



Agenda  
Special Council Meeting  
3 April 2023



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## CERTIFICATION

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"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 31<sup>st</sup> day of March 2023.



Warren Groves  
**GENERAL MANAGER**

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# Flinders Council Special Meeting - Agenda

## Monday 3 April 2023

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**Venue** Furneaux Arts and Entertainment Centre, Whitemark  
**Commencing** 9.30 am  
**Attendees – Councillors** Mayor Rachel Summers  
Deputy Mayor Vanessa Grace  
Garry Blenkhorn  
Aaron Burke  
Carol Cox  
Peter Rhodes  
Ken Stockton

### Apologies

**Attendees – Staff** Warren Groves | General Manager  
Chris Wilson | Infrastructure Manager  
Rowena Gill | Acting Executive Officer  
Kyra Newman | Executive Assistant (minute taker)

## 1 ACKNOWLEDGMENT OF COUNTRY

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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

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*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

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*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

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### 4.1 FLINDERS ISLAND MARINE ACCESS AND SAFE HARBOUR

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	COM/0402 ASM/0200
<b>Annexures</b>	4.1.1 Option 1 Rock Wall - with Additional Infrastructure 4.1.2 Option 2 Extended Rock Wall – No Infrastructure 4.1.3 2023.03.29 Advice from Regional Programs Branch - Regional Development and Local Government Division

#### 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 \$3 million. 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, referred to as a Request For Information (RFI) for the modified Safe Harbour design was submitted.

As this process progressed, it became apparent that the original promised \$3 million 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 \$3 million was successful, however in order to include the additional funding amount of \$600,000, Council was required to submit a second RFI for the combined amount of \$3.6 million. This was submitted on 15 December 2022.

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

As a result of Community and Councillor concerns over changes to the original design by Burbury Consulting, Council sought additional engineering detail from project Engineer Rod Neville, Managing Director of RARE Innovation.

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 further 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 RFI.

Enquiries since conducted with the Community Development Grant Program (CDG) 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 and signing of the deed before 28 April 2023.

Mr Neville has since provided Council with two documents. Annexure 4.1.1 shows an image of the original Burbury Consulting Rock Wall alignment, the RFI submitted design (Option 1), and a new alignment (Option 2 proposal) 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 images are illustrations for comparative purposes only and are not intended to be designs.

#### **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
44.03.2023	10 March 2023
45.03.2023	10 March 2023
46.03.2023	10 March 2023

## 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 Special Council Meeting of 10 March 2023, Councillors considered Options 1 and 2 and determined to support Option 2 as per Motions:

***“44.03.2023 Moved: Cr P Rhodes Seconded: Cr G Blenkhorn  
That Council reaffirms Motion 194.09.2020 (2) “That Council continues with the application for Federal Government funding of \$3 million to construct stage one of the original Flinders Island Marine Access and Safe Harbour project, being a breakwater (and additional associated structures, if money allows) at the originally identified site at Lady Barron;” and proceeds with the design for an extended rock wall with no land-based infrastructure, presented as Option 2 (Annexure 4.1.2), as stage one.  
CARRIED UNANIMOUSLY (6-0) For: Mayor Rachel Summers, Cr Garry Blenkhorn, Cr Aaron Burke, Cr Carol Cox and Cr Peter Rhodes.”***

***“45.03.2023 Moved: Cr Cox Seconded: Cr P Rhodes  
That Council reaffirms its commitment to stage two of the Safe Harbour project, being the land-based infrastructure presented in Option 1 - double boat ramp, pontoon jetty and car park and continues to seek further funding.  
CARRIED UNANIMOUSLY (6-0) For: Mayor Rachel Summers, Cr Garry Blenkhorn, Cr Aaron Burke, Cr Carol Cox and Cr Peter Rhodes.”***

***“46.03.2023 Moved: Cr C Cox Seconded: Cr A Burke  
That Council seeks to complete the Safe Harbour project, including the Marina stage, as opportunities become available.  
CARRIED UNANIMOUSLY (6-0) For: Mayor Rachel Summers, Cr Garry Blenkhorn, Cr Aaron Burke, Cr Carol Cox and Cr Peter Rhodes.”***

Following the Special Council meeting, the CDG was contacted and advised of the Council decision. The CDG has since considered the Council decision and determined that, “the department will not support a change of scope to deliver a larger rock wall. The intent of the commitment of AG (Australian Government) funding was a Rock Wall and land-based infrastructure to benefit the community.”

The CDG advice further states that, “A value for money assessment was conducted recently from your submitted RFI (Option 1), this was subsequently approved by the delegate. It is imperative for now, we secure your funding.” It also stated that, “The Council may consider constructions of land-based infrastructure initially, whilst sourcing additional funding for a larger break wall, and if sought, a submission of a variation request would be considered by the department”. See Annexure 4.1.3.

The result of this CDG advice is that Council is left with two clear choices in this matter. The first is for Council to rescind Motions 44.03.2023, 45.03.2023 and 46.03.2023 and ensure funding by passing a motion to support the previously described Option 1. As part of this option, Council may choose to seek further funding to extend the break wall and apply for a variation through the CDG after funding is secured.

The second option is to allow the funding to lapse. If the funding application lapses, the grant money will be withdrawn. Council will be unable to retain access to the funding for another project. The CDG program closes on 28 April 2023 with no further funding after this time. Any uncontracted project funding will therefore be returned to the Commonwealth. Additionally, new government grants will be opening soon, which Council may apply for however they are open and competitive grants, whereas the CDG grants were closed and non-competitive.

## **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**

Option 1 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. These costs are understood to not be reimbursable via the grant funding. Additionally, any maintenance and depreciation costs will be the ongoing responsibility of Council.

If a decision is made to seek further funding and seek a variation to the Option 1 design, additional detailed drawings, modelling and geotechnical assessments will need to be conducted. If the funding is secured, these re-assessments 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 any potential time delays 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 (ECI) 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.

If further funding is sought extend the Rock Wall as part of a variation application, the main 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. An extension to the Rock Wall 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**

- 1. That Council rescinds the three motions in relation to the Flinders Island Marine and Safe Harbour Project:**

### **Motion No. 44.03.2023**

***“That Council reaffirms Motion 194.09.2020 (2) “That Council continues with the application for Federal Government funding of \$3 million to construct stage one of the original Flinders Island Marine Access and Safe Harbour project, being a breakwater (and additional associated structures, if money allows) at the originally identified site at Lady Barron;” and proceeds with the design for an extended rock wall with no land-based infrastructure, presented as Option 2 (Annexure 4.1.2), as stage one.”***

### **Motion No. 45.03.2023**

***“That Council reaffirms its commitment to stage two of the Safe Harbour project, being the land-based infrastructure presented in Option 1 – double boat ramp, pontoon jetty and car park and continues to seek further funding.”***

### **Motion No. 44.03.2023**

***“That Council seeks to complete the Safe Harbour project, including the Marina stage, as opportunities become available.”***

**2. Approves one of the two following stated Options:**

**a) That Council accept the design submitted as part of the grant application, Rock Wall with additional land-based infrastructure, presented as Option 1 (Annexure 4.1.1) and that Council approves the signing of The Deed for the Flinders Island Marine Access and Safe Harbour project, by General Manager, Warren Groves, under the authority of the Flinders Council Common Seal.**

**OR**

**b) That Council allows the grant funding to lapse.**

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**MEETING CLOSED**

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