



Agenda
Special Council Meeting
10 March 2023



CERTIFICATION


"I certify that with respect to all advice, information or recommendation provided to Council with this agenda:

1. The advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation, and;
2. Where any advice is given directly to Council by a person who does not have the required qualifications or experience that person has obtained and taken into account in that person's general advice the advice from an appropriately qualified or experienced person."

Note:

S65(1) of the Local Government Act 1993 requires the General Manager to ensure that any advice, information or recommendation given to the Council (or a Council Committee) is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation. S65(2) forbids Council from deciding any matter which requires the advice of a qualified person without considering that advice.

Dated this 7th day of March 2023.



Warren Groves
GENERAL MANAGER

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Flinders Council Special Meeting - Agenda

Friday 10 March 2023

Venue	Furneaux Arts and Entertainment Centre, Whitemark
Commencing	9.00 am
Attendees – Councillors	Mayor Rachel Summers Garry Blenkhorn Aaron Burke Carol Cox Peter Rhodes Ken Stockton
Apologies	Deputy Mayor Vanessa Grace
Attendees – Staff	Warren Groves General Manager Vicki Warden Executive Officer (Minute Taker) Chris Wilson Infrastructure Manager

1 ACKNOWLEDGMENT OF COUNTRY

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

2 DECLARATION OF PECUNIARY INTEREST

In accordance with Regulation 8 of the Local Government (Meeting Procedures) Regulations 2015, Councillors are required to declare any pecuniary interest that they, or any of their close associates, may have in any matter appearing on the agenda, or any supplementary item to the agenda, before any discussion on that matter.

3 CONFLICT OF INTEREST

In accordance with the Part 2, paragraph 6 of the Local Government (Model Code of Conduct) Order 2016, Councillors are required to declare any conflict of interest, be in actual, perceived or potential, that they may have regarding any matter appearing on the agenda, or any supplementary item to the agenda before any discussion on that matter commences.

4 GOVERNANCE

4.1 SAFE HARBOUR REDESIGN PROPOSAL

Action	Decision
Proponent	Council Officer
Officer	Warren Groves General Manager
File Reference	COM/0402, ASM/0200
Annexures	4.1.1 Option 1 Rock Wall with Additional Infrastructure 4.1.2 Option 2 Extended Rock Wall with No Infrastructure

INTRODUCTION

In the lead-up to the Federal Election in 2019, funding was promised for the development of the Flinders Island Marine Access and Safe Harbour Project. Due to the need to transfer part of this promised funding to the airport runway upgrade project, a modified Safe Harbour design was developed to fit the remaining funding of \$3million. To meet the grant application conditions, Council was required to undertake a substantial amount of work and incur substantial costs. In June 2021, this work was completed and the grant application for the modified Safe Harbour design was submitted.

Throughout this process, it became apparent that the original promised \$3million was insufficient to complete the project due to rising costs from COVID and time delays. As a result, Council successfully lobbied for an additional \$600,000.

On 24 October 2022, after a delay of 17 months, Council was notified that the grant application for \$3million was successful, however in order to include the additional funding amount of \$600,000, Council was required to submit a second grant application for the combined amount of \$3.6million. This was submitted on 15 December 2022.

On 2 February 2023, Council was provided with a draft funding deed (deed) for the project which must be approved and signed by Council before 28 April 2023 to ensure provision of funding. The other project parameters per the deed are that the project must be completed by 20 March 2025 and that construction outcomes are divided into five stages.

As a result of community and councillor concerns over changes to the original 'Burbury' design for the Safe Harbour project, Council sought further information from project Engineer Rod Neville, Managing Director of RARE Innovation.

PREVIOUS COUNCIL CONSIDERATION

57.02.2011	17 February 2011
120.04.2011	21 April 2011
128.04.2011	21 April 2011 Closed Council
598.07.2013	18 July 2013
232.09.2017	21 September 2017
300.12.2017	14 December 2017
292.10.2018	11 October 2018
33.02.2019	19 February 2019
76.03.2019	19 March 2019
77.03.2019	19 March 2019
88.03.2019	28 March 2019
117. 04.2019	16 April 2019
118.04.2019	16 April 2019
250.09.2019	17 September 2019
58.3.2020	24 March 2020

93.5.2020	19 May 2020
135.7.2020	28 July 2020
183.09.2020	22 September 2020
194.09.2020	29 September 2020 Special Council Meeting
249.12.2020	15 December 2020
102.6.2021	15 June 2021

PREVIOUS COUNCIL DISCUSSION

6 July 2017	Council Workshop
31 August 2017	Council Workshop
28 March 2019	Council Workshop
28 June 2019	Council Workshop
11 September 2019	Council Workshop
25 February 2020	Council Workshop
12 May 2020	Council Workshop
7 July 2020	Council Workshop
6 August 2020	Council Workshop
25 August 2020	Council Workshop
24 September 2020	Meeting with the Hon Bridget Archer MP
27 October 2020	Council Workshop
1 June 2021	Council Workshop
7 September 2021	Council Workshop
21 September 2021	Council Workshop
30 November 2021	Council Workshop
1 February 2022	Council Workshop
15 February 2022	Council Workshop
17 May 2022	Council Workshop
22 November 2022	Council Workshop
30 November 2022	Council Workshop
15 January 2023	Council Workshop (Bus Tour)
25 January 2023	Council Workshop
15 February 2023	Council Workshop
1 March 2023	Council Workshop

OFFICER'S REPORT

At the Council workshop of 1 March 2023, Mr Neville presented an abridged history of the project and outlined the technical data and methodology leading to the modified design submitted as part of the grant application – being the currently proposed alignment, shape and estimated length of the rock wall, as well as the double boat ramp, pontoon jetty and car park (Option 1).

Following lengthy discussions between Councillors and Mr Neville, Councillors requested a further option (Option 2) be developed where all proposed land-based infrastructure is removed from the project and the value of that infrastructure is added to the rock wall, in order to obtain a greater length of rock wall.

Councillors also discussed the opportunities for future second and potentially third stages of the project which could consist of a marina and/or boat ramp and jetty facilities being added to the rock wall footprint.

Councillors also requested that enquiries be made with the funding body about the ability of Council to delay the signing of the deed as well as options for changing the project parameters of the submitted grant application.

Enquiries since conducted with the funding body established that the deed signing date cannot be delayed. The funding body further advised that given the short time frame between the current date and the final deed signing date, there are only two alternatives available to Council:

1. Continue with the application as submitted and apply for a variation later. It was emphasised that there are no guarantees that any variation would be successful due to each application being assessed on its relative merits; or
2. Request a change of design with supporting costings, detailed designs and supporting data in a further application (re-application) in sufficient time to allow a re-assessment by the funding body and signing of the deed before 28 April 2023.

Mr Neville has since provided Council with two diagrams annexed to this report. Annexure 4.1.1 shows an image of the original Burbury rock wall alignment, the design submitted as part of the grant application (Option 1), and a proposed new alignment (Option 2) superimposed over each other. Annexure 4.1.2 is a slightly more detailed image of the Option 2 proposal. Note that the land-based infrastructure shown in the Annexure 4.1.2 diagram will not be included in this proposal. Both these diagrams are illustrations for comparative purposes only and are not intended to be designs.

STATUTORY REQUIREMENT

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS

2. Accessibility/Infrastructure and Services - Quality infrastructure and services for community benefit.
- 2.2 Safe and reliable air and sea access to the islands.
- 2.2.2 Engage with key stakeholders to support and improve commercial and community sea access.
- AP-1 Work with the State and Federal Governments to facilitate the Flinders Island Safe Harbour Project.

BUDGET AND FINANCIAL IMPLICATIONS

Whilst the current project is fully funded and has recently been costed to be achievable within the current grant, approximately \$130,000.00 of Council money has already been spent up to grant submission stage. It is understood that these costs are not reimbursable via the grant funding. Additionally, any maintenance and depreciation costs will be the ongoing responsibility of Council, whichever model is decided.

If a decision is made to change project parameters, additional detailed drawings, modelling and Geotechnical assessments may need to be conducted. Due to the time sensitive nature of this report, estimates of the cost of this work are not yet available. If these re-assessments are required, they will add further cost to the project which, as previously stated, will be at Council's expense.

The price of rock, especially if linked to potential time delays with the second option, may necessitate further efficiencies within the project (shorter wall) or further costs, especially if they push construction past the summer of 2023/2024 (most beneficial/preferred construction period).

RISK/LIABILITY

Option 1 - Rock wall with additional infrastructure is fully costed and based on detailed designs, data and construction methodology. The Early Contractor Involvement stage 1 contractor, if re-appointed, is comfortable with their level of risk in constructing the proposed facility.

In constructing this facility, Council would be adopting a significant asset onto its financial accounts with the attendant maintenance, siltation and depreciation liabilities.

The main risks associated with Option 2 - Extended rock wall with no infrastructure are largely related to the quite late potential changes identified and the inflexible status of the deed signing deadline. These risks relate to the likelihood of a variation being granted, time and cost to change the designs, modelling, costings, and construction methodology as well as potential construction delays leading to increased costs if the project is not constructed in the Summer of 23/24. The contractor's tolerance for their assessed level of risk in constructing the longer rock wall is a further potential risk.

The current project, Option 1, has been designed to meet the guidelines for 'good' wave climate. There is a risk that Option 2 may not be able to achieve this level of compliance and may only achieve a 'fair' wave climate.

If a change of design is required, TasPorts will need to re-assess the design, data, modelling, and siltation liability from their perspective. This will create a further time delay risk, and/or greater requirements to satisfy the siltation liability. Depending on the length of the delay, this may also lead to further cost increases.

Notwithstanding the above potential risks, a future sale or lease of the site has the potential to ameliorate the operating and maintenance costs of the facility to Council and the Community.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council approves a final plan for the construction of the Safe Harbour facility, from the two options provided by RARE:

- 1. The design submitted as part of the grant application, rock wall with additional land-based infrastructure, presented as Option 1 (Annexure 4.1.1).**

OR

- 2. The design for an extended rock wall with no land-based infrastructure, presented as Option 2 (Annexure 4.1.2).**

4.2 LOCAL GOVERNMENT ASSOCIATION OF TASMANIA GENERAL MEETING

Action	Decision
Proponent	Council Officer
Officer	Warren Groves General Manager
File Reference	COU/0303
Annexures	4.2.1 LGAT General Meeting Agenda 17.03.2023 (available on Councillor SharePoint)

INTRODUCTION

The Local Government Association of Tasmania (LGAT) General Meeting will be held on the 17 March 2023. The meeting's Agenda and attachments are available to elected members on Councillor SharePoint and can be accessed at the LGAT website at the following link: www.lgat.tas.gov.au/news-and-events/meetings/lgat-general-meetings

PREVIOUS COUNCIL CONSIDERATION

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

OFFICER'S REPORT

The LGAT General Meeting Agenda was released on Friday 3 March 2023, with the meeting being held 17 March 2023. As the Flinders Council March Ordinary Council meeting is scheduled for 22 March 2023, this item has been brought to this Special Council Meeting to consider the LGAT General Meeting Agenda.

There is one item for decision included in the LGAT General Meeting Agenda. As Council provides direction to the Mayor in relation to voting on this matter, this is a matter 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.

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 17 March 2023 General Meeting Agenda and provides the Mayor with direction in relation to the following item listed for a decision:

2.1	WORKPLACE HEALTH AND SAFETY REVIEW
	That Members discuss and confirm the proposed high level implementation plan for the workplace health and safety review of elected representatives and communicate the key components to their councils.

4.3 NOTICE OF MOTION – GENERAL MANAGER'S PERFORMANCE REVIEW COMMITTEE UPDATED TERMS OF REFERENCE

Action	Decision
Proponent	Mayor Rachel Summers
Officer	Not applicable
File Reference	PER/1500
Annexures	4.3.1 Previous General Manager's Performance Review Committee Terms of Reference 4.3.2 Proposed General Manager's Performance Review Committee Updated Terms of Reference

NOTICE OF MOTION

That Council accepts the recommended changes to the General Manager's Performance Review Committee's Terms of Reference.

COUNCILLOR'S REPORT

At the Ordinary Council Meeting of 20 October 2020, a motion passed to include, as part of the procedure for Special Committees, a list of non-negotiable components for the operation of special committees to be included in the Terms of Reference for each Committee.

The General Manager's Performance Review Committee (GMPRC) met on Wednesday, 1 March 2023 and reviewed the Terms of Reference. Although the GMPRC is a council committee, rather than a special committee of council, committee members believed it prudent to bring the Terms of Reference in line with those agreed as part of the Special Committee Procedure.

PREVIOUS COUNCIL CONSIDERATION

74.03.2015 26 March 2015

PREVIOUS COUNCIL DISCUSSION

Nil

STATUTORY REQUIREMENTS

Local Government Act 1993

Local Government (Meeting) Regulations 2005

POLICY/STRATEGIC IMPLICATIONS

Special Committees of Council Procedure

BUDGET AND FINANCIAL IMPLICATIONS

Nil

RISK/LIABILITY

Nil

VOTING REQUIREMENTS

Simple Majority

MOTION

Cr Rachel Summers

That Council accepts the recommended changes to the General Manager's Performance Review Committee's Terms of Reference.

5 CLOSED COUNCIL

5.1 GENERAL MANAGER'S PERFORMANCE REVIEW COMMITTEE UNCONFIRMED MINUTES

5.2 GENERAL MANAGER'S PERFORMANCE REVIEW PROCESS

Action	Information
Proponent	Council Officer
Officer	Warren Groves General Manager

REASON FOR CLOSED COUNCIL

5.1 and 5.2 are **CONFIDENTIAL** in accordance with Section 2(a) of the Local Government (Meeting Procedures) Regulations 2015.

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council moves into Closed Council.

Meeting Closed
