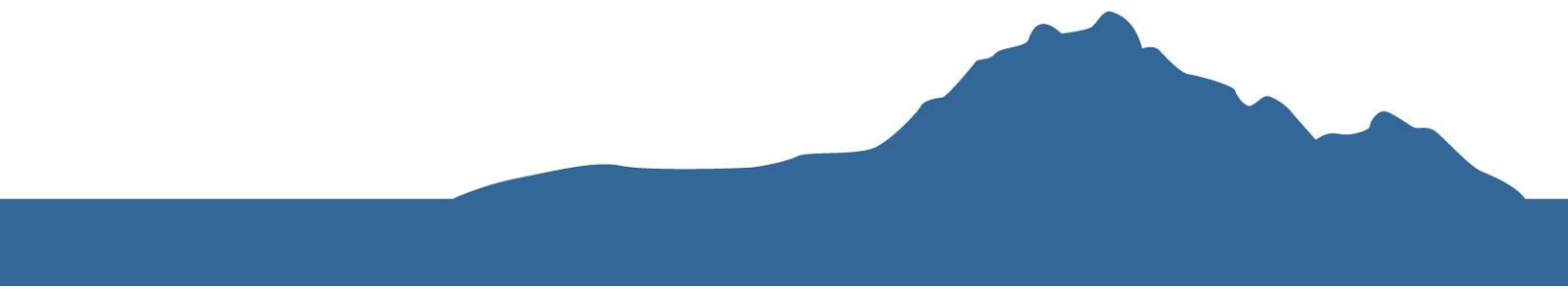




# Confirmed Minutes Ordinary Council Meeting

15 March 2022



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# FLINDERS COUNCIL ORDINARY MEETING – Confirmed Minutes

## TUESDAY 15 MARCH 2021

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<b>Venue</b>	Flinders Island Arts and Entertainment Centre
<b>Commencing</b>	2:00 pm
<b>Attendees – Councillors</b>	Mayor Annie Revie Deputy Mayor David Williams Vanessa Grace Peter Rhodes
<b>Apologies</b>	Rachel Summers Sharon Blyth Aaron Burke
<b>Attendees- Staff</b>	Warren Groves   General Manager (2:00 – 3.06pm) Chris Wilson   Infrastructure and Airport Manager (2:00 – 3.06 pm) Jacci Smith   Development Services Coordinator (2:00 – 2.44 pm) Rowena Gill   Administrative Services Officer (minute taker) (2:00 – 3.14pm)

## 1. ACKNOWLEDGEMENT OF COUNTRY

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

## 2. CONFIRMATION OF MINUTES

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### RECOMMENDATION

That the Minutes from the Ordinary Council Meeting held 15 February 2022 be confirmed.

### DECISION

39.03.2022 Moved: Cr V Grace

Seconded: Deputy Mayor D Williams

That the Minutes from the Ordinary Council Meeting held 15 February 2022 be confirmed.

**CARRIED UNANIMOUSLY (4-0)**

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

## 3. PUBLIC QUESTION TIME

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Nil

## 4. RESPONSES TO PUBLIC QUESTIONS

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15 February 2022

### 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

Thank you for bringing your concern on this camping matter to Council's attention.

The 2020/21 summer season, because of the State Government's recovery response to COVID (only intra state travel permitted, with community vouchers distributed to assist holiday travel) the Island was overwhelmed with visitors. In particular, many campers and recreational vehicles came to the Island and 'camped' in all manner of places. Behaviour associated with camping, including recreational vehicles, created significant community anxiety. Trees were cut down, fires were lit, poor hygiene behaviour was obvious, and so on. It was reported to council on several occasions that some of the Island's iconic beauty spots, for example the Docks, suffered because of people setting up camp and remaining for several weeks at a time, with no proper facilities.

Council had to respond quickly to:

- Develop a way forward;
- Protect the Island's environment, particularly its iconic beauty spots;
- Apply for grants that would enable the development of improved camping facilities on the Island;
- Encourage community understanding that Council was aware of the issues and was prepared to identify solutions.

Community anxiety on the topic was significant and Council's responses were swift. As part of this:

- Some "Day Use Only/No Camping" signage was placed on Whitemark Beach over Christmas to discourage campervans / trucks from setting up on the Whitemark foreshore and to settle community feelings about camping and visitation in general;
- Grants were applied for successfully;

- The Islander Way Project was designed and launched to address the impacts of tourism on Flinders in general. This has a long way to go and will take time but is progressing well.

Meanwhile, a few issues that Council had not considered were brought to Council attention, for example:

- The issue you raise regarding Kayakers; and
- A similar issue regarding rock-climbers.

Council supports these initiatives and will take steps to amend things, including that a page will go on the Council website outlining camping directions for the Island.

I hope this answers your question and puts you at ease. Once again, thank you for bringing this point to Council's attention.

#### **RECOMMENDATION**

That the response to the public question from the 15 February 2022 Council Meeting be noted.

#### **DECISION**

**40.03.2022 Moved: Deputy Mayor D Williams      Seconded: Cr V Grace**

**That the response to the public question from the 15 February 2022 Council Meeting be noted.**

**CARRIED UNANIMOUSLY (4-0)**

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

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

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Nil

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

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Nil

## **7. LATE AGENDA ITEMS**

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Nil

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

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Nil

## 9. CONFLICT OF INTEREST

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Councillor Vanessa Grace declared a perceived conflict of interest in Item 14.1 Planning Authority Report – Response to Post Hearing Directions for Local Provisions Schedule.

Deputy Mayor David Williams declared a perceived conflict of interest in item 14.3 Application for Council to assume responsibility of Road.

## 10. PETITIONS

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**File Reference:** ASM/0200

**Annexure:** 10.1.1 Petition from Naomi Creek and Linda Nicol

A petition to Flinders Council from Naomi Creek and Linda Nicol with 29 signatories regarding reducing vehicle speed through Palana village the was received by the General Manager on 9 March 2022. The petition complies with section 57 of the *Local Government Act 1993* and is tabled as per section 60 of the Act. The wording of the petition is as follows:

**“Statement summary:**

- *The current vehicle speed limit through the village of Palana is 50km/hr. We, the undersigned believe 50km/hr is an unsafe speed for the reasons stated on page 1.*
- *The approaching and exiting speed limit to/from Palana village is 80km/hr. We, the undersigned believe 80km/hr is an unsafe speed limit from Edens Road to the village for the reasons stated on page 1.*

**Action requested:**

- *Change the existing 50km/hr speed limit in Palana village to 40km/hr*
- *Move the new 40km/hr speed limit sign for people approaching the village to Pole 358.*
- *Move the existing 80km/hr speed limit sign for people exiting the village to Pole 358.*
- *Erect an advisory sign at Edens road highlighting the importance of respecting the local wildlife and quiet village atmosphere. Residents to work with council on designing this.”*

The petition will be considered at the next available Council Meeting.

### RECOMMENDATION

That Council notes that the petition has been tabled.

### DECISION

**41.03.2022 Moved: Cr V Grace      Seconded: Cr P Rhodes**

**That Council notes that the petition has been tabled.**

**CARRIED UNANIMOUSLY (4-0)**

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

*Noted: Mayor A Revie declared as this was an operational matter and requested the General Manager Warren Groves to write a letter to the Transport Commissioner.*

# 11. WORKSHOPS & INFORMATION FORUMS

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File No. COU/0205

## **Council Workshop – 11 February 2022**

Council held a workshop on the following subjects:

- Item 1 Local Provisions Schedule
- Item 2 Development Application

### **Councillor in Attendance**

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

### **Apologies**

Cr Sharon Blyth

### **Staff and Consultants in Attendance**

Warren Groves	General Manager
Chris Wilson	Infrastructure and Airport Manager
Jacci Smith	Development Services Coordinator (Item 1 and 2)
Mick Purves	Strategic Town Planner (Item 1 and 2)
Rowena Gill	Administrative Services Officer

## **Council Workshop – 15 February 2022**

Council held a workshop on the following subjects:

- Item 1 General Managers Update
- Item 2 Anzac Day Dawn Service at Cape Barren Island
- Item 3 Information Communication Technology
- Item 4 Palana Road Survey
- Item 5 David Harris, Director of Bass Strait Freight

### **Councillor 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
Chris Wilson	Infrastructure and Airport Manager
Jacci Smith	Development Services Coordinator (Item 1)
Rowena Gill	Administrative Services Officer

## **Council Workshop – 1 March 2022**

Council held a workshop on the following subjects:

- Item 1 Councillor Bus Trip

### **Councillor in Attendance**

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

Cr Sharon Blyth  
Cr Aaron Burke

Cr Rachel Summers

**Apologies**

Nil

**Staff and Consultants in Attendance**

Warren Groves	General Manager
Chris Wilson	Infrastructure and Airport Manager
Jacci Smith	Development Services Coordinator
Sammi Gowthorp	Community Development Officer

**RECOMMENDATION**

That the Council Workshops held on 11 and 15 February and 1 March 2022 be noted.

**DECISION**

**42.03.2022 Moved: Cr P Rhodes    Seconded: Cr V Grace**

**That the Council Workshops held on 11 and 15 February and 1 March 2022 be noted.**

**CARRIED UNANIMOUSLY (4-0)**

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





## 12.2 FLINDERS BOATING SPECIAL COMMITTEE

**File Reference** COM/0404  
**Annexure** 12.2.1 Flinders Boating Special Committee Meeting 23 February 2022  
*Unconfirmed Minutes*

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

The unconfirmed minutes of the Flinders Boating Special Committee meeting held Wednesday 23 February 2022 have been provided for consideration. The minutes outline what the Committee has been working on to date and can now be noted by Council.

### **RECOMMENDATION**

That the unconfirmed minutes of the Flinders Boating Special Committee meeting held 23 February 2022 be noted.

### **DECISION**

**45.03.2022 Moved: Deputy Mayor D Williams      Seconded: Cr P Rhodes**  
**That the unconfirmed minutes of the Flinders Boating Special Committee meeting held 23 February 2022 be noted.**

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

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

## 12.3 WHITEMARK COMMUNITY GYM SPECIAL COMMITTEE

**File Reference** CDV/0702  
**Annexures** 12.3.1 Unconfirmed Minutes of the Whitemark Community Gym Special Committee Meeting 14 February 2022

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

The unconfirmed minutes of the Whitemark Community Gym Special Committee meeting held Monday 14 February 2022 have been provided for consideration. The minutes outline what the Committee has been working on to date and can now be noted by Council.

### **RECOMMENDATION**

That the unconfirmed minutes of the Whitemark Community Gym Special Committee meeting held 14 February 2022 be noted.

### **DECISION**

**46.03.2022 Moved: Deputy Mayor D Williams      Seconded: Cr P Rhodes**  
**That the unconfirmed minutes of the Whitemark Community Gym Special Committee meeting held 14 February 2022 be noted.**

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

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

### **MOTION**

**47.03.2022 Moved: Deputy Mayor D Williams      Seconded: Cr V Grace**  
**That Luke Green, Justin Graham, Nikki Jones and Rachel Summers form a development sub-committee to investigate the construction of a new gym and make a report to Council.**

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

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

Noted: DW Congratulate the gym committee on its proactive equipment and looking at a new gym, interested to know what an assault bike.

## 12.4 FLINDERS COUNCIL AUDIT PANEL

**File Reference** FIN/0401

**Annexure** 12.4.1 *Flinders Council Audit Panel Meeting 2 March 2022 Unconfirmed Minutes*

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

The unconfirmed minutes of the Flinders Council Audit Panel meeting held Wednesday, 2 March 2022, have been provided for consideration. The minutes outline what the Committee has been working on to date and can now be noted by Council.

### **RECOMMENDATION**

That the unconfirmed minutes of the Flinders Council Audit Panel meeting held 2 March 2022 be noted.

### **DECISION**

**48.03.2022 Moved: Deputy Mayor D Williams      Seconded: Cr V Grace**

**That the unconfirmed minutes of the Flinders Council Audit Panel meeting held 2 March 2022 be noted.**

**CARRIED UNANIMOUSLY (4-0)**

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

## 13. MAYOR'S REPORT

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

### APPOINTMENTS

DATE	DIARY ACTIVITY
11/2/22	Council Workshop with Mick Purves on planning
11/2	Attended Arthur Wither's Funeral
11/2	Islander Way meeting with Sarah Lebski and Dianne Dredge
15/2	Council Workshop and Ordinary Meeting
16/2	Meeting with David Harris, Bass Strait Freight, Councillors Bourke and Grace
16/2	Furneaux Group Shipping Special Committee Meeting
17/2	Meeting with General Manager Warren Groves
17/2	Meeting with Peter Rhodes regarding Islander Way
22/2	Administration
23/2	Radio Interview – Tasmania Talks
23/2	Administration
23/2	Flinders Boating Special Committee Meeting
24/2	Meeting with General Manager and Deputy Mayor
24/2	Meeting with General Manager Warren Groves and Ben Marquis from State Growth regarding Housing
27/2	Administration
28/2	Administration
28/2	Meeting with Chris Wilson, Warren Groves, Angela Harley and Palana residents regarding road speed through Palana
1/3	Council Workshop - bus trip across Island to consider key aspects of Council's Strategic and Annual Plan
2/3	Meeting with Warren Groves, Vica Bailey and Lillian Wheatley from Aboriginal Land Council of Tasmania
2/3	Administration
3/3	Administration
7/3	Meeting of Local Project Group for the Islander Way

### CORRESPONDENCE IN

DATE	FROM	SUBJECT
14/2/22	David Grutzner	Road sealing
15/2	Ken Stockton	Gums Quarry
15/2	David Grutzner	Road sealing
16/2	Lucy Mercier Office of Bridget Archer	Black Summer Bushfire Grant
17/2	Designing Tourism Pty Ltd	Islander Way Newsletter

17/2	Jonathan Throssell LG Professionals Australia	Local Government Professionals Australia National Leadership Summit Canberra 22-23 March 2022
18/2	Carol Cox	Lady Barron Port
18/2	Local Government Association of Tasmania (LGAT)	Motions for General Meeting 18 March 2022
18/2	Sue Summers	Invitation to visit
18/2	Sue Summers	Invitation to visit
19/2	Bill Godbehere	Copy of radio interview regarding glass crusher
20/2	Sarah Lebski	Notes from Local Project Group Islander Way
24/2	LGAT	General Meeting 18 March 2022
24/2	Local Government Reform Board	Local Government Review
25/2	Michael Buck	Resignation Furneaux Group Aviation Special Committee
28/1	Tas Community Fund	Newsletter
28/2	Jude Cazaly	Proposal to Council regarding glass crusher
28/2	Tony Griggs	Meeting at Palana
1/3	Jodi Groeneveld Bendigo Bank Manager	Requesting a meeting on Flinders Island
2/3	Helen Haines	Flinders Boating Special Committee Minutes
33/3	Esther Nunn	Postcard project
4/3	LGAT	Information regarding Local Government Review
4/3	LGAT	General Meeting Agenda and Annexures 18 March 2022
4/3	Dianne Dredge	Agenda Local Project Group Meeting 7 March 2022
4/3	Tony Griggs	Aviation forecast decision
6/3	Christina Holmdahl LGAT	Future of Northern Tasmania Development

## CORRESPONDENCE OUT

DATE	TO	SUBJECT
17/2	Flinders Island Boating Special Committee members	Unconfirmed Minutes from previous meeting and Agenda for meeting 23 March 2022
14/2	David Grutzner	Road sealing
17/2	Lucy Mercier Office of Bridget Archer	Black Summer Bushfire Grant
18/2	Sue Summers	Invitation to visit
19/2	Bill Godbehere	Thanks for copy of interview
23/2	Mark and Mandy Wales	Local Provisions Scheme
23/2	Tasmania Talks	Notes from Radio Interview
24/2	Ken Stockton	Gums Quarry
28/2	Tony Griggs	Meeting at Palana

1/3	Jodi Groeneveld Bendigo Bank Manager	Visit to Flinders Island
2/3	Councillors	General Manager's Performance Review Committee Agenda and annexures for March Meeting
6/3	Vica Bailey Aboriginal Land Council of Tasmania (ALCT)	Copy of Brand Story and Islander Way Overview
7/3	Sarah Lebski, Dianne Dredge, Councillors	Notes tourism incentives and the Islander Way
8/3	Jude Cazaly	Glass Crusher Proposal

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

That the Mayor's report be received.

### **DECISION**

**49.03.2022 Moved: Cr V Grace      Seconded: Cr P Rhodes**

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

**CARRIED UNANIMOUSLY (4-0)**

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

*Councillor Vanessa Grace left the meeting at 2:22pm.*

## 14. DEVELOPMENT SERVICES

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***Pursuant to Section 25 of the Local Government (Meeting Procedures) Regulations 2015 at 2.22pm, the Mayor, announced that Council will now act as a Planning Authority under the Land Use Planning and Approvals Act 1993.***

### 14.1 PLANNING AUTHORITY REPORT – RESPONSE TO POST HEARING DIRECTIONS FOR LOCAL PROVISIONS SCHEDULE

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Mick Purves – Strategic Planning Consultant
<b>File Reference</b>	PLN/0101
<b>Annexures</b>	<i>14.1.1 FLI LPS Response Report to Directions, Post-Hearing Directions February 2022</i> <i>14.1.2 Flinders Draft LPS - Attachment A - Post-Hearing Directions Schedule (1)</i>

#### INTRODUCTION

This report provides responses to the Directions that were issued by the Tasmanian Planning Commission (Commission), following hearings that were held in early February into the Local Provisions Schedule (LPS).

A recommendation is provided for the Planning Authority to endorse the Response to Directions and recommendations within it.

#### PREVIOUS COUNCIL CONSIDERATION

Nil

#### PREVIOUS COUNCIL DISCUSSION

11 February 2022 Councilor Workshop

#### OFFICER'S REPORT

Council will recall the various workshops and reports it has considered as part of the processing of the LPS with the Commission.

Hearings were held on Flinders Island from 7 to 9 February. A range of matters were raised by the Commission and representors that required a response following the hearings. The Commission issued directions that resulted from the hearings on 21 February 2022, which included 25 directions (refer Annexure 14.1.2).

Directions 3, 4, 5, 6, 7, 8, 9, 10, 11, 16 and 17 include procedural matters such as obtaining owner consent on behalf of the Commission. These did not require a decision from Council. Directions 1, 2, 5, 6, 8, 9, 12, 13, 14, 15, 16, 17 and 18 require decisions from Council as a consequence of matters raised in the response to representations during the hearings. Directions 19, 20 and 21 require a response from Council as late submissions to the process that were accepted by the Commission during the hearing process. Directions 23 to 25 do not require a response from Council.

Detailed responses to Directions 1 to 21 are discussed in the attached report see annexure 14.1.1. A simple summary of those matters follows:



- Direction 1 - addresses a range of technical matters the Commission raised with the structure and wording of the Specific Area Plan for subdivision and multiple dwellings within the Low Density zones at Whitemark and Lady Barron;
- Direction 2 - supports the Rural Living zone for part of the lands at Pot Boil Road following release of separate titles from a 1961 subdivision by the Recorder of Titles and the recent Council decision to construct a road to service the subject lands. It also reviews the Site Specific Qualification for access to the Vinegar Hill lookout following challenges from the property owner and questions from the Commission. Following legal advice, the provision was deleted.
- Direction 5, 6, 8 and 9 - relates to how the priority vegetation overlay would be used at various properties at Lady Barron and Whitemark that were proposed for rezoning to Rural.
- Direction 12 - relates to legal protections provided for mineral exploration activities under the Act. Advice is provided for Council endorsement.
- Direction 13 - provides advice regarding the approvals and status for existing mining operations at Canns Hill and the classification of any crushing activities under the LPS. An opinion is provided for Council endorsement.
- Direction 14 - relates to the mapping of a buffer for the existing mining operations at Canns Hill as an overlay under the LPS. This is not supported.
- Direction 15 - relates to the zoning of multiple titles land at the Cattle Track as a consequence of representations to the LPS and the need to rationalise the zoning of this area. The recommendation proposed to change titles from Landscape Conservation to Rural Living D and provide Low Density Residential zone to reflect the Residential zone under the 2000 Scheme, with minor alterations to the overlays as a result.
- Direction 16 - relates to the expansion of the Scenic Protection Overlay adjacent Marshall Bay and recommends retaining the extended overlay as initiated by Council and exhibited in the LPS.
- Direction 17 - relates to the extension of the Rural Precinct over the existing gravel pit on truwana/Cape Barren Island to retain its use.
- Direction 18 - relates to revisions to the truwana - Cape Barren Island and Outer Islands Particular Purpose Zone and an explanation of the changes.
- Direction 19 - provides a response to the site-specific qualification that seeks to obtain access to the Vinegar Hill Lookout for land at Lady Barron and recommends removal of the subject provision following legal advice.
- Direction 20 provides support for a late submission to establish Site Specific Qualifications under the LPS for resource processing, general retail and hire at 768 Big River Road, Loccota.
- Direction 21 provides support for the Low Density Residential zone at 270 Palana Road, Whitemark, in response to a late submission from the owner that was allowed by the Commission.

Further details on the response to each direction is provided in the attached report annexure 14.1.1.

## **STATUTORY REQUIREMENT**

*Land Use Planning and Approvals Act 1993*

Following the response to representations received during exhibition of the Draft LPS, the Commission held public hearings into the LPS itself and the representations that were received under Section 35H of the Land Use Planning and Approvals Act 1993.

The directions that are the subject of this report resulted from that process and require a response to the Commission by 15 March.

## **POLICY/STRATEGIC IMPLICATIONS**

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

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

## **BUDGET AND FINANCIAL IMPLICATIONS**

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

## **RISK/LIABILITY**

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

A recommendation is provided to deal with changes to the Section 35F Report.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

The Planning Authority endorse Annexure 14.1.1, FLI LPS Response Report to Directions, Post Hearing Directions February 2022.

## **DECISION**

**50.03.2022 Moved: Cr P Rhodes    Seconded: Deputy Mayor D Williams**

**The Planning Authority endorse Annexure 14.1.1, FLI LPS Response Report to Directions, Post Hearing Directions February 2022.**

## **CARRIED UNANIMOUSLY (3-0)**

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

*Noted: Deputy Mayor D Williams like to thank Mick and Jacci for all the work they have put in, Council have done all they can it's been a long hard process, but we are now approaching the end. Thank you in favour.  
Annie, thank you all it's been an enormous task, Mick and Jacci have worked very well together and for Council, thank you.*

*Councillor Vanessa Grace re-joined the meeting at 2.27pm.*

## 14.2 DEVELOPMENT APPLICATION

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Pavla Miller
<b>Officer</b>	Jacci Smith – Development Services Coordinator
<b>File Reference</b>	DA2022011
<b>Annexures</b>	14.2.1 <i>Site Plan</i> 14.2.2 <i>Shed plans and elevations</i> 14.2.3 <i>Representation to DA2022011</i>

### INTRODUCTION

The proposal is for a shed 8m x 4.5m with an apex height of 2.87m. This shed is proposed 10m from the southern boundary and 5m from the western boundary.

### 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.

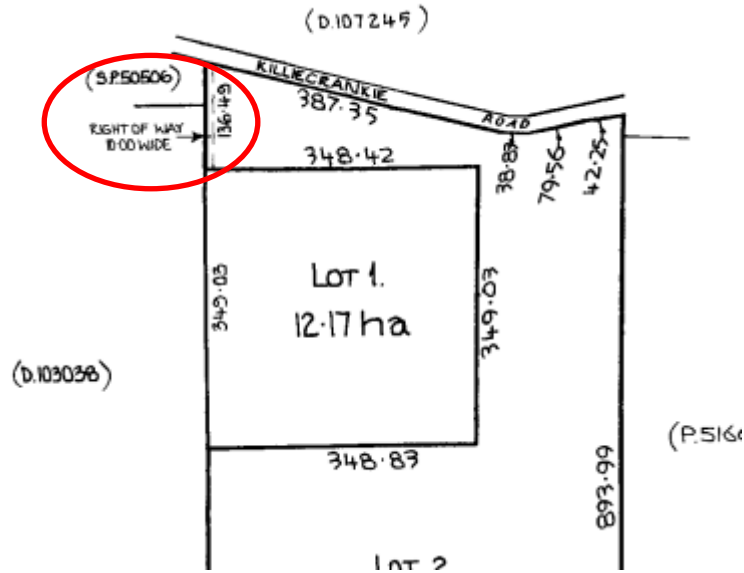
### BUDGET AND FINANCIAL IMPLICATIONS

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

## OFFICER'S REPORT

### SUBJECT SITE AND SURROUNDING AREA

The subject site is located at 373 Killiecrankie Road. It is a landlocked title with access from Killiecrankie Road via a right of way over 375 Killiecrankie Road.

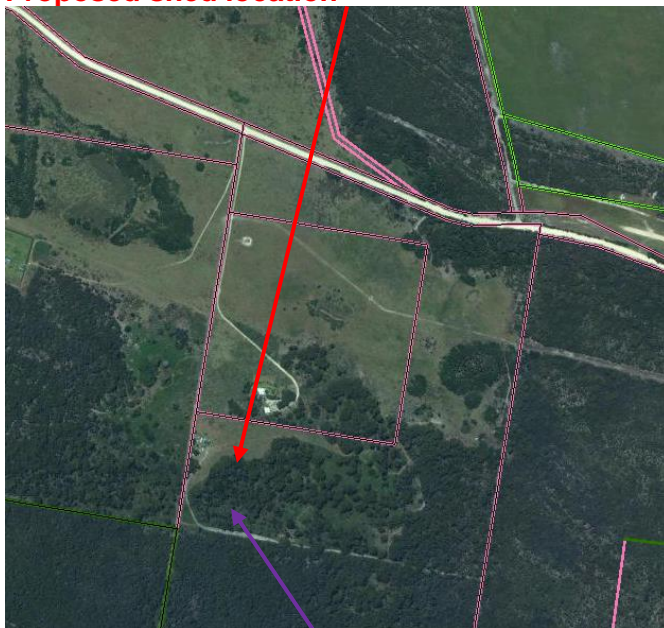


The surrounds are larger lots – some vacant and others with houses and outbuildings. The development density in the area is very low.

### THE PROPOSAL

The proposal is for a shed 8m x 4.5m with an apex height of 2.87m. This shed is proposed 10m from the southern boundary and 5m from the western boundary.

#### Proposed shed location



Representor's house



### 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.

Issued raised	Officer comments
<p>Location of the proposed shed will impact on the views from the house, privacy and property value.</p> <p>There is ample space on the subject site to locate this shed.</p>	<p>The representor's house is approx. 40m from the shared boundary with the subject site. The proposed shed is setback 10m from this boundary – resulting in at least 50m separation between the 2 buildings. The land slopes from the representor's house towards Killiecrankie Road, further minimising any potential impact.</p> <p>There is no protection of views in the planning scheme.</p> <p>The proposal has been assessed against the planning scheme requirements and was found to be acceptable and in compliance.</p> <p>Other issues raised by the representor are civil matters between neighbours and not planning matters.</p>

## 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.

#### 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 comment: The proposal is for a shed measuring 8m x 4.5m with an apex height of 2.87m. This shed will be clad in Colorbond – Monument (dark grey) walls with Eucalyptus (Moss green) roof. The proposal is setback from boundaries less than the 20m required. The shed is setback 10m from the southern boundary it shares with the representor and 10m from the western boundary. The proposed shed is setback at least 50m from the adjoining house that is slightly elevated from the subject site. It is not considered that this location will have any impact on the adjoining amenity as a result of overlooking or over shadowing. The proposed external cladding is non-reflective materials and colours that harmonise with the natural landscape.**

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

## **PART 6:- USES AND DEVELOPMENT PRINCIPLES**

### **6.1 USE**

Principles		Complies	Not Applicable
A	Use or development shall not unreasonably impact on any existing or intended use of development of neighbouring land	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B	Subdivision of land shall be carried out in accordance with the subdivision provisions for the zone within which the land is located or where that is not appropriate in accordance with: <ul style="list-style-type: none"> <li>i. the requirements of the intended use, and</li> <li>ii. the Zone Intent, or alternatively by</li> <li>iii. an approved Development Plan that has been adopted by Council and inserted as a provision in the Scheme.</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C	Residential Zones shall be protected from encroachment by incompatible use or development.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D	Rural Industrial operations shall be appropriately located and designed to avoid any detrimental effects on neighbouring land use or development, particularly in respect of atmospheric emissions, solid waste disposal and water pollution, soil erosion, noise or visual quality.	<input 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 proposed shed is setback 10m from the shared boundary and more than 50m from the existing house on the adjoining property – this separation is**



**not considered to have any unreasonable impact on the existing or future use of this property.**

## 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 type="checkbox"/>	<input checked="" type="checkbox"/>
E	Where trees are an important element in the character of an area they should be retained.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F	Signs shall be consistent in type, scale and location, with the intention of the zone, the streetscape and the building or structure on which they are positioned or to which they otherwise relate.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
G	Forestry use or development, particularly plantations, shall be appropriately sited and planned to protect the visual quality and character of the countryside generally, and from important viewing locations in particular.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Officer comments: The proposed shed is setback more than 450m from Killiecrankie Road. The surrounding area is zoned Rural and current development is at a very low density. The shed is also setback 10m from the boundary it shares with 375 Killiecrankie Road and more than 50m from the existing house on this neighbouring property. The external cladding is Colorbond in muted colours. The proposal is therefore considered to adequately respect the character of the surrounds and the current and future neighbouring use and development.**

### 6.3 AMENITY

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

**Officer comments: the subject site measures 12.17ha and contains a 140m<sup>2</sup> house and 80m<sup>2</sup> garage. This together with the proposed shed results in a coverage of less than 1% leaving ample land area for private open space.**

### 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	<p>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.</p> <p>i. Lands subject to flood risk are those subject to a greater than one in a 100 year flood interval (1% probability), and land, the natural surface level of which is below 3 metres Australian Height Datum (AHD); and</p> <p>ii. Land which comprises soils of known or suspected instability, has a slope greater than 1 in 4, or is filled or reclaimed land, are deemed to constitute an unstable land hazard; and</p> <p>iii. Use and development in bushfire prone areas will comply with the provisions of Schedule 7 Development</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	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 type="checkbox"/>	<input checked="" type="checkbox"/>
G	Use of land in the vicinity of those watercourses identified in Schedule 3 shall provide Riparian Reserves in an appropriate location and form.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Officer comments: the proposal does not require any significant vegetation removal and as such is not considered to detrimentally impact on the environment.**

## 6.5 HERITAGE

	Principles	Complies	Not Applicable
A	Use or Development shall be undertaken in areas and in a manner which conserves items, sites, areas and customs of historic and cultural value.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B	Any Use or Development carried out on or in the vicinity of an item, site, area, feature or customary activity (including Aboriginal sites and	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	shipwrecks) or conservation value, shall adequately respect its historic and cultural integrity.		
C	The protection and conservation of items, sites, areas, features and customary activities of historic and cultural importance applies to those previously identified and listed in the Scheme, and those which subsequently become known to Council.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D	Where an item, site, area, feature or customary activity has or may have historic or cultural importance, Council may require a Statement of Cultural Significance to be prepared.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E	Use or development shall be carried out in accordance with the principles and practices of the <i>Burra Charter</i> .	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F	Use or Development involving any historic building or group of buildings shall adequately respect the design and construction elements of the building(s) and particularly the relationship of spaces, orientation, form, mass, scale, fenestration, detailing, style, materials and colour.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
G	Areas of identified conservation value, including National Parks and Nature Reserves, shall be protected from inappropriate use or development and detrimental land management practices including land clearance, within such areas and adjacent areas outside them.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

## 6.6 ACCESS AND PARKING

	Principles	Complies	Not Applicable
A	Areas of identified conservation value, including National Parks and Nature Reserves, shall be protected from inappropriate use or development and detrimental land management practices including land clearance, within such areas and adjacent areas outside them.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B	All Use or Development shall provide satisfactory pedestrian and vehicular access which is suited to the volume and needs of future users.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C	Buildings and spaces intended for public access shall provide for satisfactory use and access by the disabled; the requirements of the Building Regulations in relation to AS1428.1-1988 shall be met.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D	Road widths shall be appropriate to the road function, expected traffic type and volume, and future subdivision potential of the subject and surrounding land.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E	Footpaths shall normally be required in areas of new subdivision except where low vehicle traffic volumes are anticipated, in which case a footpath one side only or no footpath may be appropriate.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F	Road intersections shall be kept to a minimum with the use of existing roads, service roads and/or shared driveways being encouraged where appropriate.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
G	Intersections of roads, footpaths and foot crossings and driveways shall provide adequate safety for all users and shall satisfy the relevant requirements of Schedule 4.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

H	New Use or Development shall provide a suitably constructed driveway of a width to provide for the safe ingress and egress of the anticipated volume of traffic associated with the Use or Development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I	New Use or Development shall provide adequate car parking to provide for the demand it generates and shall be capable of being safely accessed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
J	<ul style="list-style-type: none"> <li>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.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
K	New Use or Development in Bushfire Prone Areas will require access that complies with the provisions of Schedule 7, Development in Bushfire Prone Areas.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Officer comments: the proposal is for an outbuilding only. This is located away from the existing house and driveway. There is ample space on the site to provide for driveway access to this shed, should vehicle access be required. This proposed shed does not impact on the existing access, driveway, car parking and manoeuvring on site.**

## 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 type="checkbox"/>	<input checked="" type="checkbox"/>
D	Use or Development in the bushfire prone areas will provide fire protection features and water supplies which comply with Schedule 7.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E	Use or Development shall be appropriately sited, designed and constructed to avoid conflict with service mains (including telephone, power, sewer, water and irrigation channels/pipelines). Buildings shall not be erected over any service main or within any easement providing for same whether utilised or not.	<input 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 checked="" type="checkbox"/>	<input 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 proposal is for a shed only. This shed has no amenities and no connection to any services are required.**

### 6.8 SOCIAL INTEREST

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

**Officer comments: the proposal is for an outbuilding in addition to an existing house. The existing house has access to all the social facilities and services on the Island.**

### 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"> <li>i. The intended use for the land for which the Development Plan has been created;</li> <li>ii. The reason(s) for selection of the area;</li> <li>iii. A map showing clearly the area subject to the Development Plan showing principal physical features, including existing use or development, hills/slopes, trees, watercourses and existing services buildings and improvements;</li> <li>iv. The nature, form and capacity of proposed services including water, sewerage disposal, power, telephone, roads, footways and reserves;</li> <li>v. A plan of subdivision with proposed staging showing lot sizes and layouts, building envelopes where appropriate, and physical features intended to be conserved;</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	vi. Any special provisions to be used to control land use and development in the area (eg. height, form, character, materials, colours etc.); vii. Any other provisions intended to secure the intention of the Plan.  A Development Plan shall be incorporated into the Scheme by way of a Scheme amendment in accordance with the Act.		
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**Officer comments: the proposal is for an outbuilding only. There is no requirement for any additional provision and/or maintenance of services.**

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

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

**Officer comments: N/A**

### **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 type="checkbox"/>	<input checked="" type="checkbox"/>
Schedule 4 – Roads	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schedule 5 – Signs	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schedule 6 - Telecommunications Infrastructure Schedule	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schedule 7 - Development in Bushfire Prone Areas	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schedule 8 - North East River Development Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Officer comments: N/A**

## **OFFICER RECOMMENDATION**

That the application for an outbuilding/shed in the Rural Zone, by Pavla Miller for land located at 373 Killiecrankie Road, Killiecrankie (Lot 1 on Plan 112866) be **APPROVED** subject to the following conditions:

## **ENDORSED PLANS**

1. The use and/or development must be carried out as shown on the endorsed plans – site plan by applicant and shed plans by Wide Span Sheds dated 02/02/22 Ref # FC2201209-2 to the satisfaction of the Council. Any other proposed development and/or use will require a separate application to and assessment by the Council.

## **USE OF OUTBUILDINGS**

1. The use of the outbuilding is not permitted for human habitation and is limited to storage and related rural activities only.

## **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 DA2022011. 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 Tasmanian Civil and Administrative 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 Tasmanian Civil and Administrative 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 Tasmanian Civil and Administrative Tribunal website [www.tascat.tas.gov.au](http://www.tascat.tas.gov.au)

### **Permit Commencement.**

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

### **Aboriginal Heritage**

- H. If any Aboriginal relics are uncovered during works;
- a) All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,
  - b) The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: **(03) 6233 6613** or **1300 135 513** (ask for Aboriginal Heritage Tasmania) Fax: **(03) 6233 5555** Email: [aboriginal@heritage.tas.gov.au](mailto:aboriginal@heritage.tas.gov.au); and the relevant approval processes will apply with state and federal government agencies.

### **Movd VG**

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

**Motion lapsed**

### **DECISION**

**51.03.2022 Moved: Deputy Mayor D Williams      Seconded: Cr P Rhodes**

**That the application for an outbuilding/shed in the Rural Zone, by Pavla Miller for land located at 373 Killiecrankie Road, Killiecrankie (Lot 1 on Plan 112866) be APPROVED subject to the following conditions:**

### **ENDORSED PLANS**

1. **The use and/or development must be carried out as shown on the endorsed plans – site plan by applicant and shed plans by Wide Span Sheds dated 02/02/22 Ref # FC2201209-2 to the satisfaction of the Council. Any other proposed development and/or use will require a separate application to and assessment by the Council.**

### **USE OF OUTBUILDINGS**

1. **The use of the outbuilding is not permitted for human habitation and is limited to storage and related rural activities only.**

### **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 DA2022011. 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 Tasmanian Civil and Administrative 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 Tasmanian Civil and Administrative 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 Tasmanian Civil and Administrative Tribunal website [www.tascat.tas.gov.au](http://www.tascat.tas.gov.au)**

**Permit Commencement.**

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

**Aboriginal Heritage**

- H. If any Aboriginal relics are uncovered during works;**
- a) All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,
  - b) The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania) Fax: (03) 6233 5555 Email: [aboriginal@heritage.tas.gov.au](mailto:aboriginal@heritage.tas.gov.au); and the relevant approval processes will apply with state and federal government agencies.

**CARRIED UNANIMOUSLY (4-0)**

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

***Council concludes its meeting as a Planning Authority under Section 25 of the Local Government (Meeting Procedures) Regulations 2015 at 2.30 pm.***

*Deputy Mayor D Williams left the meeting at 2:30pm.*

**MOTION**

**52.03.2022 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 this item.**

**CARRIED UNANIMOUSLY (3-0)**

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

*Mayor A Revie passed the chair to Councillor P Rhodes at 2.40pm.*

## 14.3 APPLICATION FOR COUNCIL TO ASSUME RESPONSIBILITY OF ROAD

<b>Action</b>	<b>Decision / Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Jacci Smith – Development Services Coordinator
<b>File Reference</b>	Riddle subdivision – Badger Corner
<b>Annexures</b>	14.3.1 Folio 144173 – Survey notes 14.3.2 Folio 163880 – Final Plan

### INTRODUCTION

The land referenced in this matter is at Badger Corner and located towards the top of Badger Corner Road – see below:

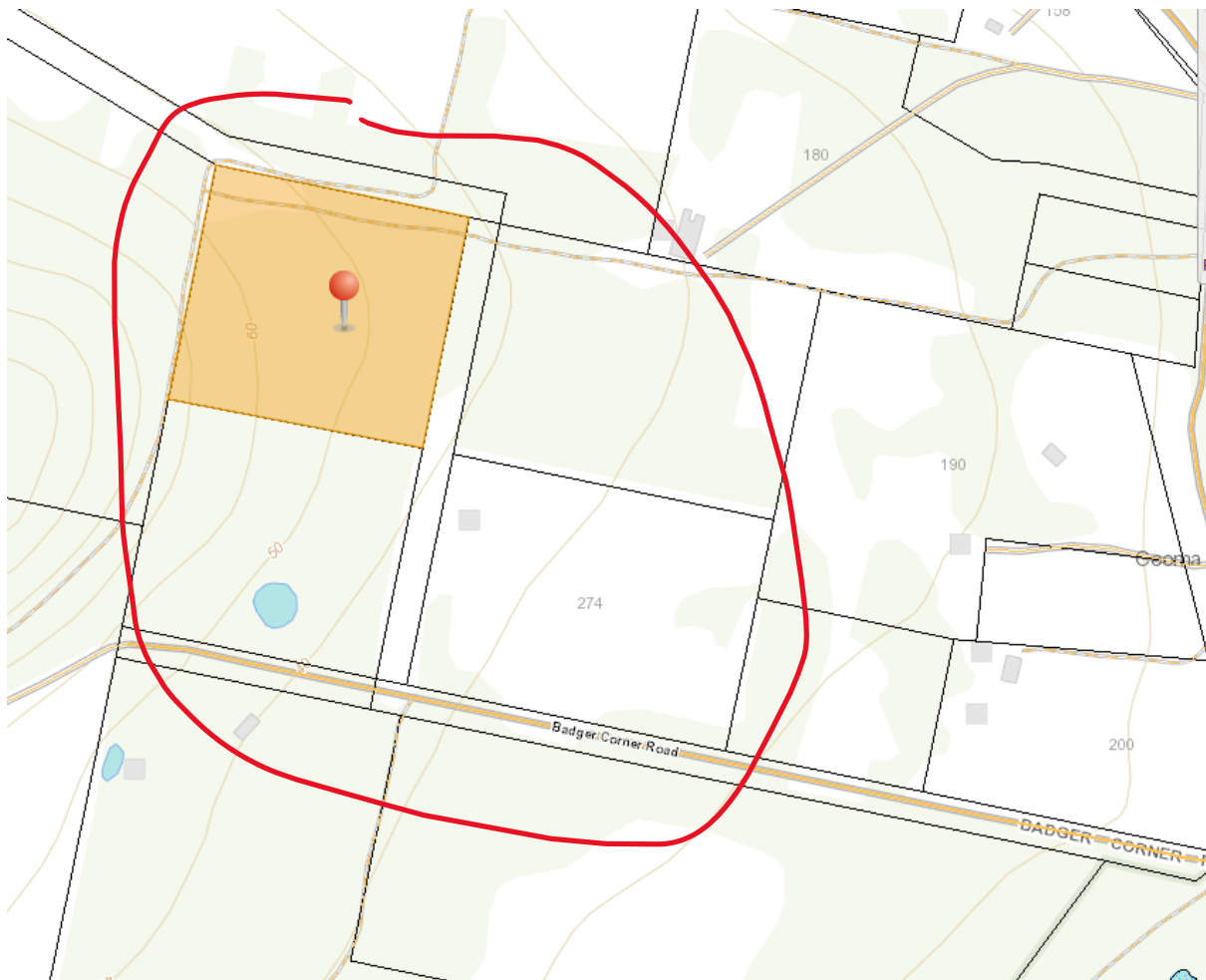


Figure 1

Note that there are 4 titles that lay either side of a road reserve. Council are responsible for Badger Corner Road and this is shown where the road centreline is marked and the road name appears.

The highlighted land has been recently sold and it is the original landowner and the new land owner that have put the request to Council to consider taking over the maintenance and ownership of the reserved road.

The lots closest to Badger Corner Road (the southernmost lots) were created under folio 144173. The survey notes, dated 2004, included notation of the reserved road at 20.168m

wide. The northern most lots were established under folio 163880 and the final plan denotes the reserved road at 20.17m wide. These documents are attached for reference.

The original subdivider of the land appeared to be aware of the reserve road and its status as a parcel of Crown Land and had sought agreement from Crown (Parks) to be granted legal authority over the road.

The purchaser of the land was unaware of the status of the road and is seeking re-classification of the road status from Council.

#### **PREVIOUS COUNCIL CONSIDERATION**

Nil

#### **PREVIOUS COUNCIL DISCUSSION**

Workshop of January 2022

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

Council officers met with the original landowners who had questions around the deed they had been provided by Crown Land Services with regard to the road. As owners of the land, they explained that they were aware of the status of the reserve road and had received an offer of a long-term deed over the land. Council officers were unable to provide a lot of advice on the matter as it seemed to be a legal matter regarding Crown Land.

A follow up meeting occurred with the original landowners and also a purchaser of one of the lots (shown highlighted in Figure 1) who explained that he was the purchaser of the lot on the subdivision plan noted to officers in the initial meeting. He expressed that Council should take over the road so that he and other road users do not have to assume responsibility or deal with Crown Land Services/Parks on the matter. It was explained, at the meeting, that this is a decision for Council and if they would wish to make an application to Council, it would be put forward for a decision.

#### **STATUTORY REQUIREMENT**

Nil

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

Nil

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

Dependent upon outcome. Road is approximately 300m long and 20m wide and is estimated to cost approximately \$15,000 to develop as a gravel surface.

#### **RISK/LIABILITY**

Council would incur standard risk and liability associated with other roads if the road were to be added to the road asset register.

#### **VOTING REQUIREMENTS**

Simple

#### **RECOMMENDATION**

That Council provide a decision with regard to agreement, or otherwise, of adding the section of road, 300m long, off Badger Corner Road, to the road asset register.

#### **DECISION**

**53.02.2022 Moved: Mayor A Revie**

**Seconded: Cr V Grace**

**That Council do not add the section of road, 300m long, off Badger Corner Road, to the road asset register.**

**CARRIED (2-1)**

**For: Mayor A Revie, and Cr V Grace.**

**Against: Cr P Rhodes.**

Note: This decision was made, based on the existing access and the availability to acquire access, for current landowners.

*Councillor P Rhodes passed the Chair back to Mayor Annie Revie at 2.42pm.*

*Deputy Mayor David Williams re-joined the meeting at 2.42pm.*

## 14.4 DEVELOPMENT APPLICATION REPORT

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Jacci Smith   Development Services Coordinator
<b>File Reference</b>	PLN/0105
<b>Annexures</b>	14.4.1 Planning Department Information Report – February 2022

### INTRODUCTION

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

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

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

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

### PREVIOUS COUNCIL CONSIDERATION

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

### OFFICER'S REPORT

Refer to Annexure 14.4.1, Planning Department Information Report – February 2022.

### VOTING REQUIREMENTS

Simple Majority

### RECOMMENDATION

That the Planning Department Information Report – February 2022 be received.

### DECISION

54.03.2022 Moved: Cr P Rhodes

Seconded: Cr V Grace

That the Planning Department Information Report – February 2022 be received.

**CARRIED UNANIMOUSLY (4-0)**

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

Jacci left meeting at 2.44pm

# 15. INFRASTRUCTURE AND AIRPORT

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## 15.1 INFRASTRUCTURE AND AIRPORT REPORT

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Chris Wilson   Manager Infrastructure and Airport
<b>File References</b>	WOR/3000
<b>Annexures</b>	<i>15.1.1 Manager Infrastructure and Airport Report – February 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 Infrastructure and Airport Report – February 2022 be received and accepted by Council.

### DECISION

**55.03.2022 Moved: Cr P Rhodes    Seconded: Deputy Mayor D Williams**

**That the Infrastructure and Airport Report – February 2022 be received and accepted by Council.**

**CARRIED UNANIMOUSLY (4-0)**

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



## 16. GOVERNANCE

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### 16.1 DOG MANAGEMENT POLICY & CODE OF RESPONSIBLE DOG OWNERSHIP

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	ANI/0204 ADM/0900
<b>Annexures</b>	16.1.1 Dog Management Policy 16.1.1 CS3-C Code for Responsible Dog Ownership

#### 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

218.05.2008 15 May 2008  
398.01.2012 17 January 2012  
399.01.2012 17 January 2012  
446.02.2013 21 February 2013  
198.08.2016 18 August 2016  
237.10.2016 20 October 2016

#### PREVIOUS COUNCIL DISCUSSION

3 August 2021 Council Workshop

#### OFFICER'S REPORT

The Dog Management Policy has been reviewed through a Councillor Workshop and by relevant staff members. The 'Code for Responsible Dog Ownership' required by the Act has also been reviewed and is a separate document which is also presented for consideration.

#### STATUTORY REQUIREMENT

*Local Government Act 1993*

#### POLICY/STRATEGIC IMPLICATIONS

#### RISK/LIABILITY

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

#### VOTING REQUIREMENTS

Simple Majority

#### RECOMMENDATION

That Council adopts the amended Dog Management Policy and CS3-C Code for Responsible Dog Ownership and allows it to lay on the table for 28 days for public comment.

#### DECISION

**56.03.2022 Moved: Cr V Grace      Seconded: Cr P Rhodes**

**That Council adopts the amended Dog Management Policy and CS3-C Code for Responsible Dog Ownership and allows it to lay on the table for 28 days for public comment.**

**CARRIED (3-1)**

**For: Mayor A Revie, Deputy Mayor D Williams and Cr V Grace.**

**Against: P Rhodes.**

## 16.2 RESCIND COUNCILLOR COMMITTEE REPRESENTATIVE PROCEDURE

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	GOV/1100
<b>Annexures</b>	16.2.1 Councillor Committee Representative Procedure

### 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. The Councillor Committee Representative Procedure is not required by legislation and was introduced in December 2016 to provide guidelines by which Councillor Committee representation is undertaken. Council has representation on several different types of committees and a procedure was written so that all Councillor Committee Representatives know what Council expects of them in this role.

### PREVIOUS COUNCIL CONSIDERATION

1 Feb 2022                      Council Workshop

### PREVIOUS COUNCIL DECISION

326.12.2016                      15 December 2016

### OFFICER'S REPORT

This procedure was developed to define Council's expectations of Councillor Committee Representatives whilst participating in different types of committees and organisations. The procedure explains expected meeting and reporting procedure, to keep fellow Councillors and the Council informed of committee activity and the process to follow when bringing committee recommendations to Council for consideration. This information is also outlined in the Special Committees of Council Policy, and Procedure adopted by Council in October 2010 as well as Special Committee Terms of Reference.

Council has a policy that states that policies and procedures 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 this procedure to be no longer required. This is due to the duplication of information also contained in the Special Committees of Council Policy, Procedure and Special Committee Terms of Reference as well as Councillors clear understanding of their expectations, when performing roles as Committee Representatives.

Therefore, I recommend Council rescinds the above procedure.

### STATUTORY REQUIREMENT

*Local Government Act 1993*

Local Government (General) Regulations 2015

### POLICY/STRATEGIC IMPLICATIONS

Nil

### RISK/LIABILITY

Rescinding this procedure will not expose Council to risk in these areas.

### VOTING REQUIREMENTS

Simple Majority

### RECOMMENDATION

That Council rescinds the Councillor Committee Representative Procedure.

### DECISION

**57.03.2022 Moved: Cr V Grace                      Seconded: Deputy Mayor D Williams**  
**That Council rescinds the Councillor Committee Representative Procedure.**

**CARRIED UNANIMOUSLY (4-0)**

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

## 16.3 AMEND ANNUAL PLAN 2021-22

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Chris Wilson   Infrastructure and Airport Manager
<b>File Reference</b>	ADM/0200
<b>Annexures</b>	16.3.1 <i>Annual Plan 2021-22 Amended</i> 16.3.2 <i>Financial Quarter 2 Report 31 December 2021 v5</i>

### INTRODUCTION

Section 71 of the *Local Government Act 1993* requires Council to prepare an Annual Plan for the municipal area each financial year. An Annual Plan is to be consistent with the Strategic Plan and include a statement of the manner which Council is to meet the goals and objectives of the Strategic Plan. A summary of the major strategies to be used in relation to its public health goals and objectives, is also required. The Flinders Council Annual Plan 2021-22 was adopted at the Ordinary Council Meeting held 15<sup>th</sup> of June 2021.

### PREVIOUS COUNCIL CONSIDERATION

Nil

### PREVIOUS COUNCIL DISCUSSION

1 March 2022                  Council Workshop

### OFFICER'S REPORT

The Annual Plan is the document upon which Council's operations and service delivery will be based for 2021-22. The Plan sets out actions, tasks, and projects to be undertaken in the year ahead and how these relate to Council's Strategic Plan.

Of utmost importance is that this document forms part of the budget process. The Annual Plan identifies Council's significant service delivery activities and provides the link between the budget, strategic objectives, and measurement tools to track achievements towards these outputs.

The 2021-22 year will see Council continue to provide cost-effective and community-focused service provision, combined with the development and implementation of important strategic documents to guide the Council, Community, and service provision in the years ahead.

Council has a statutory requirement to align its services and operations with a Strategic Plan. This Plan is critical to ensuring that the goals and aspirations of the Municipality are considered when Council sets its annual priorities, operational plans, and budget allocations.

It is proposed to continue with the re-sheeting programme, though some of the roads may be done as rip-and-reform rather than re-sheeting and stop any further bitumen resealing and put the remaining funds plus funds from the sealed road and unsealed road maintenance budgets towards repairing approximately 1,000sq.m of the sunken soft areas on:

- Palana Rd between Emita and Flinders Airport;
- Memana Rd between Palana Rd and Lackrana Rd;
- Lackrana Rd between Memana Rd and Lady Barron Rd.

After inspecting the three roads, approximately 3,500sq.m of repairs were identified. However, priority would be given to the areas on Pickford Hill on Palana Rd; the section of road over the ranges on Memana Rd; the areas on Survey Hill on Lackrana Rd; and sections of road on blind crests or corners.

In accordance with Council's 2021-22 Annual Plan, the following work has been completed or will be completed by the end of May 2022:

- Completed resealing 900m of Memana Rd from the landfill entrance to just short of Walker's Hill lookout road.
- Completed resheeting 1km on Palana Rd northwards from the Killiecrankie transfer station; two 400m sections on Coast Rd; a 400m section on Trousers Point Rd.
- Planning to complete 500m sections on West End Rd, Killiecrankie Rd, North-East River Rd, and Fairhaven Rd.

It is proposed that Council does not do any more resealing work on Memana Rd, and that the savings are put towards this proposed repair work project.

Council does not have any capacity to undertake this proposed repair work, or even a small percentage of the work, and still complete the normal daily maintenance that is required.

Council has previously engaged companies who undertake this type of construction work, primarily for work on Lady Barron Rd on behalf of State Growth.

Officers have sourced a quotation from Stabilised Pavements Australia (SPA). SPA is the company that has the contract to stabilise and bitumen seal a section of Palana Road from Fairhaven Road to Five Mile Jim Road (the Palana Road Project).

SPA is a company that specialises in stabilising road pavements and the proposed work is the kind of specialised work that they would be able to complete. Effectively, the proposed work is a miniature version of what they are doing on Palana Road Project.

Due to the time constraints and with the company already being on the island, it is recommended that Council accept the quotation from SPA to undertake this work. The company would be able to commence work mid-April and have it completed by the end of May. As per Council's code for tenders and contracts, 2.2 Non-Application of the Tender Process and in accordance with Part 3, Division 1, S.27 of the *Local Government (General) Regulations 2015*, the requirement for public tendering does not apply to the following circumstances: part (i) A contract for goods or services if the Council resolves by absolute majority and states the reasons for the decision, that a satisfactory result would not be achieved by inviting tenders because of: (i) extenuating circumstances; or (ii) the remoteness of the locality; or (iii) the unavailability of competitive or reliable tenderers.

In the circumstances, the proposed contractor was successful in winning the stabilisation and sealing of the Palana Road project. The contractor has also been engaged by State Growth to undertake identical work on Lady Barron Road, that constitutes part of this proposal. The contractor has already mobilised to the Island and will be able to start this work in mid-April. Considering Council has recently been to tender for the Palana Road sealing contract, there is no obvious advantage in putting a new tender out for this proposed work. When Council tendered for the Palana Road Project, it received two submissions and this was for substantially more work than is currently being proposed. It is considered unlikely that additional companies would tender for this work in the current post-COVID-19 economic climate and concomitant development and construction boom. Considering all the above, it is recommended that Council accept the quotation rates from SPA to undertake the proposed work.

Council's Annual Plan 2021-22 (pg.22) includes the following item:  
Roads – Resealing 1.5km (\$87,000). Memana Rd 1.5km

It is recommended that the Annual Plan 2021-22 be amended to read:  
Roads – Resealing 0.9km (\$17,000). Memana Rd 0.9km

As stated above, the balance of the costs to do the work would come from the potential savings in the sealed road and unsealed road maintenance and capital budgets.

Account	Budget 000's	YTD 000's	Yet to spend 000's	EOY Balance 000's
<b><u>Operational Expenditure</u></b>				
Roads & Streets	\$833	\$273	\$267	\$293
<b><u>Capital Expenditure</u></b>				
Resheeting	\$270	\$18	\$252	\$0
Resealing	\$87	\$17	\$3	<u>\$67</u>
Potential Savings				\$360
Approximately 1,000sq.m of sunken soft areas on: Palana Rd, Memana Rd, and Lackrana Rd.				\$360,000

## **STATUTORY REQUIREMENT**

*Local Government Act 1993*

## **POLICY/STRATEGIC IMPLICATIONS**

Nil.

## **BUDGET AND FINANCIAL IMPLICATIONS**

Nil, the proposed work will require a reallocation of existing funds within Council's 2021-22 Budget.

## **RISK/LIABILITY**

No unforeseen risks based on the adoption of the Amended Annual Plan 2021-22.

## **VOTING REQUIREMENTS**

Simple Majority recommendations 1-3

Absolute Majority recommendations 4-5

## **RECOMMENDATION**

That Council:

1. Receives and adopts the amended Flinders Council Annual Plan 2021-22 and authorises the General Manager to make a copy of the Amended Annual Plan available for public inspection at the Council office during ordinary business hours.
2. Provide the Director of Local Government and the Director of Public Health with a copy of the Annual Plan.
3. Authorises the General Manager to amend Council's 2021-22 annual budget to reflect the approved works and amendments to Flinders Council Annual Plan 2021-22.
4. In accordance with Part 3, Division 1, S.27 of the *Local Government (General) Regulations 2015*, approves the non-application of the tender process requirement for public tendering due to the following circumstances: that a satisfactory result would not be achieved by inviting tenders because of: (i) extenuating circumstances; and (ii) the remoteness of the locality; and (iii) the unavailability of competitive or reliable tenderers for the following reasons:
  - a) The proposed contractor was successful in winning the stabilisation and sealing of Palana Road project.

- b) The contractor has also been engaged by State Growth to undertake identical work on Lady Barron Road, that constitutes part of this proposal.
  - c) The contractor has already mobilised to the Island and will be able to start this work in mid-April.
  - d) Council has already been to tender and there is no obvious advantage in putting this work out to further tender.
  - e) When Council tendered for Palana Road, it received two submissions and this was for substantially more work than is being proposed.
  - f) It is considered unlikely that additional companies would tender for this work in the current post-COVID-19 economic climate and concomitant development and construction boom.
5. Authorises the General Manager to accept the quotation and unit rates received from Stabilised Pavements Australia to undertake the bitumen reinstatement work on Palana Rd, Memana Rd, and Lackrana Rd up to a maximum value of \$360,000 GST exclusive.

## **DECISION**

**58.03.2022 Moved: Cr V Grace**

**Seconded: Cr P Rhodes**

**That Council:**

- 1. Receives and adopts the amended Flinders Council Annual Plan 2021-22 and authorises the General Manager to make a copy of the Amended Annual Plan available for public inspection at the Council office during ordinary business hours.**
- 2. Provide the Director of Local Government and the Director of Public Health with a copy of the Annual Plan.**
- 3. Authorises the General Manager to amend Council's 2021-22 annual budget to reflect the approved works and amendments to Flinders Council Annual Plan 2021-22.**

**CARRIED UNANIMOUSLY (4-0)**

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

- 4. In accordance with Part 3, Division 1, S.27 of the *Local Government (General) Regulations 2015*, approves the non-application of the tender process requirement for public tendering due to the following circumstances: that a satisfactory result would not be achieved by inviting tenders because of: (i) extenuating circumstances; and (ii) the remoteness of the locality; and (iii) the unavailability of competitive or reliable tenderers for the following reasons:
 
  - a) The proposed contractor was successful in winning the stabilisation and sealing of Palana Road project.
  - b) The contractor has also been engaged by State Growth to undertake identical work on Lady Barron Road, that constitutes part of this proposal.
  - c) The contractor has already mobilised to the Island and will be able to start this work in mid-April.
  - d) Council has already been to tender and there is no obvious advantage in putting this work out to further tender.
  - e) When Council tendered for Palana Road, it received two submissions and this was for substantially more work than is being proposed.
  - f) It is considered unlikely that additional companies would tender for this work in the current post-COVID-19 economic climate and concomitant development and construction boom.**
- 5. Authorises the General Manager to accept the quotation and unit rates received from Stabilised Pavements Australia to undertake the bitumen reinstatement**



**work on Palana Rd, Memana Rd, and Lackrana Rd up to a maximum value of \$360,000 GST exclusive.**

**CARRIED UNANIMOUSLY (4-0)**

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

*Note: Councillor Vanessa Grace thanked Chris Wilson for all his work and ideas he's coming up with.*

## 16.4 LOCAL GOVERNMENT ASSOCIATION OF TASMANIA GENERAL MEETING

<b>Action</b>	<b>Decision</b>
<b>Proponent Officer</b>	Council Officer Warren Groves, General Manager
<b>File Reference</b>	COU/0303
<b>Associated Papers</b>	<i>16.4.1 Motion Break O'Day Council</i> <i>16.4.2 Break O'Day Agenda item - Differential Rate for Vacation Rental Properties</i>

### NOTICE OF MOTION

That Council notes the Local Government of Tasmania 18 March 2022 General Meeting motion and provides the Mayor / Proxy with direction in relation to the following Motion from Break O'Day Council see annexure 16.4.1.

- a) That LGAT lobby the state government for the amendment of legislation to enable Council to differentially rate vacation rental properties.

### 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 18<sup>th</sup> March. LGAT has sent to each Council, motions that have been identified by Tasmanian Councils and which will be put to the 18<sup>th</sup> 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

### **RECOMMENDATION**

That Council notes the Local Government of Tasmania 18 March 2022 General Meeting motion and provides the Mayor / Proxy with direction in relation to the following Motion from Break O'Day Council see annexure 16.4.1.

- a) That LGAT lobby the state government for the amendment of legislation to enable Council to differentially rate vacation rental properties.

### **DECSION**

**59.03.2022 Moved: Mayor Deputy D Williams**

**Seconded: Cr P Rhodes**

**That Council notes the Local Government of Tasmania 18 March 2022 General Meeting motion and provides the Mayor / Proxy with the direction to vote in favour of the following Motion from Break O'Day Council see annexure 16.4.1.**

- a) **That LGAT lobby the state government for the amendment of legislation to enable Council to differentially rate vacation rental properties.**

**CARRIED UNANIMOUSLY (4-0)**

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

## 16.5 COUNCILLOR RESOLUTION REPORT

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	GOV/0300
<b>Annexures</b>	16.5.1 Councillor Resolution Report March 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 16.5.1 – Councillor Resolution Report March 2022.

### VOTING REQUIREMENTS

Simple Majority

### RECOMMENDATION

That the Councillor Resolution Report March 2022 be noted.

### DECISION

60.03.2022 Moved: Cr P Rhodes                      Seconded: Cr V Grace

That the Councillor Resolution Report March 2022 be noted.

### CARRIED UNANIMOUSLY (4-0)

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

*Warren Groves and Chris Wilson left the meeting at 3.06pm.*

## 17. CLOSED COUNCIL

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### 17.1 REPORT TO BE RECEIVED - GENERAL MANAGER'S PERFORMANCE REVIEW COMMITTEE MINUTES

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

#### REASON FOR CLOSED COUNCIL

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

#### VOTING REQUIREMENTS

Absolute Majority

#### RECOMMENDATION

That Council moves into Closed Council.

#### DECISION

61.03.2022 Moved: Cr V Grace                      Seconded: Deputy Mayor D Williams  
That Council moves into Closed Council.

#### CARRIED UNANIMOUSLY (4-0)

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

*Council moved into Closed Session at 3.06pm*

*Council moved out of Closed Session at 3.14pm*

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

#### **"DECISION**

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

**62.03.2022 That the unconfirmed minutes of the General Manager's Performance Review Committee meeting held 10 March 2022 be noted.**

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

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

*Mayor Annie Revie declared the meeting closed at 3.14pm.*

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## MEETING CLOSED 3.14PM

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