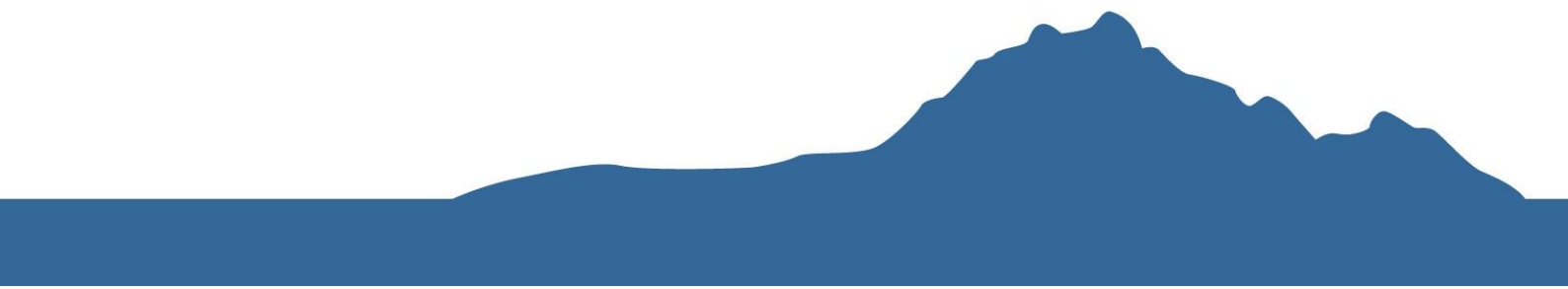




# Confirmed Minutes Ordinary Council Meeting

18 October 2022



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# FLINDERS COUNCIL ORDINARY MEETING – UNCONFIRMED MINUTES

**TUESDAY 18 OCTOBER 2022**

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**Venue** Flinders Arts and Entertainment Centre  
**Commencing** 2 pm  
**Attendees – Councillors** Mayor David Williams  
A/Deputy Mayor Rachel Summers  
Sharon Blyth  
Aaron Burke  
Vanessa Grace  
Peter Rhodes

**Apologies** Nil  
**Attendees- Staff** Warren Groves | General Manager  
Chris Wilson | Infrastructure and Airport Manager  
Vicki Warden | Executive Officer (minute taker)

## 1. ACKNOWLEDGEMENT OF COUNTRY

---

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

## 2. CONFIRMATION OF MINUTES

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### RECOMMENDATION

That the Minutes from the Ordinary and Closed Council Meetings held 20 September 2022 be confirmed.

### DECISION

191.10.2022 Moved: Cr A Burke

Seconded: Cr V Grace

That the Minutes from the Ordinary and Closed Council Meetings held 20 September 2022 be confirmed.

### CARRIED UNANIMOUSLY (6-0)

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

## 3. PUBLIC QUESTION TIME

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No questions received.

## 4. RESPONSES TO PUBLIC QUESTIONS

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### 20 September 2022 Ordinary Council Meeting

#### Question 5 - Robin Walker

Could council consider using the quarry fines or crusher dust to put over the gravel? If some of this product is run over the Show Grounds site, it wouldn't go mushy in the rain.

#### Mayor's Response

I am happy to advise that Council has spread quarry fines over the gravel at the showgrounds. This was done at the same time as the entrance and access roads were graded in preparation for show day.

#### Question 6 – Mark Wales

S65 (1) of the Local Government Act 1993 (the Act) requires the General Manager of the Council to ensure that any advice, information or recommendations 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. Pursuant to S65 (1) of the Act the General Manager provided his 'Certification' that this was the case for the Special Council Meeting 25 January 2022. Could the General Manager please advise the process, steps or other method that he took to ensure that the advice, information and recommendations given to the Council in relation to the Planning Authority Report – Rural Enterprise work for Local Provisions Schedule was given by a person who has the qualifications or experience necessary to give such advice, information or recommendation. Specifically, could the General Manager detail:

- a. How he determined that the RMCG Flinders LPS Rural Enterprise Concept Report and RMCG Enterprise Scale report were prepared by a person(s) with the qualifications or experience necessary to give such advice, information or recommendation(s).
- b. How he determined that the Addendum to Section 35F Report – January 2022 was prepared by a person(s) with the qualifications or experience necessary to give such advice, information or recommendation(s).

#### Mayor's Response

In response to both questions a. and b., a procurement process was conducted as per Council's Code for Tenders and Contracts. The selected contractor demonstrated the requisite qualifications and experience in the sector and in advising on land use planning issues.

#### Question 7 – Mark Wales

How was Council's Strategic Planning Consultant (Town Planning Solutions) selected and engaged to assist with the development of the Local Planning Scheme for Flinders Council – was this the result of a competitive tender process or some other method? If it was a competitive tender process what were the evaluation criteria?

#### Mayor's Response

The procurement of Town Planning Solutions was conducted per Council's Code for Tenders and Contracts. It did not involve a tender as it did not meet the Code's procurement thresholds.

#### Question 8 – Mark Wales

How much was Town Planning Solutions paid by Flinders Council for its services related to the development of the Local Planning Scheme for Flinders Council in FY 2020/2021, FY 2021/2022 and FY 2022/2023?

### **Mayor's Response**

As a personal information custodian, Council has the responsibility to keep information securely so as to protect the privacy of individuals, in accordance with the *Personal Information Protection Act 2004*. These protections are further articulated in Council's Personal Information Protection Policy at paragraph 4.2.1 which states, "*It is the Council's policy that personal information will not be divulged to third parties outside the Council for their independent use unless the person to which the information relates has authorised the Council in writing to do so, or the disclosure is required or allowed by law. The Council and its employees will not sell, trade or make available personal information to others.*" Additionally, Council procurement agreements are conducted on a commercial in confidence basis where strict non-disclosure conditions forbid the disclosure of information to anyone else.

### **Question 9 – Mark Wales**

How was RMCG engaged to assist in the preparation of the RMCG Flinders LPS Rural Enterprise Concept Report and RMCG Enterprise Scale report for Flinders Council – was this the result of a competitive tender process or some other method? If it was a competitive tender process what were the evaluation criteria?

### **Mayor's Response**

RMCG was engaged in accordance with Council's 'Code for Tenders and Contracts' with the contractor having the requisite qualifications and experience in the sector and in advising on land use planning issues.

### **Question 10 – Mark Wales**

How much was RMCG paid by Flinders Council for its services related to the development of the Local Planning Scheme for Flinders Council?

### **Mayor's Response**

As a personal information custodian, Council has the responsibility to keep information securely so as to protect the privacy of individuals, in accordance with the *Personal Information Protection Act 2004*. These protections are further articulated in Council's Personal Information Protection Policy at paragraph 4.2.1 which states, "*It is the Council's policy that personal information will not be divulged to third parties outside the Council for their independent use unless the person to which the information relates has authorised the Council in writing to do so, or the disclosure is required or allowed by law. The Council and its employees will not sell, trade or make available personal information to others.*" Additionally, Council procurement agreements are conducted on a commercial in confidence basis where strict non-disclosure conditions forbid the disclosure of information to anyone else.

### **Question 11 – Mark Wales**

It appears that RMCG were engaged very late in the process of development of the Local Planning Scheme for Flinders Council. The delay in the preparation of the RMCG Flinders LPS Rural Enterprise Concept Report and RMCG Enterprise Scale report (the Reports) resulted in their tabling outside of the exhibition period for the Flinders LPS and resulted in the need for Council to amend the Section 35 (F) Report which it endorsed in November 2021. Why were RMCG not engaged earlier in the process? Why did Council allow the late Reports to be admitted to the process outside of the exhibition period for the LPS, particularly given that the Reports and Addendum to the Section 35 (F) Report - Rural Enterprise Concept (v2) prepared by Town Planning Solutions constituted a substantial modification (within the meaning of s.35KB of the Land Use Planning and Approval Act 1993) to the zoning of many properties on Flinders Island.

### **Mayor's Response**

In response to both questions, RMCG was engaged to address questions from the Commission, as soon as they arose, and in direct response to the directions issued by the Commission.

### **Question 12 – Mark Wales**

In relation to the legal action in the Supreme Court of Tasmania being brought by Markarna Grazing Company Pty Ltd (and others) against the Tasmanian Planning Commission in relation to the Flinders Local Provisions Schedule, what is Council's position on this. Will Council be defending the recommendations which it incorrectly made to the Tasmanian Planning Commission at the Hearings held in February 2022?

### **Mayor's Response**

Council is not a respondent to this action. Council's relevance in this matter is that it is the Municipality whose LPS pertains to this action. Accordingly, a copy of the application has been provided to Council.

### **Question 13 – Mark Wales**

In relation to the new exhibition period for the LPS which has been directed by the Tasmanian Planning Commission, and given the brevity of the exhibition period, how will Council ensure that all affected landowners are aware of the exhibition period? As a comment: Many landowners are still unaware of the changes that have been made to zoning in relation to their properties and it is suggested that (if genuine consultation is to be achieved) Council should send a letter to all affected landowners rather than hoping they read about it on Facebook or happen to notice it on the Council's website.

### **Mayor's Response**

The current exhibition period relates to the substantial modification (under 35KB of *Land Use Planning & Approvals Act 1993*). Each landowner and adjoining landowner, affected by one of the seven (7) substantial modifications, has been written to expressly to outline the process.

### **RECOMMENDATION**

That the responses to the public questions from the 20 September 2022 Council Meeting be noted.

### **DECISION**

**192.10.2022 Moved: Cr R Summers                      Seconded: Cr A Burke**

**That the responses to the public questions from the 20 September 2022 Council Meeting be noted.**

**CARRIED UNANIMOUSLY (6-0)**

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

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

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No questions received.

## **6. RESPONSES TO COUNCILLOR'S QUESTIONS WITHOUT NOTICE**

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### **20 September 2022 Ordinary Council Meeting**

#### **Question 1: Cr V Grace**

Has Council contacted the stakeholders of the Vinegar Hill Road, to see if we can seek a resolution for the ongoing maintenance of that road?

#### **Mayor's Response**

Council's road network approaching Vinegar Hill Road ceases at the end of Barr Street. Vinegar Hill Road land is then owned in turn by Parks and Wildlife, followed by two separate private landowners. Council therefore has no ownership of any of Vinegar Hill Road and has not contacted these landowners regarding maintenance of the road through their various properties.

#### **RECOMMENDATION**

That the response to the Councillor's Question Without Notice from 20 September 2022 Council Meeting be noted.

**193.10.2022 Moved: Cr V Grace**                      **Seconded: A/Deputy Mayor R Summers**  
**That the response to the Councillor's Question Without Notice from 20 September 2022 Council Meeting be noted.**

#### **CARRIED UNANIMOUSLY (6-0)**

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

## **7. LATE AGENDA ITEMS**

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The following has been received as a late agenda item:

- Notice of Motion – Unconfirmed Minutes and Resolutions from Flinders Boating Special Committee

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

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

Under R8(6) of the Local Government (Meeting Procedures) Regulations 2015, this item may be considered at this meeting as Item 15.2 by absolute majority vote.

#### **DECISION**

**194.10.2022 Moved: A/Deputy Mayor R Summers**                      **Seconded: Cr A Burke**  
**That under R8(6) of the Local Government (Meeting Procedures) Regulations 2015, the item, Notice of Motion – Unconfirmed Minutes and Resolutions from Flinders Boating Special Committee, be considered as Item 15.2 at this meeting.**

#### **CARRIED UNANIMOUSLY (6-0)**

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



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

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None received.

## **9. CONFLICT OF INTEREST**

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None received.

## **10. POLICIES**

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The Travel and Accommodation Policy was adopted at the 16 August 2022 Ordinary Council Meeting and no submissions were received throughout the 28 day public consultation period. As per the requirements of the Flinders Council Policy and Procedure Framework, the Travel and Accommodation Policy is now adopted.

### **RECOMMENDATION**

That Council notes that the Travel and Accommodation Policy is now adopted.

### **DECISION**

**195.10.2022 Moved: A/Deputy Mayor R Summers      Seconded: Cr A Burke**  
**That Council notes that the Travel and Accommodation Policy is now adopted.**

### **CARRIED UNANIMOUSLY (6-0)**

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

## 11. WORKSHOPS & INFORMATION FORUMS

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File No. COU/0205

### **Council Workshop – 4 October 2022**

Council held a workshop on the following subjects:

- Item 1 General Managers Update
- Item 2 Local Government Review and Focus Groups Sessions
- Item 3 Local Government Association of Tasmania General Meeting Motions
- Item 4 Feral Pig Control Project
- Item 5 Islander Way project update

### **Councillors in Attendance**

Mayor David Williams

Cr Vanessa Grace

A/Deputy Mayor Rachel Summers

Cr Peter Rhodes

### **Apologies**

Cr Sharon Blyth

Cr Aaron Burke

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

Warren Groves

General Manager

Chris Wilson

Infrastructure Manager

Kyra Newman

Executive Assistant (minute taker)

Vicki Warden

Executive Officer (Item 1)

Sammi Gowthorp

Community Services Coordinator (Item 5)

Dianne Dredge

Tourism Co Lab (Item 5)

Sarah Lebski

Sarah Lebski & Associates Tourism Consultancy

### **RECOMMENDATION**

**That the Council Workshop held on 4 October 2022 be noted.**

### **DECISION**

**196.10.2022 Moved: Cr A Burke      Seconded: Cr V Grace**

**That the Council Workshop held on 4 October 2022 be noted.**

### **CARRIED UNANIMOUSLY (6-0)**

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

## 12. PUBLICATIONS/REPORTS TABLED FOR COUNCIL INFORMATION

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None tabled.

## 13. MAYOR'S REPORT

<b>Action</b>	Information
<b>Proponent</b>	Mayor D Williams
<b>File Reference</b>	COU/0600
<b>Annexures</b>	Nil

### APPOINTMENTS

DATE	DIARY ACTIVITY
06/09	Terence Elwood - Question for Council
12/09	ABC Radio - Interview
20/09	ABC Radio - Interview re: Fin Fish Farming
21/09	General Manager – Community Member Issues
03/10	ABC Radio - General interview (council roundup)
07/10	Judy Jacques - Phone call re: Fin Fish Farming
08/10	Peter George - Phone call re: Fin Fish Farming

### CORRESPONDENCE IN

DATE	FROM	SUBJECT
12/09	J Jacques	Letter for Legislative Council
15/09	J Youl – Phone Call	Development Application
19/09	D Lester	LGAT - Future of Local Government Review - Focus Group Workshop Summary
20/09	M Wales – Phone Call x 3	Questions on Planning
28/09	Tasmanian Health Senate	Expression of Interest for Membership
29/09	F Ellis MP	Automatic reply to Flinders Island Aquaculture Meeting letter to Premier and Ministers
29/09	M Ferguson MP	Automatic reply for Flinders Island Aquaculture Meeting letter to Premier and Ministers
29/09	R Jaensch MP	Acknowledgement of Flinders Island Aquaculture Meeting letter to Premier and Ministers
30/09	Office of Tasmanian Premier J Rockliff	Acknowledgement of Flinders Island Aquaculture Meeting letter to Premier and Ministers
30/09	Visit Northern Tasmania	Notice of Annual General Meeting
03/10	J Palmer MP	Acknowledgement of Flinders Island Aquaculture Meeting letter to Premier and Ministers
05/10	C Wright	Congratulations on Fin Fish Farming in Bass Strait Public Meeting
07/10	J Edmonds	2023 Australian of the Year Awards – Invitation
09/10	C Wright	NWTAS for Clean Oceans
11/10	J Donehue	Tasmanian Community Achievement Awards - Invitation
11/10	C Wright	Fin Fish Farm Letter

## CORRESPONDENCE OUT

DATE	TO	SUBJECT
21/09	M Wales – Phone Call	Questions on Planning
21/09	M Wales	Public Questions from Sept 2022 Ordinary Meeting
26/09	Tasmania Premier & Ministers	Aquaculture in Flinders Municipality Letter
28/09	M Wales	Written response to Public Questions
03/10	K Stockton	Written response to Public Questions
03/10	T Ellwood	Written response to Public Questions
05/10	R Walker	Written response to Public Questions
06/10	C Wright	NWTAS for Clean Oceans – Thank you
11/10	C Wright	NWTAS for Clean Oceans – letter to ministers
11/10	Cr V Grace	Response to Question Without Notice

## VOTING REQUIREMENTS

Simple Majority

## RECOMMENDATION

That the Mayor's report be received.

## DECISION

197.10.2022 Moved: Cr S Blyth

Seconded: Cr P Rhodes

That the Mayor's report be received.

## CARRIED UNANIMOUSLY (6-0)

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

## 14. DEVELOPMENT SERVICES

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### 14.1 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>	14.1.1 Development Applications Report – September 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 Applications 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 14.1.1 Development Applications Report – September 2022.

#### VOTING REQUIREMENTS

Simple Majority

#### RECOMMENDATION

**That the Development Applications Report – September 2022 be received.**

#### DECISION

**198.10.2022 Moved: Cr V Grace                      Seconded: Cr S Blyth**  
**That the Development Applications Report – September 2022 be received.**

#### CARRIED UNANIMOUSLY (6-0)

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

*Mayor David Williams passed the Chair to A/Deputy Mayor Rachel Summers at 2.08pm.*

## 15. NOTICE OF MOTION

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### 15.1 NOTICE OF MOTION – FLINDERS BOATING SPECIAL COMMITTEE MEMBERSHIP

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Mayor David Williams
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	COM/0404
<b>Annexures</b>	15.1.1 Terms of Reference

#### NOTICE OF MOTION

That Council appoints the following community members to the Flinders Boating Special Committee, forthwith:

- Aronn Daw;
- Andrew Donnellan;
- Justin Nicholls; and
- Craig Wheatley.

#### COUNCILLOR'S REPORT

Under the terms of reference of the Flinders Boating Special Committee, Council is empowered to appoint additional community members.

At a committee meeting held at the Whitemark Boat ramp on Tuesday 11 October 2022, a large section of the general community turned up to express concern at the planned boat ramp development.

In view of the number of concerns and issues raised, it was suggested that it would be best to have additional members elected to the Special Committee in order to develop a boating facility plan that will work best for the wider community.

Aronn Daw, Andrew Donnellan, Justin Nicholls and Craig Wheatley agreed to be considered for appointment.

#### PREVIOUS COUNCIL CONSIDERATION

Nil

#### PREVIOUS COUNCIL DISCUSSION

Nil

#### OFFICER'S REPORT

In the lead up to the 2021 state election, the Tasmanian Liberal party released a number of election commitments relevant to the Flinders Municipality including, "Invest(ing) \$120,000.00 to upgrade existing boat ramps on Flinders Island".

Based on the level of community concern evidenced by the large number of community members in attendance at the recent Flinders Boating Special Committee meeting, it is clear that a more diverse and representative cross section of the community is required on the Committee.

It is also clear that irrespective of the representative nature of Special Committees, wider consultation and collaboration is needed. This is especially relevant to the boating community, to ensure the best community outcomes within the funding for the Island's boating facilities.

#### **STATUTORY REQUIREMENTS**

Nil

#### **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-11 Support the Flinders Boating Special Committee to improve the Whitemark Boat Ramp.

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

Nil

#### **RISK/LIABILITY**

Any recommendations of the Special Committee require the approval of a Council motion.

#### **VOTING REQUIREMENTS**

Simple Majority

#### **MOTION**

**199.10.2022 Moved: Mayor D Williams      Seconded: Cr A Burke**

**That Council appoints the following community members to the Flinders Boating Special Committee, forthwith:**

- **Aronn Daw;**
- **Andrew Donnellan;**
- **Justin Nicholls; and**
- **Craig Wheatley.**

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

**For: Mayor D Williams, A/Deputy Mayor R Summers, Cr S Blyth, Cr A Burke and Cr V Grace.**

**Against: Cr P Rhodes (abstained)**

## **15.2 LATE AGENDA ITEM – Notice of Motion – Unconfirmed Minutes and Resolutions from Flinders Boating Special Committee Meeting**

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	<b>Mayor David Williams</b>
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	COM/0404
<b>Annexures</b>	15.2.1. Flinders Boating Special Committee Unconfirmed Minutes 11 October 2022 15.2.2 Flinders Boating Special Committee Unconfirmed Minutes 7 September 2022

### **NOTICE OF MOTION**

1. That the unconfirmed minutes of the Flinders Boating Special Committee held 11 October 2022 be noted.
2. That Council notes the recommendations made by the Flinders Boating Special Committee on 7 September 2022 but defers any decision until the re-structured Special Committee has had the opportunity to meet and reconsider the overall island boat ramp situation.

### **COUNCILLOR'S REPORT**

Any recommendation made by a Special Committee is to be referred to a Council Meeting where a decision would be made. In this case, the original Flinders Boating Special Committee had recommended some structural changes to the Whitemark Boat Ramp that would have a radical effect on a large number of non-committee users. At a further meeting held on Tuesday 11th October a considerable number of interested community members came to discuss the original committee's recommendations.

There was a general belief that the situation should be re-examined and that additional members should be nominated for the Flinders Boating Special Committee to enable the best possible solution to be determined. Their nomination was considered previously in this agenda.

To be fair to all the users of the Whitemark Boat Ramp, as well as allowing discussion about other boat ramp issues, any decision by Council on how to proceed should be deferred until a full and open debate has occurred and resultant motions passed.

Further, it would be more appropriate if any decisions were deliberated by the next Council. On this basis I recommend my motion to you.

### **PREVIOUS COUNCIL CONSIDERATION**

Nil

### **PREVIOUS COUNCIL DISCUSSION**

Nil

### **OFFICER'S REPORT**

Given the recent additional committee members recommended at the 11 October meeting; that this is the last Council meeting of the current Council term; and that Council is still observing caretaker conventions, I also believe that current recommendations should be re-considered by the expanded committee. It further would be inappropriate for Council to make decisions, both in these circumstances and when a new Council will be constituted within a few weeks.



## **STATUTORY REQUIREMENTS**

Nil

## **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-11 Support the Flinders Boating Special Committee to improve the Whitemark Boat Ramp.

## **BUDGET AND FINANCIAL IMPLICATIONS**

Nil

## **RISK/LIABILITY**

Nil

## **VOTING REQUIREMENTS**

Simple Majority

## **MOTION**

**200.10.2022 Moved: Mayor D Williams      Seconded: Cr A Burke**

- 1. That the unconfirmed minutes of the Flinders Boating Special Committee held 11 October 2022 be noted.**
- 2. That Council notes the recommendations made by the Flinders Boating Special Committee on 7 September 2022 but defers any decision until the re-structured Special Committee has had the opportunity to meet and reconsider the overall island boat ramp situation.**

## **CARRIED UNANIMOUSLY (6-0)**

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

*A/Deputy Mayor Rachel Summers passed the Chair to Mayor David Williams at 2.13pm.*

## 16. INFRASTRUCTURE

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### 16.1 INFRASTRUCTURE MANAGER'S REPORT – SEPTEMBER 2022

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Chris Wilson   Infrastructure Manager
<b>File References</b>	WOR/3000
<b>Annexures</b>	16.1.1 Infrastructure Manager's Report September 2022

#### INTRODUCTION

The purpose of this report is to provide Councillors with an update of monthly activities undertaken by the Infrastructure department.

#### OFFICER'S REPORT

This report is provided on a monthly basis at the request of Council.

#### VOTING REQUIREMENTS

Simple Majority

#### RECOMMENDATION

That the Infrastructure Manager's Report – September 2022 be received and accepted by Council.

#### DECISION

**201.10.2022 Moved: Cr V Grace                      Seconded: A/Deputy Mayor R Summers**  
**That the Infrastructure Manager's Report – September 2022 be received and accepted by Council.**

#### CARRIED UNANIMOUSLY (6-0)

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

## 16.2 ACCIDENT AND INCIDENT QUARTERLY REPORT

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Chris Wilson   Infrastructure Manager
<b>File Reference</b>	RMS/0100
<b>Annexures</b>	16.2.1 Accident and Incident Quarterly Report July - September 2022 (Elected Members Only)

### INTRODUCTION

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

### PREVIOUS COUNCIL CONSIDERATION

Provided as quarterly reports to Council as from August 2021.

### OFFICER'S REPORT

Please read Annexure 16.2.1 Accident and Incident Quarterly Report July - September 2022. This report is for the information of Elected Members only as it contains confidential personnel information.

### VOTING REQUIREMENTS

Simple Majority

### RECOMMENDATION

That the Accident and Incident Quarterly Report July - September 2022 be noted.

### DECISION

**202.10.2022 Moved: A/Deputy Mayor R Summers      Seconded: Cr P Rhodes**  
**That the Accident and Incident Quarterly Report July - September 2022 be noted.**

### CARRIED UNANIMOUSLY (6-0)

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

# 17. FINANCE

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## 17.1 QUARTERLY FINANCIAL REPORT – SEPTEMBER 2022

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Consultant Accountant
<b>File Reference</b>	FIN/0100
<b>Annexures</b>	17.1.1 Quarterly Financial Report – September 2022

### INTRODUCTION

On a quarterly basis, Council is presented with a Financial Report.

This report, and the attached Quarterly Financial Report (Annexure 17.1.1) have been prepared based on changes made to formatting and presentation that were adopted as part of the 2023 Council budget and include high level operational reports for Council's information.

### OFFICER'S REPORT

Annexure 17.1.1 Quarterly Financial Report – September 2022 with overview provides a summary of income and expenditure for the Council at the end of the first quarter ending 30 September 2022.

The report includes Profit & Loss, Balances Sheet, Cash Flow Statement, Capital Works and department reports. Where there are variances greater than 10% and \$50,000, commentary is provided by way of notes.

This report is for information only.

### STATUTORY REQUIREMENT

*Local Government Act 1993*

### POLICY/STRATEGIC IMPLICATIONS

No policy exists on this matter.

### BUDGET AND FINANCIAL IMPLICATIONS

Budget affects all areas in Council's Annual Plan with the budget implications identified.

### RISK/LIABILITY

No foreseen risks or legal obligations identified as a result of the financial report.

### VOTING REQUIREMENTS

Simple Majority

### RECOMMENDATION

That Council receives and notes the Quarterly Financial Report – September 2022.

### DECISION

**203.10.2022 Moved: Cr S Blyth**

**Seconded: Cr A Burke**

**That Council receives and notes the Quarterly Financial Report – September 2022.**

### CARRIED UNANIMOUSLY (6-0)

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

# 18. GOVERNANCE

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## 18.1 BIOSECURITY STEERING COMMITTEE

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	ENV/0901
<b>Annexures</b>	18.1.1 Feral Pig Committee email from Biosecurity

### INTRODUCTION

In correspondence received 26 September 2022, Biosecurity Tasmania noted that the organisation has received funding for a 3-year feral pig control project on Flinders Island and is forming a Steering Committee. Biosecurity Tasmania is requesting that Council appoints a representative for this committee.

### PREVIOUS COUNCIL CONSIDERATION

Nil

### PREVIOUS COUNCIL DISCUSSION

4 October 2022 Council Workshop

### OFFICER'S REPORT

The project will be undertaken by The Parks and Wildlife Service, and it will aim to reduce the impact of feral pigs on Tasmania's high-value agricultural and environmental assets on Flinders Island through strategic vertebrate pest management and engagement.

Initial discussion of this matter occurred at the Council Workshop on 4 October 2022.

In determining this matter, Council may wish to either appoint an interim Councillor to this position until it can be further considered by the incoming 2022-2026 Council or defer consideration of the matter until the new Council is declared.

### STATUTORY REQUIREMENT

Nil

### POLICY/STRATEGIC IMPLICATIONS

1. Liveability - To protect and build upon our island's way of life.
- 1.4 Our natural environment protected and enhanced through land management activities.
- 1.4.1 Promote and support sustainable activities to conserve the islands' natural and agricultural environments.

### BUDGET AND FINANCIAL IMPLICATIONS

Nil

### RISK/LIABILITY

Nil

### VOTING REQUIREMENTS

Simple Majority

### RECOMMENDATION

For Councillors to decide.

**DECISION**

**204.10.2022 Moved: Cr V Grace**

**Seconded: Cr P Rhodes**

**That Council nominates Cr Aaron Burke as the council representative on the Biosecurity Tasmania Feral Pig Control Project Steering committee until the matter can be considered by the new council.**

**CARRIED UNANIMOUSLY (6-0)**

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

## 18.2 SERVICE REQUEST REGISTER REPORT

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	GOV/1000
<b>Annexures</b>	18.2.1 Service Request Register as at 29 September 2022

### INTRODUCTION

This register identifies the service requests received, recommended actions and resolutions actioned by staff up to 29 September 2022.

### PREVIOUS COUNCIL CONSIDERATION

The report is presented on a quarterly basis.

### OFFICER'S REPORT

Please read Annexure 18.2.1 Service Request Register as at 29 September 2022.

### VOTING REQUIREMENTS

Simple Majority

### RECOMMENDATION

That the Service Request Register Report as at 29 September 2022 be noted.

### DECISION

205.10.2022 Moved: Cr A Burke

Seconded: Cr V Grace

That the Service Request Register Report as at 29 September 2022 be noted.

### CARRIED UNANIMOUSLY (6-0)

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

## 18.3 QUARTERLY GRANTS REPORT – 30 SEPTEMBER 2022

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	COU/0601
<b>Annexures</b>	18.3.1 Quarterly Grants Report - September 2022

### INTRODUCTION

This report provides Councillors with an overview of grants received by Council and the progress towards grant acquittal, along with those grants that have been applied for and awaiting a result.

### PREVIOUS COUNCIL CONSIDERATION

Provided as quarterly reports.

### PREVIOUS COUNCIL DISCUSSION

3 May 2022 Council Workshop

### OFFICER'S REPORT

At the 3 May 2022 Council Workshop, Councillors requested a quarterly report on grants. Refer to the grants table (Annexure 18.3.1) for this overview.

### STATUTORY REQUIREMENT

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

As with all capital projects there will be long term financial implications which will need to be incorporated into Council's long term financial and asset management plans.

### RISK/LIABILITY

No foreseen risks

### VOTING REQUIREMENTS

Simple Majority

### RECOMMENDATION

That Council's Quarterly Grants Report - September 2022 be received.

### DECISION

206.10.2022 Moved: Cr V Grace

Seconded: Cr A Burke

That Council's Quarterly Grants Report - September 2022 be received.

### CARRIED UNANIMOUSLY (6-0)

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



## **18.4 COUNCIL'S 2022/23 1<sup>ST</sup> QUARTER REPORT AGAINST THE ANNUAL PLAN**

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	COU/0600
<b>Annexures</b>	18.4.1 Council's 2022-23 1 <sup>st</sup> Quarter Report (July to September 2022)

### **INTRODUCTION**

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

### **PREVIOUS COUNCIL CONSIDERATION**

Provided as quarterly reports.

### **OFFICER'S REPORT**

Please read Annexure 18.4.1 Council's 2022/23 1<sup>st</sup> Quarter Report (July to September 2022).

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

That the Council's 2022/23 1<sup>st</sup> Quarter Report (July to September 2022) against the Annual Plan be received and accepted by Council.

### **DECISION**

**207.10.2022 Moved: Cr P Rhodes**

**Seconded: Cr A Burke**

**That the Council's 2022/23 1<sup>st</sup> Quarter Report (July to September 2022) against the Annual Plan be received and accepted by Council.**

### **CARRIED UNANIMOUSLY (6-0)**

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

## 18.5 CONTINUOUS IMPROVEMENT QUARTERLY REPORT

<b>Action</b>	<b>Information</b>
<b>Proponent Officer</b>	Council Officer Warren Groves   General Manager
<b>File Reference</b>	GOV/1004
<b>Annexures</b>	18.5.1 Continuous Improvement Register (July – September 2022)

### INTRODUCTION

This report identifies the continuous improvement actions that Council has undertaken during the quarter as part of the organisational continuous improvement program.

### PREVIOUS COUNCIL CONSIDERATION

The report is presented on a quarterly basis.

### OFFICER'S REPORT

Continuous improvement is essential within an organisation and has been ongoing informally within Council for many years. The 2022-2023 Annual Plan contains the following action: *“AP-14 - Develop and document an organisational continuous improvement program.”*

As part of this program, a continuous improvement register has been developed to formally record improvement actions. The register will be brought to Council on a quarterly basis. Please read Annexure 18.5.1 Continuous Improvement Register (July – September 2022).

### VOTING REQUIREMENTS

Simple Majority

### POLICY/STRATEGIC IMPLICATIONS

All Strategic Plan Focus Areas

AP-14 Develop and document an organisational continuous improvement program.

### RECOMMENDATION

That the Continuous Improvement Quarterly Report (July – September 2022) be noted.

### DECISION

**208.10.2022 Moved: Cr P Rhodes**

**Seconded: Cr A Burke**

**That the Continuous Improvement Quarterly Report (July – September 2022) be noted.**

### CARRIED UNANIMOUSLY (6-0)

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

## 18.6 NOVEMBER AND DECEMBER COUNCIL MEETING DATES

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	COU/0203
<b>Annexures</b>	Nil

### INTRODUCTION

At the 16 November 2021 Council Meeting, Council set dates for the council meetings for the 2022 year, including meeting dates on 15 November and 13 December, at 2pm. As local government elections are currently underway, a new council will be elected at the beginning of November and must set the dates for council meetings according to Regulation 6 of the Local Government (Meeting Procedures) Regulations 2015:

#### ***“R6 Times of meetings***

- (1) *A meeting is not to start before 5:00 p.m. unless otherwise determined by the council by absolute majority or by the council committee by simple majority.*
- (2) *After each ordinary election, a council and a council committee are to review the times of commencement of their meetings”*

### PREVIOUS COUNCIL CONSIDERATION

224.11.2021                      16 November 2022

### PREVIOUS COUNCIL DISCUSSION

Nil

### OFFICER’S REPORT

The motion no. 224.11.2021 carried unanimously by Council at the 16 November 2021 council meeting states as follows:

#### *“That Council*

- a) *resolves to endorse the following Council Meeting schedule for 2022, with all meetings [subject to a decision regarding recommendation b)] to be held on Tuesdays in the Furneaux Arts and Entertainment Centre, commencing at 2:00pm:*
  - *Tuesday 18 January 2022*
  - *Tuesday 15 February 2022*
  - *Tuesday 15 March 2022*
  - *Tuesday 12 April 2022*
  - *Tuesday 17 May 2022*
  - *Tuesday 14 June 2022*
  - *Tuesday 19 July 2022*
  - *Tuesday 16 August 2022*
  - *Tuesday 20 September 2022*
  - *Tuesday 18 October 2022*
  - *Tuesday 15 November 2022*
  - *Tuesday 13 December 2022”*

Given the requirements of regulation 6 of the Local Government (Meeting Procedures) Regulations 2015, it is recommended that Council rescinds the 15 November and 13 December 2022 meeting dates and times.

### STATUTORY REQUIREMENT

*Local Government Act 1993*

Local Government (Meeting Procedures) Regulations 2015

#### **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**

Nil

#### **RISK/LIABILITY**

Nil

#### **VOTING REQUIREMENTS**

Absolute Majority

#### **RECOMMENDATION**

That Council rescinds part of motion no. 224.11.2021, being the 15 November and 13 December 2022 meeting dates and times.

#### **DECISION**

209.10.2022 Moved: Cr V Grace

Seconded: Cr S Blyth

That Council rescinds part of motion no. 224.11.2021, being the 15 November and 13 December 2022 meeting dates and times.

#### **CARRIED UNANIMOUSLY (6-0)**

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

## 18.7 COUNCILLOR RESOLUTION REPORT

<b>Action</b>	<b>Information</b>
<b>Proponent Officer</b>	Council Officer Warren Groves   General Manager
<b>File Reference</b>	GOV/0300
<b>Annexures</b>	18.7.1 Councillor Resolution Report September 2022

### INTRODUCTION

The Councillor Resolution Report identifies resolutions passed by elected members and the actions taken to implement the decisions.

### PREVIOUS COUNCIL CONSIDERATION

The Report is presented on a monthly basis.

### OFFICER'S REPORT

Please read Annexure 18.7.1 Councillor Resolution Report September 2022.

### VOTING REQUIREMENTS

Simple Majority

### RECOMMENDATION

That the Councillor Resolution Report September 2022 be noted.

### DECISION

**210.10.2022 Moved: Cr R Summers      Seconded: Cr S Blyth**  
**That the Councillor Resolution Report September 2022 be noted.**

### CARRIED UNANIMOUSLY (6-0)

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

*Note: Mayor David Williams make the following comment:*

*"I thank Council for the past four years. I believe we've worked extremely well together over this time; it's been enjoyable; and we've achieved a lot. Congratulations to everybody. To all those standing again, good luck, there is still plenty for you to do. On behalf of all the councillors I thank Vicki, Warren and Chris for all your support and all the staff for their hard work."*

## 19. CLOSED COUNCIL

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### 19.1 LETTER TO MINISTER OF LOCAL GOVERNMENT

### 19.2 CONFIDENTIAL REPORT

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

#### REASON FOR CLOSED COUNCIL

19.1 and 19.2 are **CONFIDENTIAL** in accordance with Section 15(2)(i) of the Local Government (Meeting Procedures) Regulations 2015.

#### VOTING REQUIREMENTS

Absolute Majority

#### RECOMMENDATION

That Council moves into Closed Council.

#### DECISION

**211.10.2022 Moved: A/Deputy Mayor R Summers                      Seconded: Cr V Grace**  
**That Council moves into Closed Council.**

#### CARRIED UNANIMOUSLY (6-0)

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

*Council moved into Closed Session at 2.49pm.*

*Council moved out of Closed Session at 3.08pm.*

*The following motions for the Open Minutes were passed in Closed Council:*

**“216.10.2022 Moved: Cr A Burke                      Seconded: Cr P Rhodes**  
**That for Agenda Item 19.2 Notice of Motion – Confidential Report, the entire agenda item and the annexure be released to open council after 2pm, 25 October 2022.**

#### CARRIED UNANIMOUSLY (6-0)

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

**217.10.2022 Moved: A/Deputy Mayor R Summers                      Seconded: Cr P Rhodes**  
**That for Agenda Item 19.1 Notice of Motion – Letter to Minister for Local Government, the entire agenda item and annexure be released to open council, after 2pm, 25 October 2022.**

#### CARRIED UNANIMOUSLY (6-0)

**For: Mayor D Williams, A/Deputy Mayor R Summers, Cr S Blyth, Cr A Burke, Cr V Grace and Cr P Rhodes.”**

## 19.1 NOTICE OF MOTION – LETTER TO MINISTER FOR LOCAL GOVERNMENT

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Mayor David Williams
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	LEG/0600
<b>Annexures</b>	19.1.1 Draft letter to Minister Street

### NOTICE OF MOTION

That the letter (Annexure 19.1.1) addressed to the Minister for Local Government, Nic Street, be approved for signature.

### COUNCILLOR'S REPORT

The original Performance Improvement Direction (PID) issued by the State Government on 24 April 2019 required Council and Councillors to meet specific standards and to report regularly on those achievements.

This letter represents the final Progress Report on the PID and completes this Council's obligations thereunder.

I congratulate Council and Councillors on their efforts in achieving fulfilment of all our obligations as required by the Minister for Local Government.

### PREVIOUS COUNCIL CONSIDERATION

22 January 2019 (closed session)	17.01.2019, 18.01.2019, 19.01.2019
19 March 2019 (closed session)	82.03.2019, 83.03.2019, 84.03.2019
16 May 2019 (closed session)	162.05.2019, 163.05.2019
17 December 2019 (closed session)	339.12.2019, 340.12.2019

### PREVIOUS COUNCIL DISCUSSION

3 December 2019	Council Workshop
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### OFFICER'S REPORT

Irrespective of the circumstances of this compliance process, there has been significant improvements to required strategic Council documentation and processes as well as Councillor/staff knowledge and development as a result. I also commend Council staff and Councillors for their application and determination in achieving these milestones within the allocated time frames.

### STATUTORY REQUIREMENTS

*Local Government Act 1993*

### POLICY/STRATEGIC IMPLICATIONS

Nil

### BUDGET AND FINANCIAL IMPLICATIONS

Nil

### RISK/LIABILITY

Nil

### VOTING REQUIREMENTS

Simple Majority

**MOTION**

**213.10.2022 Moved: Mayor David Williams                      Seconded: Cr A Burke**  
That the letter (Annexure 19.1.1) addressed to the Minister for Local Government, Nic Street, be approved for signature.

**CARRIED UNANIMOUSLY (6-0)**

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

*Mayor David Williams passed the Chair to A/Deputy Mayor Rachel Summers at 2.53pm.*

**214.10.2022 Moved: A/Deputy Mayor R Summers                      Seconded: Cr S Blyth**  
That Council defers the confidentiality decision on Agenda Item 19.1 Notice of Motion – Letter to Minister for Local Government until after Agenda Item 19.2 has been considered.

**CARRIED UNANIMOUSLY (6-0)**

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



## 19.2 NOTICE OF MOTION – CONFIDENTIAL REPORT

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Deputy Mayor Rachel Summers
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	LEG/0600
<b>Annexures</b>	19.2.1 Performance Improvement Direction

### NOTICE OF MOTION

That Council releases the following statement to the general public in relation to the Performance Improvement Direction issued by Peter Gutwein, then Minister of Local Government on 30 April 2019.

“As a result of an investigation conducted by the Local Government Division, concluded in December 2018, Flinders Council was issued a Performance Improvement Direction (PID). A number of actions were required to be completed, including, but not limited to:

1. All Councillors undertaking education in specific subjects.
2. That the Council task the Audit Panel with an annual review of a random selection of Council delegated activities to ensure compliance with the *Local Government Act 1993* (the Act).
3. That the Council ensures that it is compliant with the Part 7, Division 2 (Plans and Report) of the Act and that it specifically ensures that it prepares and maintains a suitable:
  - Strategic plan;
  - Long-term financial management plan;
  - Financial management strategy;
  - Long-term strategic asset management plan;
  - Asset management policy; and
  - Asset management strategy.

On the 2<sup>nd</sup> of September 2022, Council received correspondence from Nic Street, Minister for Local Government, advising that apart from the final report, due after the term of the current Council expires, Council has now fulfilled all required actions. It seems a fitting time to close this chapter as this Council comes to an end, providing a fresh start for the new, incoming Council.

Council staff must be thanked for their contribution and hard work in ensuring that the required actions were completed.”

Release of this statement is to be embargoed until 2pm, 25<sup>th</sup> October 2022 (close of Local Government Election Poll).

### COUNCILLOR’S REPORT

On the 17<sup>th</sup> December 2018, Council was advised that a general investigation during the term of the former Council, undertaken in response to a number of specific concerns raised regarding alleged breaches of the *Local Government Act 1993*, had now been concluded.

The Director of Local Government at that time, Alex Tay, determined that “*it is not in the public interest to publish the report, particularly given the significant change in the composition of the Flinders Council resulting from the October 2018 elections.*”

The Report contains several recommendations to Flinders Council and the Director recommended that *“the Council consider the report’s recommendations in closed session in the first instance”*.

At a Closed Council meeting held on the 22<sup>nd</sup> January 2019, council resolved:

*“18.01.2019 Moved: Cr S Blyth Seconded: Cr A Burke*

*That Council, having received and considered the Council-in-Confidence letter and the Confidential Flinders Council Investigation Report (Report) from the Director of Local Government, Alex Tay, on 18 December 2018, resolved to:*

- 1. Implement those recommendations outlined in Section 11 of the Report that are applicable to Council;*
- 2. Initiate additional training and development for staff and elected members and to require Council’s independent Audit Panel to add the tasks of reviewing procedures and practices associated with land transfers and delegations to its list of responsibilities;*
- 3. Commit Council to work with the Director of Local Government with respect to any Performance Improvement Directions that may be issued;*
- 4. Provide the Director of Local Government with a timetable of actions proposed; and*
- 5. On completion of the action plan, provide the Director of Local Government with a report.”*

On 30 April 2019, a Performance Improvement Direction was issued by Peter Gutwein, then Minister of Local Government. Mr Gutwein made it clear that the *“Performance Improvement Direction is not a reflection on the current Council. It is a reflection of systemic issues that were present in the former Council”*.

The Grounds for the issue of the PID were:

*“The Council was the subject of a general investigation during the term of the former Council which identified numerous failures to comply with the Local Government Act 1993 (‘the LGA’). Namely,*

- 1) that councillors and staff engaged in practices with respect to the placing of the Council Common Seal which were not in compliance with section 19(3) and 19(5) of the LGA;*
- 2) that the Council failed to comply with section 177 of the LGA by selling land without a decision of Council supporting the sale and having failed to obtain a valuation for that land;*
- 3) that two councillors breached section 338A of the LGA by disclosing information from a closed meeting of council;*
- 4) that one councillor breached section 339 of the LGA by making improper use of information acquired as a councillor, and*
- 5) that a number of councillors, in contravention of their function under section 28(1)(b) of the LGA, failed to act in the best interest of the community in their actions to undermine the Council General Manager.”*

The required actions were:

No.	Description of Actions	Timeframe
1	<p>That all Councillors undertake training delivered by a service provider approved by the Director, with particular regard to Councillors' obligations and responsibilities in relation to:</p> <ul style="list-style-type: none"> <li>• Section 28 of the Act;</li> <li>• Model Code of Conduct;</li> <li>• ethical decision-making;</li> <li>• the importance of ethical conduct; and</li> <li>• misconduct avoidance.</li> </ul>	<p>The Councillors must complete this action within 120 days of receipt of the PID (or demonstrate that this action has already been completed).</p>
2	<p>That the Council, through the Audit Panel, undertake a full audit of all land transferred to other parties in the past five years, and report to the Director of Local Government in relation to compliance with the Act.</p>	<p>The Council must complete this action within 365 days of receipt of the PID.</p>
3	<p>That the Council, through the General Manager review the Council delegations register kept in compliance with section 22(4) of the Act and ensure that it is fit-for-purpose.</p>	<p>The Council must complete this action within 120 days of receipt of the PID (or demonstrate that this action has already been completed).</p>
4	<p>That the Council task the Audit Panel with an annual review of a random selection of Council delegated activities to ensure compliance with the Act.</p>	<p>The Council must complete this action annually until the next local government election in 2022.</p>
5	<p>That the Council ensure that all persons with delegated authority to affix the Council common seal receive suitable training with respect to the legislative obligations.</p>	<p>The Council must complete this action within 90 days of receipt of the PID (or demonstrate that this action has already been completed)</p>
6	<p>That all persons with delegated authority pursuant to the Council delegations register kept in compliance with section 22(4) of the Act, receive suitable training in the exercise of the authority.</p>	<p>The Council must complete this action within 90 days of receipt of the PID (or demonstrate that this action has already been completed).</p>
7	<p>That the Council seek advice in relation to education regarding management of conflicts of interests for staff and ensure that all staff undertake that training.</p>	<p>The Council must complete this action within 90 days of receipt of the PID (or demonstrate that this action has already been</p>

		completed).
8	That the Council review its credit card policy, with particular reference to approval and reviewing processes in light of the Auditor-General's findings and LGAT's model credit card policy.	The Council must complete this action within 120 days of receipt of the PID.
9	That the Council ensure that it is compliant with the Part 7, Division 2 (Plans and Report) of the Act and that it specifically ensures that it prepares and maintains a suitable: <ul style="list-style-type: none"> <li>• Strategic plan;</li> <li>• Long-term financial management plan;</li> <li>• Financial management strategy;</li> <li>• Long-term strategic asset management plan;</li> <li>• Asset management policy; and</li> <li>• Asset management strategy.</li> </ul>	The Council must comply with this action while serving as a Council until the local government election in 2022.
10	That the Council refrains from breaching the following sections of the Local Government Act 1993: <ul style="list-style-type: none"> <li>• section 19(3) and 19(5);</li> <li>• section 137;</li> <li>• section 177;</li> </ul>	The Council must comply with this action while serving as a Council until the local government election in 2022.
11	That the Council ensures that staff acting on behalf of the Council refrain from breaching the following: <ul style="list-style-type: none"> <li>• Section 8(1) of the Land Titles Act / 1980; and</li> <li>• Section 11(1) of the Land Titles Regulations 2012.</li> </ul>	The Council must comply with this action while serving as a Council until local government election in 2022.
12	That the Council take all reasonable steps to promptly address the recommendations made by the Director of Local Government in the Flinders Investigation Report and to complete the actions listed in the Performance Improvement Direction.	The Council must continue to complete and comply with actions listed while serving as a Council until the local government election in 2022.

Councillors and Council staff have undertaken an incredible amount of work over this last term of Council. The staff especially should be thanked for their efforts in doing what was needed to ensure the actions of this PID were completed.

We have now completed all the actions required and have been advised by the Minister for Local Government, Nic Street, (correspondence received 2<sup>nd</sup> September 2022) that our final report will be due once the Local Government Elections have been completed. Although Council elected to keep the PID confidential, it was not mandatory.

In the interests of transparency as well as recognition of the finalisation of the PID, achieving compliance and completing all obligations, I recommend that we release a statement to the community to show the incredible amount of work that has been undertaken by staff and Councillors.

#### **PREVIOUS COUNCIL CONSIDERATION**

22 January 2019 (closed session)	17.01.2019, 18.01.2019, 19.01.2019
19 March 2019 (closed session)	82.03.2019, 83.03.2019, 84.03.2019
21 May 2019 (closed session)	162.05.2019, 163.05.2019
17 December 2019 (closed session)	339.12.2019, 340.12.2019

## PREVIOUS COUNCIL DISCUSSION

3 December 2019

Council Workshop

### OFFICER'S REPORT

The initial findings and recommendations of alleged breaches of the *Local Government Act 1993* by the previous Council determined that "it was not in the public interest to publish the report. A further recommendation from the Office of Local Government was that Council considers "the report's recommendations in closed session in the first instance." Another aspect of the investigation involves non-disclosure agreements between involved parties, which I believe necessarily must remain confidential.

The *Local Government Act 1993* at S.20 (2) states that, "*In performing its functions, a council is to consult, involve and be accountable to the community.*" In considering the Motion, Council needs to consider its statutory responsibilities of good governance and transparency whilst balancing any residual confidentiality requirements.

### STATUTORY REQUIREMENTS

*Local Government Act 1993*

### 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

Nil

### RISK/LIABILITY

As long as any confidentiality agreement(s) is/are not breached in relation to this matter, the release of information about the PID does not appear to be prohibited. In line with *the Local Government Act 1993*, involving and being accountable to the community are clear requirements of Local Government which suggest that appropriate information about this matter should be released to the Community.

### VOTING REQUIREMENTS

Simple Majority

### MOTION

215.10.2022 Moved: A/Deputy Mayor R Summers

Seconded: Cr A Burke

That Council releases the following statement to the general public in relation to the Performance Improvement Direction issued by Peter Gutwein, Minister of Local Government on 30 April 2019.

"As a result of an investigation conducted by the Local Government Division, concluded in December 2018, Flinders Council was issued a Performance Improvement Direction (PID). A number of actions were required to be completed, including, but not limited to:

1. All Councillors undertaking education in specific subjects.
2. That the Council task the Audit Panel with an annual review of a random selection of Council delegated activities to ensure compliance with the *Local Government Act 1993* (the Act).
3. That the Council ensures that it is compliant with the Part 7, Division 2 (Plans and Report) of the Act and that it specifically ensures that it prepares and maintains a suitable:

- Strategic plan;
- Long-term financial management plan;
- Financial management strategy;
- Long-term strategic asset management plan;
- Asset management policy; and
- Asset management strategy.

On the 2<sup>nd</sup> of September 2022, Council received correspondence from Nic Street, Minister for Local Government, advising that apart from the final report, due after the term of the current Council expires, Council has now fulfilled all required actions. And it seems a fitting time to close this chapter as this Council comes to an end, providing a fresh start for the new, incoming Council.

Council staff must be thanked for their contribution and hard work in ensuring that the required actions were completed.”

Release of this statement is to be embargoed until 2pm, 25<sup>th</sup> October 2022 (close of Local Government Election Poll).

**CARRIED UNANIMOUSLY (6-0)**

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

216.10.2022 Moved: Cr A Burke

Seconded: Cr P Rhodes

That for Agenda Item 19.2 Notice of Motion – Confidential Report, the entire agenda item and the annexure be released to open council after 2pm, 25 October 2022.

**CARRIED UNANIMOUSLY (6-0)**

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

217.10.2022 Moved: A/Deputy Mayor R Summers

Seconded: Cr P Rhodes

That for Agenda Item 19.1 Notice of Motion – Letter to Minister for Local Government, the entire agenda item and annexure be released to open council, after 2pm, 25 October 2022.

**CARRIED UNANIMOUSLY (6-0)**

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

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**MEETING CLOSED 3.08PM**

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