Manager (2.01 –3.13 pm) Chris Wilson Infrastructure and Airport Manager (2.01 –.3.13 pm) Heidi Marshall Financial Organisational Performance Manager (2.01 – 3.13pm) Jacci Smith Development Services Coordinator (2.08 – 2.29pm) Rowena Gill Administrative Services Officer (minute taker) (2.01 – 3.13pm)

1. ACKNOWLEDGEMENT OF COUNTRY

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

2. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes from the Ordinary Council Meeting held 18 January 2022 and Special Council Meeting held 25 January 2022 be confirmed.

DECISION

22.02.2022 Moved: Cr R Summers Seconded: Cr Deputy Mayor D Williams
That the Minutes from the Ordinary Council Meeting held 18 January 2022 and Special Council Meeting held 25 January 2022 be confirmed.

CARRIED UNANIMOUSLY (6-0)

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

3. PUBLIC QUESTION TIME

QUESTION 1 – Mark and Mandy Wales

The Tasmanian Planning Commission Directions issued on 14/12/2021 directed Flinders Council/ the Planning Authority to “provide maps/diagrams that identified all land that is proposed to be rezoned Rural at Palana, Emita and Lackrana/Whitemark, and provide any other information such as an agricultural report by a suitably qualified person that would support application of the Rural Zone to the land”. The Addendum Report does not appear to comply with the Tasmanian Planning Commission Directions but seeks to introduce new and additional “Decision Rules” which are then applied. Specifically:

1. Why was this approach taken and when did it commence?
2. When will the Planning Authority fully and properly respond to the Tasmanian Planning Commission Directions (due on 19 January 2021)?
3. Is the additional effort on “Enterprise Concept” (not requested by the Tasmanian Planning Commission but promoted to Council by RMCG) considered by the Planning Authority to be a good investment of Council’s limited resources?
4. Does Council (as the Planning Authority) consider that the Enterprise Concept outcomes (as detailed in the Appendix Report) meets the objectives of its Strategic Plan?

MAYOR’S RESPONSE

As you heard at the beginning of the Special Council Meeting, Flinders Council, like all Tasmanian Councils, has been working on its response to the State Planning Scheme since approximately 2011. The first draft response, completed over three years ago, was the Local Provisions Schedule (LPS), referred to as the **Flinders Structure Plan**. The Structure Plan was sent to the Planning Commission over three years ago and then returned to Council with the following:

- Approvals by the commission of aspects of the Flinders Structure Plan;
- Commission requests for more detailed information; and
- Commission queries regarding reasons underpinning the plan; and so on.

Council contracted Mick Purves as expert Strategic Planner to work with Council in answering the Commission’s requests etc.

The Rural Enterprise concept was established as Council strategy in the draft Flinders Structure Plan referred to above and underpins the zoning in the Local Provisions Schedule. In June and July of 2021, the draft LPS was exhibited on-line for community / landowner feedback, and landowners made representations as they thought fit, including yourselves. Council endorsed the Section 35F Report, on Representation to the draft LPS, at its Ordinary Meeting of 16th November 2021. Council then submitted the Report to the Tasmanian Planning Commission. The two reports to Council by RM Consulting Group (RMCG), on Enterprise Scale and Rural Enterprise concept, provide the supporting expert reports requested by the Commission. Council endorsed both the overall strategic direction and the detailed assessment of the Addendum and supporting reports as consistent with the requirements of the LPS process and the Council Strategic Plan.

Those reports, with the final endorsed version of the Addendum to the Section 35F Report, were submitted to the Commission on 26 January 2022.

It is not the role of Council, acting as Planning Authority, to respond to the State Planning Commission’s directions regarding the property of landowners. The only representation Council will make will be regarding its own representations. When landowners made their

representations and Council approved them, the process then was that the Commission responds to Council and to landowners, who are invited to make further representation to the Commission face to face.

QUESTION 2 – Mark and Mandy Wales

In considering endorsement of the Rural Enterprise Concept, and the overt preference of the Planning Authority for zoning whatever land it can in the Agriculture Zone:

1. Has the Planning Authority considered the implications for the protection of native flora and fauna as identified in the Natural Assets Code?; and
2. Has the Planning Authority considered the other Constraints which were identified for example in Annex 5. C1 of the Draft Structure Plan 2016, specifically with respect to protected vegetation, protected waterways and threatened communities?

MAYOR'S RESPONSE

Review of the supporting documents for the LPS identifies the answer to both parts of question 2 as yes.

Advice, I have been given suggests that the opening statement to this question is incorrect, as Council used the Rural, Landscape Conservation and Environmental Management zones within the LPS in response to natural values. The representations that respectively endorse and object to the use of those zones in response to natural values confirm this approach.

QUESTION 3 – Mark and Mandy Wales

Noting that the Addendum and latest Consultant Report(s) outline the new and additional Decision rules for the Rural and Agricultural Zones that did not form part of the public exhibition process (and therefore, the subsequent representations from Landowners, Council's multiple Workshops and the Consultant's work on the Section 35F Report and all other work (including development of Council's Strategic Plan) completed over the last decade or so, can Council/The Planning Authority explain what the "financial and time constraints" (noted in the covering paper for this Agenda Item) were which led to the delay in preparation and presentation of the late Reports, specifically:

1. Does Council/the Planning Authority consider that due process (including natural justice for landowners affected by the planning changes) will be followed by endorsing this latest Addendum to the Section 35 Report less than 2 weeks before the scheduled Tasmanian Planning Commission Hearings?

MAYOR'S RESPONSE

Yes. Procedural issues will be considered by the Commission as part of their deliberations.

QUESTION 4 – Mark and Mandy Wales

The Addendum to the Section 35 Report identifies land class mapping as the key determinant of zoning decisions. Noting that the land classification has not changed in decades:

1. How is it that this is now considered to be the key determinant in this process which overrides all previous Plans, recommendations and decisions?, and
2. Why was this not identified earlier in the process?
3. What is the status of the previously identified Primary Production areas 1 and 2 (which already took account of land capability, but also considered additional criteria such as land constraints)?

MAYORS' RESPONSE

As you are no doubt aware, the decisions on planning schemes are ultimately made by the Tasmanian Planning Commission, as well as in accordance with the relevant statutory requirements, and published Guidelines and practice notes.

Land capability was identified by Council and the Commission as a key consideration from the start of the LPS process. Land capability is based on the properties of the soil, geology and climate. As such, it is unlikely to change simply due to the passage of time. You have not provided a detailed land capability assessment of your property to support your claims.

The Structure Plan remains as Council's endorsed strategy and the Primary Production Areas are part of the strategic directions established within it. While it is unlikely that Council will be able to deliver all aspects of that strategy through the LPS process, Council will need to review both the Structure Plan and its delivery as part of the current regional planning reforms underway by State.

QUESTION 5 – Matt Dillon

NO CAMPING SIGNS – WHITEMARK BEACH

It is of concern to the Butter Factory people that a blanket ban for camping has been put on Whitemark Beach.

While we understand that we definitely wouldn't want the beach to develop into something like the Mornington Peninsula in Victoria with tents, caravans and lean too's for the whole of summer. We ask that consideration be given to seafarer types, like Kayakers, who after a long journey at sea get a little relief from visiting the coffee shops, supermarkets, bakery, hotel etc.

The Butter Factory has enjoyed the company of the likes of "Mates for Mates" and the many others who dare to make the journey across Bass Strait.

We ask that consideration be given to providing a temporary permit for these adventurers so that they can enjoy what Whitemark has to offer.

MAYORS' RESPONSE

Taken on Notice

4. RESPONSES TO PUBLIC QUESTIONS

18 January 2022 Meeting

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

I must let you know you that the changing of road speed is not as simple as people think. Firstly, the Council is not authorised to make such a decision. Any permanent changes to road speed must be decided by the Transport Commissioner from the Department of State Growth. Secondly changes must be made in alignment with criteria identified for the purpose. Details of issues related to change of road speed can be found on the Department of State Growth website.

My recent letter to Naomi Creek answered her request for changing the road speed through Palana, for the main reason of reducing the level of roadkill. However, in that letter, I also addressed the criteria for reducing road speed in general.

If you read the criteria thoroughly, you will note that they make sense. They are based on investigations into the topic of road speed and based on the Tasmanian Guidelines for road speed management. The criteria include the following:

- *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**.*

If the speed limit on any road is seen as unreasonably low by motorists in general, or if motorists cannot see a reason for the lower speed limit, it can lead to low compliance. The 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 regarding road safety.

Your reference to the 40 kph signs at Killiecrankie implies that it is a simple task to repeat this limit at Palana. **Each case is decided on its merits, in line with the above criteria.** It cannot be assumed that two stretches of road have the same conditions, or that the same limits apply to both. On these grounds, Council is unable to carry out your wishes at present. In conclusion, I must point out that, on all roads, but on gravel roads in particular, drivers are strongly encouraged to drive to the conditions – which of course are changeable depending on a number of issues.

RECOMMENDATION

That the response to the public question from the 18 January 2022 Council Meeting be noted.

DECISION

23.02.2022 Moved: Cr P Rhodes Seconded: Cr R Summers

That the response to the public question from the 18 January 2022 Council Meeting be noted.

CARRIED UNANIMOUSLY (6-0)

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

5. COUNCILLOR QUESTIONS ON NOTICE

Nil

6. COUNCILLORS' QUESTIONS WITHOUT NOTICE

Nil

7. LATE AGENDA ITEMS

The following has been received as a late agenda item:

- LGAT Motions amendment to item 17.1

Pursuant to S65(1) of the *Local Government Act 1993*, the General Manager confirms that:

- he has had sufficient time to consider the item and to provide expert advice in relation to the item;
- that it was not possible to include the item on the agenda as the information was not available at that time; and
- that the matter is urgent given current events.

Under R8(6) of the Local Government (Meeting Procedures) Regulations 2015, this item may be considered at this meeting by absolute majority vote.

RECOMMENDATION

That under R8(6) of the Local Government (Meeting Procedures) Regulations 2015, the item be considered as Item 17.1 at this meeting.

Moved: D Williams Seconded: P Rhodes

24.02.2022 That under R8(6) of the Local Government (Meeting Procedures) Regulations 2015, the item be considered as Item 17.1 at this meeting.

CARRIED UNANIMOUSLY (6-0)

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

Jacci Smith joined the meeting at 2.08pm

8. DECLARATION OF PECUNIARY INTEREST

Nil

9. CONFLICT OF INTEREST

Nil

10. POLICIES

The Roadside and Reserve Vegetation Management Policy and Procedure was reviewed and adopted at the 14 December 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 Roadside and Reserve Vegetation Management Policy and Procedure can now be adopted.

RECOMMENDATION

That the adoption of the Roadside and Reserve Vegetation Management Policy and Procedure be noted.

DECSION

25.02.2022 Moved: Cr P Rhodes

Seconded: Cr R Summers

That the adoption of the Roadside and Reserve Vegetation Management Policy and Procedure be noted.

CARRIED UNANIMOUSLY (6-0)

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

11. WORKSHOPS & INFORMATION FORUMS

File No. COU/0205

Council Workshop – 18 January 2022

Council held a workshop on the following subjects:

- Item 1 General Manager's Update
- Item 2 COVID Update
- Item 3 Furneaux Festival / Camping / Furneaux Futures Update
- Item 4 Mayor's Correspondence / Community Based Meetings
- Item 5 Local Provisions Schedule

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
Heidi Marshall	Finance and Organisational Performance Manager (Item 1,2)
Chris Wilson	Manager Infrastructure and Airport
Jacci Smith	Development Services Coordinator (Item 2, 5)
Sammi Gowthorp	Community Development Officer, Council Engagement Officer (Item 2,3)
Mick Purves	Strategic Town Planning (Item 5 via zoom)
Rowena Gill	Administrative Services Officer

Council Workshop – 25 January 2022

Council held a workshop on the following subjects:

- Item 1 Local Provisions Schedule

Councillors in Attendance

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

Apologies

Cr Aaron Burke

Staff and Consultants in Attendance

Warren Groves	General Manager
Jacci Smith	Development Services Coordinator (Item 1)
Mick Purves	Strategic Town Planning (Item 1)
Rowena Gill	Administrative Services Officer

Council Workshop – 1 February 2022

Council held a workshop on the following subjects:

- Item 1 General Manager's Update
- Item 2 Road Reserve Request Badger Corner
- Item 3 Recognition of 1st Warden

- Item 4 G11-P Councillor Committee Representative Procedure
- Item 5 Sponsorship of Third-Party Projects and Events Policy
- Item 6 Future Workshop Schedule

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	Manager Infrastructure and Airport
Jacci Smith	Development Services Coordinator (Item 2)
Rowena Gill	Administrative Services Officer

RECOMMENDATION

That the Council Workshop held on 18 and 25 January and 1 February 2022 be noted.

DECISION

26.02.2022 Moved: Cr V Grace

Seconded: Cr S Blyth

That the Council Workshop held on 18 and 25 January and 1 February 2022 be noted.

CARRIED UNANIMOUSLY (6-0)

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

12. PUBLICATIONS/REPORTS TABLED FOR COUNCIL INFORMATION

Nil

13. REPORTS TO BE RECEIVED

13.1 FIRE MANAGEMENT AREA COMMITTEE

File Reference FIN/0401

Annexure 13.1.1 DRAFT Fire Management Area Committee (FMAC) meeting 26 November 2021 Unconfirmed Minutes

OFFICER'S REPORT (Warren Groves, General Manager)

The unconfirmed minutes of the FMAC meeting held Friday, 26 November 2021, have been provided for consideration. The minutes outline what the Committee has been working on to date and can now be noted by Council.

RECOMMENDATION

That the unconfirmed minutes of the Fire Management Area Committee (FMAC) meeting held 26 November 2021 be noted.

DECISION

27.02.2022 Moved: Deputy Mayor D Williams Seconded: Cr V Grace

That the unconfirmed minutes of the Fire Management Area Committee (FMAC) meeting held 26 November 2021 be noted.

CARRIED UNANIMOUSLY (6-0)

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

Noted by Deputy Mayor David Williams: Thank you to Jacqui Smith for being chair for so long.

14. MAYOR'S REPORT

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

APPOINTMENTS

DATE	DIARY ACTIVITY
14/1/22	Meeting with Heidi
18/1	Council Workshop and Ordinary Meeting
19/1	Meeting with Cathy regarding Council IT network
22/1	Administration
23/1	Administration
24/1	Preparation for workshop
25/1	Council Workshop with Mick Purves
25/1	Special Council Meeting
26/1	Attended Invasion Day online
28/1	Palana with Chris Wilson, Ange Harley and Carita Bathman
28/1	Islander Way meeting via Zoom
30/1	Administration
31/1	Administration
1/2	Council Workshop
2/2	Administration
6/2	Administration
7/2	Islander Way Champion Group meeting

CORRESPONDENCE IN

DATE	TO	SUBJECT
10/1/22	Maxine Roughley Flinders Island Aboriginal Association Incorporated (FIAAI)	Letter of enquiry regarding COVID-19
17/1	Jo Youl	Local Provisions Schedule
17/1	Alloura Angus	Local Provisions Schedule
18/1	Carita Bathman	Request to lower speed limit in Palana
19/1	Minister Jaensch	Camping Fishing Grant successful application
19/1	Rebecca White Tasmanian Labour Leader	Return to School
24/1	Peter Stephens	Australia Day regarding change the date
25/1	Alloura Angus	Local Provisions Schedule
27/1	Ken Stockton	Gums Quarry
27/1	Linda Nicol	Request to lower speed limit in Palana
28/1	Dianne Dredge	Islander Way Newsletter
30/1	Tony Griggs	Letter of thanks regarding aviation forecasting
2/2	Christine Agostinelli	Advance motions re general meeting 18 th March3/2

	Local Government Association of Tasmania (LGAT)	
3/2	Sarah Lebski	Islander Way Champions meeting agenda 7 th February
7/2	Tony Mayell	King and Flinders Island flights from Hobart

CORESPONDENCE OUT

DATE	TO	SUBJECT
12/1	Naomi Creek	Speed limit in Palana
20/1	Maxine Roughley FIAAI	Response re COVID-19 enquiry
24/1	Linda Nicol	Response to her request to amend Aviation Cttee minutes
24/1	Tony Griggs	Response to Mayor's letter of thanks
24/1	Mike Nichol	Internet at Emita Hall for a community based meeting
25/1	James Luddington	Cruise ships
25/1	Ronald Wise	Cruise ships
24/1	Peter Stephens	Australia day
27/1	Mark Scanlon	Flinders Council Audit Panel
31/1	Minister Jaensch	Accepting Camping Fishing grant
3/2	Alloura Angus	Local Provisions Schedule
3/2	Alloura Angus	Letter regarding Local Provisions Schedule
2/2	Furneaux Group Shipping Special Committee members	Furneaux Group Shipping Special Committee Agenda for meeting on 16 th February and previous Minutes August 2021
7/2	Tony Mayell	King and Flinders Island flights from Hobart

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Mayor's report be received.

DECISION

28.02.2022 Moved: Cr V Grace Seconded: Cr S Blyth

That the Mayor's report be received.

CARRIED UNANIMOUSLY (6-0)

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

15. DEVELOPMENT SERVICES

Pursuant to Section 25 of the Local Government (Meeting Procedures) Regulations 2015 at 2.12 pm, the Mayor announced that Council would now act as a Planning Authority under the Land Use Planning and Approvals Act 1993.

15.1 DEVELOPMENT APPLICATION DA2021054

Action	Decision
Proponent	Ireneinc Planning and Urban Design obo World Expeditions
Officer	Karin van Straten Senior Consultant Town Planner
File Reference	DA2021054
Annexures	15.1.1 West End Leeka Development Application 15.1.2 North Barker Natural Values Assessment 15.1.3 Bushfire Emergency Plan 2021209 15.1.4 Representation to FC - DA2021 0054 Jan 2022

INTRODUCTION

The purpose of this report is for Council to consider a proposal for a Tourism Operation at West End Road, Leeka – Volume 225581 Folio 1.

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

1. Liveability - To protect and build upon our islands' 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 residential rental and purchase.
 3. Economy/Business - A vibrant and growing local economy will offer opportunities for employment and development of businesses across a range of industries and sectors.
 - 3.1 Ongoing opportunities across all business sectors.
 - 3.1.1 Support and encourage innovation and industry through partnerships, infrastructure provision and support services.

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 divided by West End Road and is located between Tanners Bay and Burts Hill, west of the Flinders Trail.

Surrounding land uses include Crown Land/Mount Tanner Nature Recreation Area managed by Parks and Wildlife Services, and privately owned land, of which some are vacant and others contain a house and residential outbuildings. This area is covered in native vegetation, including threatened species and the overall development is very low density.

THE PROPOSAL

The proposal is for a *Tourist Operation* as part of multi-day bushwalking expeditions in northern Flinders Island. The development/proposed guided wilderness experiences will include an overnight base camp with interpretive talks, bird watching and landscape art retreats during the summer season (October to April).

The proposed development is semi-permanent with all tents removed at the end of the season.

Access will be via a 3m wide gravel driveway, including a passing bay and turning area. This minimal access will allow for pack up/pack down of the proposed development. Participants will walk in and walk out – vehicle movements will be restricted to deliveries and pack up/pack down. This access road will require 445m² vegetation to be cleared.

Tents will include the following:

1. 3 tent configuration with a sheltered connecting walkway to act as a communal space. These brown/beige tents measure 3.032m x 3.502m with an apex height of 3.502m. It will be located below the tree canopy and will require vegetation clearance, including under storey clearance and a few selected trees.
2. 7 sleeping tents measuring 2.4m x 2.4m with an apex height of 1.8m. These dark brown/beige tents will sit below the tree canopy and will require under storey clearance.
3. Ablution block measuring 4.98m x 2.56m, with an apex height of 3.75m. This will consist of a steel frame with PVC covering in the brown/beige colour range. A low impact, eco-friendly onsite wastewater system will be provided. Vegetation modification and possible tree removal is required.

The proposal also included a Natural Values Assessment by North Barker Ecosystems Services. The report states "*Our results and assessment indicate that the proposal can be developed and managed in a way (with conditions of approval and operational requirements) that will not put conservation significant values at an unacceptable high risk of impacts.*"

The recommended conditions of approval from this report relate to vegetation removal, time of construction outside of the white-bellied sea eagle breeding season, weed and hygiene management.

The proposal also included a Bushfire Emergency Plan by Philip Barker. The purpose of this plan is to identify procedures for occupants and site managers to follow in the event of a bushfire emergency.

REFERRAL

The proposal was referred to EHO and Manager Infrastructure and Airport. No objections were raised.

NOTIFICATION

The application was advertised for 14 days in accordance with the Act and one representation was received from the Furneaux Islands Protection Network Inc.

Issued raised	Officer comments
No objection to the proposal provided the standards outlined in the application and related Natural Values Report form part of any approval and are adhered to and monitored for compliance.	The assessment of this proposal resulted in a recommendation for approval subject to various conditions. These conditions include recommendations from the Natural Values Report and Bushfire Emergency Plan. Post approval adherence to these conditions is a legislative requirement and a standard matter of compliance for Council.

PLANNING ASSESSMENT

PART 5: ZONING

5.8 Rural Zone

5.8.1 Zone Intent

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

5.8.2 Desired Zone Character and Zone Guidelines

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

Officer comments: the proposed development includes vegetation modification and removal and semi-permanent tent structures to be erected in October and removed in April each year. These tent structures are setback more than 100m from the road frontage and screened by existing mature vegetation.

The proposed eco-friendly bushwalking experiences are focused on environmentally appropriate management practices with the “leave no footprint” ethos.

5.8.4 Development Standards

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

Officer comments: the proposed semi-permanent tent structures complies with the height and setback restrictions.

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

Officer comments: the proposal is for a use and semi-permanent development that will operate from October to April. Vegetation removal and maintenance will be ongoing. The adjoining Rural land in private ownership is not being used for any rural activities; the adjoining Crown Land/Mount Tanner Nature Recreation Area is managed by Parks and Wildlife Services for recreation and nature conservation. The proposed use and development has a small footprint and will only operate part of the year; therefore it will not impact on the existing or future Rural use of the 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 type="checkbox"/>	<input checked="" type="checkbox"/>
C	Use or development (including public facilities and services) should adequately respect the surrounding streetscape and neighbouring use or development, particularly in relation to scale, setbacks, form (including roof shape), landscaping, materials, colours and fencing.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D	Landscaping of use or development shall be of a type, form, variety(s) and character which is suited to the intention of the zone, the area and the nature of the use or development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
E	Where trees are an important element in the character of an area they should be retained.	<input checked="" 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"/>

Officer comments: the proposal is for a use and semi-permanent development that will operate from October to April. The semi-permanent tent structures are setback more than 100m from the road frontage and are screened by mature native vegetation. The exterior colour of the proposed tent structures are in the brown/beige colour pallet blending in with the surrounding natural environment.

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

Officer comments: the proposed development has a small footprint on a title exceeding 6ha. The use of this site will only be from October to April each year. The site offers sufficient open space and adequate levels of amenity for the short stay occupants.

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

	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.		
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	Activities involving extensive site works, such as quarrying, shall be suitably sited, screened, and rehabilitated where appropriate, to protect the ecological and visual qualities of the area.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F	Use or development shall be of a suitable form and siting to avoid any adverse impact on any watercourse and vice versa. Use or development (including the siting of effluent disposal systems) shall be setback a minimum of 40 metres, or such distance as is required, from a watercourse to avoid degradation of water quality.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
G	Use of land in the vicinity of those watercourses identified in Schedule 3 shall provide Riparian Reserves in an appropriate location and form.	<input type="checkbox"/>	<input type="checkbox"/>

Officer comments: the proposal is for a use and semi-permanent development that will operate from October to April. The initial development includes modification and removal of native vegetation for the construction of the access and preparation of the tent sites. The vegetation modification and removal, together with weed management, will be an ongoing maintenance process. The proposal included a Natural Values Assessment of the existing fauna and flora, taking into account the proposed modification of existing native vegetation and its impact on the natural values and fauna breeding seasons. The report contains a number of recommended conditions of approval pertaining to vegetation removal, time of construction outside of the white-bellied sea eagle breeding season, weed and hygiene management. These have been included in the recommended conditions of approval to mitigate any detrimental impact on the environment as a result of this proposal.

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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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 includes an access road, with passing bay and turning area. This access road will be used to truck the proposed tent structures in an out, delivery of supplies, and for emergency vehicle use. Visitors to the proposed development will walk in and out of the site. The number of traffic movements generated by the proposal is therefore anticipated to be very low.

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 type="checkbox"/>	<input checked="" type="checkbox"/>
C	In areas not serviced with water use or development shall provide adequate water supply and effluent disposal systems. Each dwelling shall provide a potable water storage facility (minimum capacity of 40kl) to provide for the anticipated number of occupants, and a wastewater disposal system approved by the Council's Environmental Health Officer.	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
E	Use or Development shall be appropriately sited, designed and constructed to avoid conflict with service mains (including telephone, power, sewer, water and irrigation channels/pipelines). Buildings shall not be erected over any service main or within any easement providing for same whether utilised or not.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
F	Servicing systems shall use adequate and appropriate design methods and materials to ensure an acceptable life span and allow for adequate maintenance requirements.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
G	Use or Development shall optimise efficiency in the use of energy and resources. In particular, land should be subdivided on a generally sequential basis (ie. one area is substantially developed before the next is subdivided), common trenching should be used for different services where appropriate, and solar access maximised.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Officer comments: the proposed use is for a 6 month period per year only. The proposed services – sleep tents and ablution facilities are sufficient for the intended

experience. Other facilities are available at the airport and in the Whitemark village. The bushfire management requirements will form part of the temporary occupancy at the building approval stage.

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 tourist operation that will operate from October to April. This is a new business expanding the tourist options on the island and possibly create additional part time employment for locals. Visitors will arrive on the island via plane or boat and will have access to all available social facilities and services.

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 type="checkbox"/>	<input checked="" type="checkbox"/>
B	Use or Development proposals should only be approved where the cost to the public of providing and maintaining services is not exceeded by the economic benefit of the use or development to the community.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C	In considering any proposal, Council shall obtain the advice and opinion of other relevant group(s), individual(s) or organisation(s) with direct interest in the proposal.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D	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"> i. The intended use for the land for which the Development Plan has been created; ii. The reason(s) for selection of the area; iii. A map showing clearly the area subject to the Development Plan showing principal physical features, including existing use or development, hills/slopes, trees, watercourses and existing services buildings and improvements; iv. The nature, form and capacity of proposed services including water, sewerage disposal, power, telephone, roads, footways and reserves; v. A plan of subdivision with proposed staging showing lot sizes and layouts, building envelopes where appropriate, and physical features intended to be conserved; vi. Any special provisions to be used to control land use and development in the area (eg. height, form, character, materials, colours etc.); 	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	<p>vii. Any other provisions intended to secure the intention of the Plan. A Development Plan shall be incorporated into the Scheme by way of a Scheme amendment in accordance with the Act.</p>		
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Officer comments: no public money is required to be spent as a result of this proposal since it will not require the provision and maintenance of additional infrastructure and services. The proposal was referred to Council’s internal departments for comments. No objections were raised or specific conditions of approval required.

Part 7: Special Area Provisions

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

7.2 Visually Sensitive Areas

7.2.1 These areas have been identified in recognition of their contribution to the landscape character and scenic values of the Planning Area. Important elements in their selection are:

- (a) Visual prominence when seen from public roads, foreshores and coastal waters;
- (b) Undisturbed landforms and natural vegetation;
- (c) Minimal visible evidence of human activity in the form of buildings, structures or works.

7.2.2 The objectives of the Visually Sensitive Areas are:

- (a) To retain the natural appearance of each Area;
- (b) To minimise the visual impact of Use or Development;
- (c) To retain and restore where possible the natural vegetation cover.

7.2.3 Notwithstanding any other provision in this Scheme, within the Visually Sensitive Areas any application for Use or Development (other than those prohibited within the zone) shall be considered as a discretionary Use or Development in accordance with Clause 3.5.

7.2.4 In considering an application for Use or Development within the Visually Sensitive Areas and whether to impose conditions Council shall consider the following matters:

- (a) The objectives listed in Clause 7.2.2
- (b) The siting, orientation, setbacks, bulk, form, height, scale and external finishes of buildings and structures.
- (c) The visual impact of buildings, clearing, excavation, access, construction, fences, firebreaks or the deposition of fill.
- (d) The adequacy of proposed landscaping and whether any special works or practices are required to protect the scenic values of the site.
- (e) Whether development is proposed to be located on skylines or ridgelines.

Officer comments: the proposed development includes vegetation modification and removal and semi-permanent tent structures to be erected in October and removed in April each year. These tent structures are setback more than 100m from the road frontage and screened by existing mature vegetation from all boundaries – including the rear boundary where it is approximately 70m from the high water mark. The works associated with this proposal is very limited so as to retain the natural appearance of the subject site and minimise visual impact.

7.3 Ecologically Sensitive Areas

7.3.1 These areas have been identified as important for the maintenance of natural processes, for the conservation of rare, endangered or threatened species, as refuges for migratory bird species or as reservoirs of biodiversity.

7.3.2 The objectives of the Ecologically Sensitive Areas are:

- (a) to promote the maintenance of ecological processes and genetic diversity;
- (b) to protect and enhance ecosystems, habitats and biological communities which enable the survival of indigenous flora and fauna and assist to maintain biodiversity;
- (c) to identify and protect habitats which support threatened, rare or endangered species;
- (d) to ensure that planning decisions incorporate consideration of the ecological impacts of Use or Development.
- (e) to encourage land management practices, based on expert advice, that will sustain the natural and ecological values of the land.

7.3.3 Notwithstanding any other provision in this Scheme, within the Ecologically Sensitive Area any application for Use or Development (other than those prohibited within the zone) shall be considered as a discretionary Use or Development in accordance with Clause 3.5.

7.3.4 In considering an application for Use or Development within the Ecologically Sensitive Areas and whether to impose conditions Council shall consider the following matters:

- (a) The objectives listed in Clause 7.3.2;
- (b) The effect of the proposed Use on the natural values of the land;
- (c) The siting of buildings, structures, works and effluent disposal systems in relation to natural vegetation, watercourses and wetlands;
- (d) The likely ecological impact of building, clearing, excavation, drainage works, access construction, vehicular traffic, fences, firebreaks or the deposition of fill;
- (e) The adequacy of proposed management and whether any special works or practices are required to protect the ecological values of the site;
- (f) Whether access to particular sites should be restricted on a seasonal or more frequent basis in order to conserve the reproductive potential of species;
- (g) The identification of natural values, including the presence of any rare, threatened or endangered species and what management requirements may be necessary;
- (h) The need for management approaches to prevent the importation of weeds, soil diseases or toxic substances that may contaminate the land.

Officer comments: the proposed development includes vegetation modification and removal and semi-permanent tent structures to be erected in October and removed in April each year. The location of the proposed access and siting of tent structures have been selected to require the least vegetation modification and/or removal. The Natural Values Assessment by North Barker Ecosystems Services identified the natural values of the site and recommended conditions of approval relating to vegetation removal, time of construction outside of the white-bellied sea eagle breeding season, weed and hygiene management. The report states “*Our results and assessment indicate that the proposal can be developed and managed in a way (with conditions of approval and operational requirements) that will not put conservation significant values at an unacceptable high risk of impacts.*”

These recommendations have been incorporated in the conditions of approval.

7.5 Shorelines, Water Bodies and Watercourses

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

Officer comments: part of the development is proposed within the Special Area. This includes the pathway to the communal tents and 7 sleeping tents. These tents will only be sited from October to April. Vegetation modification/removal is required for the development as well as ongoing weed management. The proposed use and development is not considered to have an impact on the water quality. The operators are a registered eco-tourism business with the "leave no footprint" operational ethos.

Part 8: Schedules

Schedule	Applicable	Not Applicable
Schedule 2 – Buildings and Works of Historic Interest	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schedule 3 - Riverside, Wetlands and Shoreline Areas	<input checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>
Schedule 8 - North East River Development Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Officer comments: part of the development is proposed within 100m from the high water mark. This includes the pathway to the communal tents and 7 sleeping tents. These tents will only be sited from October to April. Vegetation modification/removal is required for the development as well as ongoing weed management. The proposed use and development is not considered to have an impact on the water quality. The operators are a registered eco-tourism business with the “leave no footprint” operational ethos.

OFFICER’S RECOMMENDATION

That the application for a Tourist Operation in the Rural Zone, by Ireneinc Planning & Urban Design for land located at West end Road, Leeka (Lot 1 on Plan 225581) be **APPROVED** subject to the following conditions:

ENDORSED DOCUMENTS

1. The use and/or development must be carried out as shown on the endorsed documents: Planning report by Ireneinc Planning & Urban Design dated 19th August 2021, Natural Values Assessment by North Barker dated 29th November 2021 Reference For(IRE023) and Bushfire Emergency Plan by Philip Barker dated 2/12/2021 Reference BFP147 Version 1 to the satisfaction of the Council. Any other proposed development and/or use will require a separate application to and assessment by the Council.

VEGETATION REMOVAL PLAN

2. Vegetation modification and/or removal must be done in accordance with the Figure 5: Vegetation Removal Plan in the Natural Values Assessment by North Barker dated 29th November 2021 Reference for (IRE023).
3. Prior to commencing any works on site during the June and July peak flowering time, a targeted survey must be completed for *Prerostylis sanguinea* and *Pterostylis tunstallii* to avoid losses.
4. Any selective removal of vegetation must be manual and comply with best practice construction hygiene in accordance with the *Weed and Disease Planning and Hygiene Guidelines* prepared by the Department of Primary Industries, Parks, Water and Environment (2015) or any subsequent revisions of that document must be practiced to prevent the spread of weed propagules in contaminated soil.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

5. At least 30 days prior to the commencement of any development activities (including vegetation modification and/or removal) on the site, or by a date specified in writing by Council’s Manager Infrastructure and Airport, a Construction Environmental Management Plan (CEMP) must be submitted to Council for approval by Council’s Manager Infrastructure and Airport.
6. The CEMP must contain a detailed description of the proposed timing and sequence of the development activities (including vegetation modification and/or removal) and of the proposed management measures to be implemented to avoid or minimise the environmental impacts during the development phase. The CEMP must include, but not necessarily be limited to, management measures in relation to the following:
 - i. prevention of impacts upon surface water and waterways;
 - ii. erosion, sediment and dust control;
 - iii. impacts on potential white-bellied sea eagle nest if identified during pre-development surveys with details and timing of any requirements in-line with best

- practice guidelines or advice from the Department of Natural Resources and Environment;
 - iv. impacts or disturbance of *Callitris rhomboidea forest (NCR)*, *Eucalyptus globulus*, *Prerostylis sanguinea* and *Pterostylis tunstallii* with details and timing of any required permits to 'take' from the Department of Primary Industries, Parks, Water and Environment;
 - v. noise control;
 - vi. erosion and sediment control;
 - vii. dust control;
 - viii. management of environmentally hazardous materials;
 - ix. cultural (Aboriginal and non-aboriginal) heritage considerations;
 - x. flora and fauna management;
 - xi. weed, pest and disease management including wash down criteria and measures regarding hygiene management;
 - xii. quality control arrangements including supervision by appropriately qualified and experienced persons, detailed construction specifications for key items of environmental management infrastructure, documented site procedures, quality control testing and the keeping of appropriate records;
 - xiii. a table containing all the major commitments made in the plan; and
 - xiv. an implementation timetable for key aspects of the plan.
7. Works must not commence until the CEMP has been approved by the Manager Infrastructure and Airport and activities must be carried out in accordance with the approved CEMP.

NOTE: This planning permit does not satisfy Section 51 of the *Tasmanian Threatened Species Protection Act 1995* regarding permits to 'take'.

WEED MANAGEMENT

- 8. All occurrences of declared weeds on the subject site must be treated prior to completion of works with evidence provided to Council, and details and areas of treatment must be included as part of the CEMP.
- 9. Follow up weed control is required 6-12 months after initial treatment to treat any individual weed colonisation with evidence provided to Council, and details and areas of treatment must be included as part of the CEMP.
- 10. Best practice construction hygiene in accordance with the *Weed and Disease Planning and Hygiene Guidelines* prepared by the Department of Primary Industries, Parks, Water and Environment (2015) or any subsequent revisions of that document must be practiced to prevent the spread of weed propagules in contaminated soil.

WHITE-BELLIED SEA EAGLE

- 11. Works are restricted outside of the white-bellied sea eagle breeding season (1 July to 31 January inclusive). This is determined by the Forest Practices Authority every year and the breeding season as determined at the time must be adhered to.
- 12. If works are required inside this breeding season. A nest activity assessment by a suitably qualified person is required. This must be undertaken from the air during October/November.
- 13. Prior to any works and/or pre-clearance of vegetation commencing a nest activity assessment must be undertaken for activity, use or occupancy by a suitably qualified

person of the white-bellied sea eagle nest identified in the Natural Values Assessment by North Barker Ecosystem Services (IRE023). Specifically:

- a. an activity check of the white-bellied sea eagle nest, must be completed by a suitably qualified person in accordance with best practice guidelines during October/November to determine if the nest is active.
 - i. If the activity check determines that the nest is active, development must only occur outside of the breeding season or in accordance with a management plan approved by Council in consultation with relevant authorities.
 - ii. If the nest is deemed inactive, the constraints will be lifted.

BUSHFIRE EMERGENCY PLAN

14. The Bushfire Emergency Plan and Bushfire Action Plan must be on site at all time and all site visitors made aware of the procedures during an emergency. This plan must be reviewed and updated annually prior to the bushfire season declaration.

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 DA2021054. 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

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; and the relevant approval processes will apply with state and federal government agencies.

DECISION

29.02.2022 Moved: Deputy Mayor D Williams

Seconded: Cr S Blyth

That the application for a Tourist Operation in the Rural Zone, by Ireneinc Planning & Urban Design for land located at West end Road, Leeka (Lot 1 on Plan 225581) be APPROVED subject to the following conditions:

ENDORSED DOCUMENTS

1. **The use and/or development must be carried out as shown on the endorsed documents: Planning report by Ireneinc Planning & Urban Design dated 19th August 2021, Natural Values Assessment by North Barker dated 29th November 2021 Reference For(IRE023) and Bushfire Emergency Plan by Philip Barker dated 2/12/2021 Reference BFP147 Version 1 to the satisfaction of the Council. Any other proposed development and/or use will require a separate application to and assessment by the Council.**

VEGETATION REMOVAL PLAN

2. **Vegetation modification and/or removal must be done in accordance with the Figure 5: Vegetation Removal Plan in the Natural Values Assessment by North Barker dated 29th November 2021 Reference for (IRE023).**
3. **Prior to commencing any works on site during the June and July peak flowering time, a targeted survey must be completed for *Prerostylis sanguinea* and *Pterostylis tunstallii* to avoid losses.**
4. **Any selective removal of vegetation must be manual and comply with best practice construction hygiene in accordance with the *Weed and Disease Planning and Hygiene Guidelines* prepared by the Department of Primary Industries, Parks, Water and Environment (2015) or any subsequent revisions of that document must be practiced to prevent the spread of weed propagules in contaminated soil.**

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

5. At least 30 days prior to the commencement of any development activities (including vegetation modification and/or removal) on the site, or by a date specified in writing by Council's Manager Infrastructure and Airport, a Construction Environmental Management Plan (CEMP) must be submitted to Council for approval by Council's Manager Infrastructure and Airport.
6. The CEMP must contain a detailed description of the proposed timing and sequence of the development activities (including vegetation modification and/or removal) and of the proposed management measures to be implemented to avoid or minimise the environmental impacts during the development phase. The CEMP must include, but not necessarily be limited to, management measures in relation to the following:
 - i. prevention of impacts upon surface water and waterways;
 - ii. erosion, sediment and dust control;
 - iii. impacts on potential white-bellied sea eagle nest if identified during pre-development surveys with details and timing of any requirements in-line with best practice guidelines or advice from the Department of Natural Resources and Environment;
 - iv. impacts or disturbance of *Callitris rhomboidea forest (NCR)*, *Eucalyptus globulus*, *Prerostylis sanguinea* and *Pterostylis tunstallii* with details and timing of any required permits to 'take' from the Department of Primary Industries, Parks, Water and Environment;
 - v. noise control;
 - vi. erosion and sediment control;
 - vii. dust control;
 - viii. management of environmentally hazardous materials;
 - ix. cultural (Aboriginal and non-aboriginal) heritage considerations;
 - x. flora and fauna management;
 - xi. weed, pest and disease management including wash down criteria and measures regarding hygiene management;
 - xii. quality control arrangements including supervision by appropriately qualified and experienced persons, detailed construction specifications for key items of environmental management infrastructure, documented site procedures, quality control testing and the keeping of appropriate records;
 - xiii. a table containing all the major commitments made in the plan; and
 - xiv. an implementation timetable for key aspects of the plan.
7. Works must not commence until the CEMP has been approved by the Manager Infrastructure and Airport and activities must be carried out in accordance with the approved CEMP.

NOTE: This planning permit does not satisfy Section 51 of the Tasmanian Threatened Species Protection Act 1995 regarding permits to 'take'.

WEED MANAGEMENT

8. All occurrences of declared weeds on the subject site must be treated prior to completion of works with evidence provided to Council, and details and areas of treatment must be included as part of the CEMP.
9. Follow up weed control is required 6-12 months after initial treatment to treat any individual weed colonisation with evidence provided to Council, and details and areas of treatment must be included as part of the CEMP.

10. Best practice construction hygiene in accordance with the *Weed and Disease Planning and Hygiene Guidelines* prepared by the Department of Primary Industries, Parks, Water and Environment (2015) or any subsequent revisions of that document must be practiced to prevent the spread of weed propagules in contaminated soil.

WHITE-BELLIED SEA EAGLE

11. Works are restricted outside of the white-bellied sea eagle breeding season (1 July to 31 January inclusive). This is determined by the Forest Practices Authority every year and the breeding season as determined at the time must be adhered to.
12. If works are required inside this breeding season. A nest activity assessment by a suitably qualified person is required. This must be undertaken from the air during October/November.
13. Prior to any works and/or pre-clearance of vegetation commencing a nest activity assessment must be undertaken for activity, use or occupancy by a suitably qualified person of the white-bellied sea eagle nest identified in the Natural Values Assessment by North Barker Ecosystem Services (IRE23). Specifically:
 - a. an activity check of the white-bellied sea eagle nest, must be completed by a suitably qualified person in accordance with best practice guidelines during October/November to determine if the nest is active.
 - i. If the activity check determines that the nest is active, development must only occur outside of the breeding season or in accordance with a management plan approved by Council in consultation with relevant authorities.
 - ii. If the nest is deemed inactive, the constraints will be lifted.

BUSHFIRE EMERGENCY PLAN

14. The Bushfire Emergency Plan and Bushfire Action Plan must be on site at all time and all site visitors made aware of the procedures during an emergency. This plan must be reviewed and updated annually prior to the bushfire season declaration.

CARRIED UNANIMOUSLY (6-0)

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

Note: Cr David Williams offered congratulations on this development that is a worthwhile addition to our tourist offerings on island and packed up for 6 months per year.

Cr Peter Rhodes noted that it was a non-invasive, low impact activity that fits in well with island direction.

Cr Vanessa Grace thanked the officer for the detailed report and expressed her hope that the conditions would be fully adhered to.

Council concluded its meeting as a Planning Authority under Section 25 of the Local Government (Meeting Procedures) Regulations 2015 at 2.28 pm.

15.2 DEVELOPMENT ASSESSMENT REPORT

Action	Information
Proponent	Council Officer
Officer	Jacci Smith Development Services Coordinator
File Reference	PLN/0105
Annexures	15.2.1 <i>Development Assessment Report – January 2022</i>

INTRODUCTION

This report provides Councillors with an overview of the applications for the current period as per motion 249.09.2015, passed at the 24 September 2015 Council Meeting when Council requested monthly data from the West Tamar Council planning consultancy service. 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 15.2.1, Development Assessment Report – January 2022.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Development Assessment Report – January 2022 be received.

DECISION

30.02.2022 Moved: Cr S Blyth Seconded: Deputy Mayor D Williams

That the Development Assessment Report – January 2022 be received.

CARRIED UNANIMOUSLY (6-0)

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

Jacci Smith left the meeting at 2.29pm.

16. INFRASTRUCTURE AND AIRPORT

16.1 INFRASTRUCTURE AND AIRPORT REPORT – JANUARY 2022

Action	Information
Proponent	Council Officer
Officer	Chris Wilson Manager Infrastructure and Airport
File References	WOR/3000
Annexures	16.1.1 <i>Manager Infrastructure and Airport Report – January 2022</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 Manager Infrastructure and Airport Report – January 2022 be received and accepted by Council.

DECISION

31.02.2022 Moved: Cr V Grace Seconded: Cr P Rhodes

That the Manager Infrastructure and Airport Report – January 2022 be received and accepted by Council.

CARRIED UNANIMOUSLY (6-0)

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

MOTION

32.02.2022 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 UNANIMOUSLY (6-0)

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

Mayor Annie Revie passed the chair to Deputy Mayor D Williams at 2.32 pm.

17. NOTICE OF MOTIONS

17.1 NOTICE OF MOTION – LOCAL GOVERNMENT ASSOCIATION OF TASMANIA GENERAL MEETING

Action	Decision
Proponent	Mayor Annie Revie
Officer	Warren Groves, General Manager
File Reference	COU/0303
Associated Papers	17.1.1 Motion Northern Midlands Council - Domestic and Family Violence 17.1.2 Decision Brighton Council – Fringe Benefit Tax (FBT) Electric Vehicles 17.1.3 Brighton Council - FBT Electric Vehicles supporting letter 17.1.4 Decision Kingsborough Council 17.1.5 Decision Sought Clarence City Council

NOTICE OF MOTION

That Council notes the Local Government of Tasmania 18 March 2022 General Meeting motions and provides the Mayor / Proxy with direction in relation to the following items listed for a decision:

a) Motion Northern Midlands Council from annexure 17.1.1

1. That LGAT Members support the development of a domestic and sexual violence prevention framework for local government across the state.
2. That LGAT lobby the State Government to initiate and fund the development and implementation of a family and sexual violence prevention framework for local government across the state.

b) Decision Brighton Council from annexure 17.1.2

1. That LGAT advocates to the Federal Government for the removal/exemption of Fringe Benefits Tax (FBT) on Electric vehicles where use is restricted to travel between home and work.

COUNCILLOR'S REPORT

The Local Government Association of Tasmania (LGAT) convenes a General Meeting four times each year. The next General Meeting is convened for 18th March. LGAT has sent to each Council, motions that have been identified by Tasmanian Councils and which will be put to the 18th March General Meeting for decision. Mayor Annie Revie is the LGAT representative for Flinders Council and will attend the meeting remotely. In the role of representative for Flinders Council, it is the responsibility of the representative to present the LGAT motions at an Ordinary Council Meeting for the consideration and decision of Councillors.

PREVIOUS COUNCIL CONSIDERATION

Council considers the LGAT General Meeting Motions at the Ordinary Council meeting prior to the LGAT General Meeting to allow Council to inform the Mayor / Proxy of what position it wishes the Mayor / Proxy to take in relation to voting on specific matters.

PREVIOUS COUNCIL DISCUSSION

Nil

OFFICER'S REPORT

A number of items for decision are included in the LGAT General Meeting Agenda. Council provides direction to the Mayor / Proxy in relation to voting on these matters. These matters are for Council to decide.

STATUTORY REQUIREMENTS

Nil

POLICY/STRATEGIC IMPLICATIONS

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

4.1 An organisation that provides good governance, effective leadership and high-quality services within our means.

4.1.1 Ensure Council meets its statutory obligations to manage risk, achieve financial sustainability and model good governance.

BUDGET AND FINANCIAL IMPLICATIONS

No known budget implications at this time.

RISK/LIABILITY

Minimal

VOTING REQUIREMENTS

Simple Majority

MOTION

33.02.2022 Moved: Mayor A Revie Seconded: Cr v Grace

That Council notes the Local Government of Tasmania 18 March 2022 General Meeting motions and provides the Mayor / Proxy with direction in relation to the following items listed for a decision:

a) Motion Northern Midlands Council from annexure 17.1.1

1. That LGAT Members support the development of a domestic and sexual violence prevention framework for local government across the state.

Against - 6

For – 0

2. That LGAT lobby the State Government to initiate and fund the development and implementation of a family and sexual violence prevention framework for local government across the state.

Against - 6

For – 0

b) Decision Brighton Council from annexure 17.1.2

1. That LGAT advocates to the Federal Government for the removal/exemption of Fringe Benefits Tax (FBT) on Electric vehicles where use is restricted to travel between home and work.

Against - 6

For - 0

c) Decision Kingsborough Council from annexure 17.1.4

1. That LGAT lobby the State Government and Tasfire Service to investigate the accreditation of fire bunkers and other structures legalised in other Australian states for use in Tasmania.

Against - 6

For - 0

d) Decision Sought Clarence City Council from annexure 17.1.5

1. That LGAT lobby the State Government to Investigate a legislative mechanism enabling state-wide, publicly available dilapidated, derelict and abandoned buildings registers and to charge levies in respect to those properties.

Against - 6

For - 0

CARRIED UNANIMOUSLY (6-0)

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

34.02.2022 Moved: Cr P Rhodes

Seconded: Cr V Grace

That Council notes that should new information of sufficient importance be introduced at the Local Government of Tasmania General Meeting, the Council delegate can use their discretion to change the voting directive but must report the action and reasons to the following Council Meeting.

CARRIED UNANIMOUSLY (6-0)

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

Deputy Mayor David Williams passed the chair back to Mayor Annie Revie at 2.49 pm.

18. FINANCE

18.1 DECEMBER 2021 HALF YEARLY FINANCIAL REPORT AND BUDGET REVIEW

Action	Decision
Proponent	Council Officer
Officer	Heidi Marshall, Finance and Organisational Performance Manager
File Reference	FIN/0100, FIN/0701
Annexures	<i>18.1.1 December 2021 Half Yearly Financial Report & Budget Review</i> <i>18.1.2 Budget Variance commentary (Elected Members only)</i>

INTRODUCTION

Council is presented with a Quarterly Financial Report which reviews the Year to Date Actual Costs compared to the Budget, for Income, Operational expenditure and Capital expenditure. The report also includes a summary of the Investments.

It is Council's practice to formally review Council's Budget after a 6-month period.

PREVIOUS COUNCIL DISCUSSION

Nil

PREVIOUS COUNCIL DECISION

Council considers the Quarterly Financial Report on a quarterly basis. It also formulates a formal budget review after 6 months of operation.

OFFICER'S REPORT

Annexure 18.1.1, December 2021 Half Yearly Financial Report & Budget Review, as attached, with overview provides a summary of income and expenditure for the Council at the end of the second quarter ending 31 December 2021. The overview provides an overall summary explanation and expected direction for the upcoming six months.

Budget Review

The report includes the Current Year to Date December 2021 as well as a Predicted Year End for 30 June 2022, to enable a review of Council's overall financial performance to date and provide an opportunity for budget items to be amended if necessary. For the 6-month review, a summarised Budget Variance commentary has been included to assist in the review.

There are a number of Grant and Capital items that have been approved individually by Council after the Budget 2021/22 had been set, namely, the Palana Road Upgrade, The Veterinary Facility, the Islander Way project and the Weed Management Plan. These amendments have now been included in the revised Budget 2021/22 and all major adjustments itemised on Annexure 18.1.2 the 6 Monthly Variance Analysis.

Income and expenditure have been relatively on track to date, with minor operational fluctuations occurring within the departments. Overall, there has been no major budgetary shifts to report.

Investments

The current level of cash reserves is \$7.6 million at the end of December 2021, with \$2.4 million relating to grant income for capital and operational projects (mainly Palana Road Upgrade totalling \$2 million).

Loans held at December 2021 total \$1.5 million, with \$1 million to be repaid by June 2022.

STATUTORY REQUIREMENT

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS

Nil

BUDGET AND FINANCIAL IMPLICATIONS

The Budget affects many areas of Council's Annual Plan with the Budget implications identified. With numerous grant opportunities, Council has a number of major projects to acquit in the upcoming years. Given Council's limited resources, it is important that future opportunities are carefully considered to ensure the Long-Term Financial and Asset Management Strategies and Plans can be achieved.

RISK/LIABILITY

In the short-term, there are no foreseen risks or legal obligations identified as a result of the Financial Report.

VOTING REQUIREMENTS

1. Simple Majority
2. Absolute Majority

RECOMMENDATION

That Council:

1. Receives and accepts the Half Yearly Financial Report for the 6-month period ending 31 December 2021; and
2. Adopts the Budget Review for the 6-month period ending 31 December 2021.

DECISION

35.02.2022 Moved: Cr R Summers Seconded: Cr V Grace

That Council:

1. **Receives and accepts the Half Yearly Financial Report for the 6-month period ending 31 December 2021; and**
2. **Adopts the Budget Review for the 6-month period ending 31 December 2021.**

CARRIED UNANIMOUSLY (6-0)

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

19. GOVERNANCE

19.1 RESCIND SPONSORSHIP OF THIRD PARTY PROJECTS AND EVENTS POLICY

Action	Information
Proponent	Council Officer
Officer	Warren Groves General Manager
File Reference	FIN/1002
Annexures	<i>19.1.1 Sponsorship of Third Party Projects and Events Policy</i>

INTRODUCTION

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

PREVIOUS COUNCIL CONSIDERATION

1 February 2022 Council Workshop

PREVIOUS COUNCIL DECISION

262.06.08 12 June 2008
288.09.10 23 September 2010

OFFICER'S REPORT

Council has a policy that states that policies should be reviewed every four years at the beginning of the election cycle or at Council's discretion. Staff have been reviewing the Policy Manual in its entirety and found the Sponsorship of Third Party Projects and Events Policy to be no longer required for the following reasons:

There may indeed be times when a community organisation would like to apply for funds in order to achieve a goal that would be in community interest. There are usually specific conditions within grant funding applications outlining who can apply. Conditions can include some of the examples below:

- The organisation must be incorporated;
- A community organisation may apply so long as the committee of the organisation supports the funding application;
- The application should be supported by a letter from the Mayor or General Manager;
- A non-incorporated organisation may apply but must be auspiced by a local Council.

If an organisation, such as one of the above examples, seeks assistance and / or support from Council, Councillors and / or Council staff routinely assist in whatever way possible. Community support is a mainstream function of Council which is stipulated in The *Local Government Act 1993, Section 20 (1) and (2)*. On this basis, it is not considered necessary for a policy on the topic.

I therefore recommend that Council rescinds the above policy.

STATUTORY REQUIREMENT

Local Government Act 1993

Local Government (General) Regulations 2015

POLICY/STRATEGIC IMPLICATIONS

Nil

RISK/LIABILITY

Rescinding this policy will not expose Council to risk in this area.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council rescinds the Sponsorship of Third Party Projects and Events Policy and allows it to lay on the table for 28 days for public comment.

DECISION

36.02.2022 Moved: Cr S Blyth Seconded: Cr P Rhodes

That Council rescinds the Sponsorship of Third Party Projects and Events Policy and allows it to lay on the table for 28 days for public comment.

CARRIED UNANIMOUSLY (6-0)

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

19.2 TASWATER QUARTERLY REPORT TO OWNERS' REPRESENTATIVES 31 DECEMBER 2021

Action	Decision
Proponent	Council Officer
Officer	Warren Groves General Manager
File Reference	COU/0312
Annexures	19.2.1 <i>TasWater Quarterly Report to Owners' Representatives 31 December 2021</i>

INTRODUCTION

TasWater has presented its second quarter (Q2) FY 20201-22 Quarterly Report to Owners' Representatives in accordance with the requirements of the Shareholder's Letter of Expectations.

PREVIOUS COUNCIL CONSIDERATION

Nil

PREVIOUS COUNCIL DISCUSSION

Nil

OFFICER'S REPORT

The report outlines key aspects of the performance for the quarter ending 31 December 2021. These are followed by scorecards reflecting the status of the performance against key performance indicators outlined in the FY2022-26 Corporate Plan and the financial performance compared to the FY2021–22 Budget.

“Key points to note for the quarter include:

- TasWater's net profit of \$29.7 million as at 31 December 2021 is \$4.6 million favourable to budget*
- Capital expenditure is at \$117.5 million for the quarter end being ahead of the YTD budget of \$109.6M*
- Four Lost Time Injuries (LTIs) occurred during the quarter, resulting in a total of five YTD*
- One notifiable safety incident occurred during the quarter, an investigation has been undertaken into the root cause and the report findings are being finalised.”*

POLICY/STRATEGIC IMPLICATIONS

Nil

BUDGET AND FINANCIAL IMPLICATIONS

Nil

RISK/LIABILITY

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the TasWater Quarterly Report to Owners' Representatives second quarter report ending 31 December 2021 be noted.

DECISION

37.02.2022 Moved: Cr P Rhodes

Seconded: Cr S Blyth

That the TasWater Quarterly Report to Owners' Representatives second quarter report ending 31 December 2021 be noted.

CARRIED UNANIMOUSLY (6-0)

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

Note: Cr Peter Rhodes suggested listing TasWater Quarterly Report to Owners Representatives under 'Reports to be Received' in future Council Meeting Agendas.

19.3 COUNCILLOR RESOLUTION REPORT

Action	Information
Proponent	Council Officer
Officer	Heidi Marshall A/General Manager
File Reference	GOV/0300
Annexures	19.3.1 Councillor Resolution Report February 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 19.3.1 – Councillor Resolution Report February 2022.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Councillor Resolution Report February 2022 be noted.

DECISION

38.02.2022 Moved: Cr R Summers Seconded: Cr V Grace
That the Councillor Resolution Report February 2022 be noted.

CARRIED UNANIMOUSLY (6-0)

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

Mayor Annie Revie declared the meeting closed at 3.13pm.

MEETING CLOSED 3.13 PM
