



Agenda
Ordinary Council Meeting
21st May 2015



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 15th day of May 2015.



Raoul Harper
GENERAL MANAGER

FLINDERS COUNCIL ORDINARY MEETING

AGENDA

DATE: Thursday 21st May 2015
VENUE: Flinders Island Aboriginal Association Inc,
West St, Lady Barron
COMMENCING: 1.00 pm

PRESENT

Mayor Carol Cox
Deputy Mayor Marc Cobham
Cr Chris Rhodes
Cr Peter Rhodes
Cr David Williams
Cr Gerald Willis

APOLOGIES

Cr Ken Stockton

STAFF IN ATTENDANCE

Raoul Harper - General Manager
Sophie Pitchford - Corporate Services Manager
Jacci Viney - Development Services Coordinator
Kelly Blundstone - Finance Officer/Reception

CONFIRMATION OF MINUTES

That the Minutes from the Ordinary Council Meeting and the Closed Council Meeting held on the 30th April 2015 be confirmed.

PUBLIC QUESTION TIME

In accordance with Section 31 (1) of the Local Government (Meeting Procedures) Regulations 2005 and the Flinders Council Policy the following procedures be adhered to at public question time:-

It is the policy of the Flinders Council to allow a 'Question Time' at Ordinary Council Meetings, during which members of the public may ask questions of the Council relating to Flinders Council matters.

The basis on which questions may be asked is:

- 1. All questions will be addressed through the Chair (being the Mayor in normal circumstances) who will answer them as she/he sees fit. Under no circumstances will members of the gallery be permitted to address or*

question either elected members or officers of the Council. The Chair may delegate answers to the appropriate Councillor or staff member if appropriate.

- 2. Persons addressing the Chair must pay the respect due to that office. Failure to do so may mean their address is terminated without notice.*
- 3. Where the answer cannot be provided immediately, it will be provided in writing within 14 days and tabled at the following Ordinary Council Meeting.*
- 4. All questioners are encouraged to register their intent to question with the General Manager before the meeting. Preference will be given to those who have so registered.*
- 5. Question time shall not extend longer than 30 minutes and may be divided into two 15 minute sessions.*
- 6. The actual timing of the session(s) is to be immediately after the opening of the meeting and advertised with the notice of meeting.*

LATE AGENDA ITEMS

Nil

DECLARATION OF PECUNIARY INTEREST

In accordance with Part 2 Regulation 8 (7) of the Local Government (Meeting Procedures) Regulations 2005, the Chairman of a meeting is to request Councillors to indicate whether they have, or are likely to have, a pecuniary interest in any item on the agenda.

Accordingly, Councillors are requested to advise of a pecuniary interest they may have in respect to any matter appearing on the agenda, or any supplementary item to the agenda, which the Council has resolved to deal with, in accordance with Part 2 Regulation 8 (6) of the Local Government (Meeting Procedures) Regulations 2005.

LEAVE OF ABSENCE

Nil

PETITIONS

Nil

WORKSHOPS & INFORMATION FORUMS

File No: COU/0205

Council Workshop held on 7th May 2015

Council held a Workshop on the following subjects:

- Item 1: Strategic Plan
- Item 2: Strategic Plan – community consultation
- Item 3: Review to Tasmania's Emergency Management Arrangements
- Item 4: Presentation by Westpac re: Banking arrangements (Angela Miller) *Ms Miller was unable to attend.*
- Item 5: NTD Regional Futures paper
- Item 5: Community Grants & Gunn Bequest
- Item 6: Black water update
- Item 7: Integrity Commission “Speak Up” Campaign
- Item 8: Budget Workshop dates and format.
- Item 9: Telecommunications
- Item 10: Review of Staff Code of Conduct
- Item 11: Shipping Container maintenance

Councillors Present:

Mayor Carol Cox, Deputy Mayor Marc Cobham, Cr Peter Rhodes, Cr Ken Stockton, Cr David Williams, Cr Gerald Willis

Apologies:

Cr Chris Rhodes

Staff and Consultants Present:

Raoul Harper (General Manager), Sophie Pitchford (Corporate Services Manager), Jacci Viney (Development Services Coordinator -Item 6 only) and Brian Barnewall (Works and Services Manager – Item 6 only).

As workshops and information sessions are for information and discussion purposes only, no decisions are made or foreshadowed at these proceedings.

VOTING REQUIREMENTS:

Simple Majority

RECOMMENDATION:

That the Council Workshop held on 7th May 2015 be noted.

DECISION:

PUBLIC MEETINGS

Nil

COUNCILLOR'S QUESTIONS ON NOTICE

Question 1: Gerald Willis

I ask the General Manager on behalf of Mrs. Lyn Wilson, does the Council have any intention of installing two flagpoles next to the newly created ANZAC memorial in Whitemark and an extra flagpole at the Emita cenotaph so that the New Zealand flag can be flown alongside the Australian flag on occasions which commemorate those who served from both countries in Gallipoli, especially because without the inclusion of the letters "NZ" there would be no ANZAC and if not, why not?

Response from General Manager

The General Manager implements the decisions of Council. To date Council have not requested the installation of flag poles at the new Whitemark memorial or an extra flag pole at the Emita Cenotaph. Council could consider it as part of its budget deliberations for the 2015/2016 financial year.

COUNCILLOR'S QUESTIONS WITHOUT NOTICE

Regulation 29 of the Local Government (Meeting Procedures) Regulations 2005 specifies that in putting a Question Without Notice a Councillor must not offer an argument or opinion, draw any inference or make any imputations except so far as may be necessary to explain the question. The Chairperson must not permit any debate of a Question without Notice or its answer.

PUBLICATIONS/REPORTS TABLED FOR COUNCIL INFORMATION

Northern Tasmania Regional Futures Plan

File No: COU/0305

Annexure 1: *Northern Tasmania Regional Futures Plan: Directions Paper*

OFFICER'S REPORT (Raoul Harper, General Manager):

That the publication provided by Northern Tasmania Development (NTD) be noted.

DECISION:

COUNCILLORS' REPORTS

Report from Councillor Gerald Willis as the Flinders Council Representative on TasWater

File No: WAT/0200

CORRESPONDENCE IN:

DATE	SUBJECT
28 April 2015	Email from Ailsa Sypkes, General Manager Legal and Governance, with draft minutes of a meeting of owners' representatives on 22 April 2015.
28 April 2015	Email from Ailsa Sypkes, General Manager Legal and Governance, advising that a meeting of owners' representatives scheduled for 14 May has been cancelled and that a new meeting will be scheduled prior to 31 July 2015.
28 April 2015	Email from Ailsa Sypkes, General Manager Legal and Governance, with an attached proposed media release from Tony Foster, Chief Representative of the Owners' Representatives, under the heading Councils keen to work with State Government on water and sewerage.
28 April 2015	Email from Ailsa Sypkes, General Manager Legal and Governance, requested by Tony Foster, Chief Representative of the Owners' Representatives which includes information in relation to the forecast distributions for FY2015/15. <i>[I think that should be FY2015/16].</i>
28 April 2015	Emails between Ailsa Sypkes, General Manager Legal and Governance, and Gerry Willis advising that the press release advised for 28 April incorrectly showed total assets of "around \$0.2 billion", when, as identified by Mayor Carol Cox, the figure should be "around \$2 billion".
28 April 2015	Email from Ailsa Sypkes, General Manager Legal and Governance, with an attached letter from Tony Foster, Chief Representative, to Hon. Peter Gutwein MP.
11 May 2015	Email from Ailsa Sypkes, General Manager Legal and Governance, with an attached report titled Taswater Quarterly Report to Owners' Representatives – Progress Update to 31 March 2015.

VOTING REQUIREMENTS:

Simple Majority

RECOMMENDATION:

That the report be received.

DECISION:

MAYOR'S REPORT:

ACTION	Information
PROPONENT	Mayor, C Cox
FILE REFERENCE	COU/0600
ASSOCIATED PAPERS	<i>N//</i>

REPORT:

APPOINTMENTS:

22/4/15	Deputy Leader of the Labor Party, Michelle O'Byrne MP – Re vet position
24/4/15	Lady Barron Hall Special Committee meeting
24/4/15	Pop Up Stencil Art Exhibition. – (School Holiday Program Art Work)
25/4/15	Dawn Service
25/4/15	ANZAC March & Service
25/4/15	BBQ with Cape Barren Island residents attending ANZAC Service
28/4/15	Lady Barron Hall Special Committee meeting
29/4/15	Meeting with Angela Miller, Regional General Manager Tasmania RETAIL & BUSINESS BANKING, Westpac
29/4/15	Meeting with Monica Dadson from The Examiner Newspaper
30/4/15	Project Management Framework Presentation
30/4/15	Council meeting
1/5/15	Meeting with Port & Coastal Representatives
4/5/15	Funeral Mrs. Ruth Walsh
4/5/15	John Kirwan, RFDS CEO meeting
7/5/15	All day Workshop
8/5/15	MEMC Meeting

Vet Position.

Michelle O'Byrne MP rang, having been made aware of the vet situation on the Island by concerned community members. Michelle advised the Labor Party would in principal, be supportive of actions taken by the government to support a practicing vet service on the Island.

Craig Elliot, of Biosecurity Tasmania, is planning a visit to the Island and to meet with Councillors in June.

Banking.

Westpac are reconsidering their presence on the Island, having made the decision as a company to close all their agencies. Angela Miller, was meant to meet with Councillors on the 7th May, however was unable to travel due to illness. Another date is yet to be arranged.

CORRESPONDENCE IN:

DATE	WHO	SUBJECT
23/04/15	J Clifford	Copy of letter to Australia Post
24/04/15	TasWater	Update on TasWater Treatment plant developments
27/04/15	Heart Foundation	Entries open 2015 Heart Foundation Local Government Awards
27/04/15	Multicultural Council of Tasmania	Unity Campaign
27/04/15	Albert van Zetten, Mayor of Launceston	Invite to 125 th Anniversary of the University of Tasmania (apology sent)
27/04/15	A Nobbs, Oceania Economic Development Corporation	Update on Australia Small Island Forum (ASIF) September 2015
27/04/15	V Epstein	Information relating to the Agenda Item on the Island vet position
27/04/15	Natural Resource Management North	Autumn Newsletter
27/04/15	D Le Marchant. NTD	Forwarding - Letter from Dorset Council requesting presentation on value of NTD
27/04/15	C Griffin, TNT	TNT Tourism Bulletin
27/04/15	Mayor, Glenorchy Council	Local Government reform
27/04/15	L Klumpp, Biosecurity Tasmania	Re future of biosecurity on the Bass Strait Islands and Council contact point
27/04/15	Heart Foundation	2015 Heart Foundation Local Government Awards now open
27/04/15	Multicultural Council of Tasmania	Unity Campaign
27/04/5	R Dallas	Information relating to the Agenda Item on the Island vet position
28/4/15	TasWater	May meeting cancelled, next prior to 31 July
29/04/15	Chris Griffin	Heads up re Industry Advisory - Invitation to attend a T21 Directions Forum

29/04/15	Craig Elliott Director, Biosecurity Operations Biosecurity Tasmania Department of Primary Industries, Parks, Water and Environment	Vet position
29/04/15	Office of the Secretary, Department of Education	Department of Education – Good teaching resources
30/04/15	Steve Whiteley, CEO Forestry Tasmania.	Government response to Forestry Tasmania review
30/04/15	Artistic Director, Ten Days on the Island	Wrap up of this year's event
1/05/15	Minister for State Growth, Matthew Groom, MP	State Population Growth Strategy invitation for Council delegate to participate
01/05/15	Minister for State Growth, Matthew Groom MP.	Request for Delegate to development of State Population Strategy
4/05/15	Katrena Stephensen, LGAT	Regional Innovation survey
5/05/15	John Kirwan, CEO RFDS	Report on benefits of greater investment in preventative health. Productivity Commission Research Paper – Efficiency in Health April 2015
5/05/15	John Kirwan , CEO RFDS	Transition to work information
5/05/15	Sallese Gibson, ABC News	Introduction
6/05/15	West Coast Council	West Coast Community Plan (2015) Engagement
6/05/15	Guy Barnett, Parliamentary Secretary to the Premier	26 th National Volunteer week 11-17 th May – Give Happy - Live Happy

6/05/15	LGAT	Papers and Presentations from April 30 th meeting on Amalgamation available
6/05/15	Premiers Office	Invite to industry discussion on the future of on Tourism 21 -the State Tourism Strategy.
07/05/15	Parliamentary Secretary to the Premier	National Volunteer Week 11-17 May
07/05/15	Her Excellency Professor the Honourable Kate Warner	Invite to Reception to mark the Birthday of her Majesty The Queen - 4/5/15
11/05/15	TasWater	Quarterly Report to Owners Representatives - Progress Update to 31 March 2015
11/05/15	Flinders Island Aboriginal Association Inc.	Advice and invite June long weekend Fun Run.
11/05/15	P Nugent	Expression of appreciation for sealing on Palana Road.
		Email wifi at airport.
12/05/15	S Douglas, Planning & Environment Manager, Launceston Airport	Response to query about review of Disability Access Facilitation Plan for Launceston Airport
13/05/15	TasWater	Notice of General Meeting on the 28 th July
13/05/15	Katrena Stephenson, LGAT	Federal Budget Information from ALGA
13/05/15	Minister for State growth, The Hon Matthew Groom MP	Invitation to informal discussion exploring ways in which the government, stakeholders and the community can grow Tasmania's population
12/05/15	Stephen Douglas, Launceston Airport	Response re Disability Access Facilitation Plan for Launceston Airport
06/05/15	Premier	Invitation to meeting to discuss the future of Tourism 21 – The State Tourism Strategy - 8/5

CORRESPONDENCE OUT:

DATE	WHO	SUBJECT
24/04/15	J Johnston, Tasports	Re 2015-16 livestock wharfage/levy discussions with primary producers
28/04/15	Carol Crute	Thank you for knitted poppy for ANZAC Day
28/04/15	V Epstein	Thank you for information on Vet Position
28/04/15	R Dallas	Thank you for information on Vet Position
07/05/15	Inquirer	Copy of Aquaculture Study Flinders 2001
07/05/15	Angela Miller, Westpac	Query as to new visit date
12/05/15	Angela Miller, Westpac	Query re confirmation of Island visit suggested for this week
12/05/15	P Hodgen, General Manager, Launceston Airport	Re access issues to the Sharp Airlines Terminal
12/05/15	S Douglas, Planning & Environment Manager, Launceston Airport	Re review of Disability Access Facilitation Plan for Launceston Airport
11/05/15	Flinders Island Aboriginal Association Inc.	Re Invite to Fun Run

VOTING REQUIREMENTS:

Simple Majority

RECOMMENDATION:

That the Mayor's report be received.

DECISION:

OPERATIONAL BUSINESS OF COUNCIL

A. DEVELOPMENT SERVICES AND PLANNING APPLICATIONS

Item A1: Building Approvals Policy – to be rescinded
File No: REA/0101
Annexure 2: Building Approvals Policy

B. NOTICE OF MOTIONS

Item B1: Notice of Motion - Names of Representors
File No: DSV/0200

Item B2: Notice of Motion - Furneaux Community Health Special
Committee Representative
File No: CSV/0912

Item B3: Notice of Motion – Audit Panel
File No: CSV/0912

C. CORPORATE SERVICES

Item C1: Waiver of Fees Policy
File No: FIN/0701
Annexure 3: DRAFT Waiver of Fees Policy

Item C2: Variation to the 2014/15 Budget Review
File No: FIN/0701
Annexure 4: Capital Works Program Budget

Item C3: Variation to the 2014/15 Budget Review
File No: FIN/0702
Annexure 5: Capital Works Program Budget

D. GOVERNANCE

Item D1: Personal Information Protection Policy
File No: ADM/0900
Annexure 6: DRAFT Personal Information Protection Policy

Item D2: Community Grants 2015-16

File No: FIN/0905

Associated Papers: Grant Applications Previously Circulated to Elected Members only

Item D3: Gunn Bequest Grants 2015-16

File No: FIN/1600

Associated Papers: Grant Applications Previously Circulated to Elected Members only

Item D4: Councillor Resolution Report

File No: COU/0600

Annexure 7: Councillor Resolution Report May 2015

Meeting Closed

A. DEVELOPMENT SERVICES

Item A1: Building Approvals Policy – to be rescinded

ACTION	Decision
PROPONENT	Council Officer
OFFICER	Development Services Coordinator, Jacci Viney
FILE REFERENCE	REA/0101
ASSOCIATED PAPERS	<i>Annexure 2: Building Approvals Policy</i>

INTRODUCTION:

Council's Policy Manual is an important document of Council as it provides direction to Staff, Management and Councillors. Council has a policy that states that policies should be reviewed at least every two (2) years.

PREVIOUS COUNCIL CONSIDERATION:

Adopted	11 th August 2005	475.08.05
Amended	23 rd September 2010	278.09.10
Reviewed	26 th March 2015	73.03.2015

OFFICER'S REPORT:

The Building Approvals Policy has been in place since 2005 and reviewed once since it was first adopted. All procedures of this nature must be followed in strict accordance with the *Building Act (Tas) 2000* and Building Regulation 2014. This Policy serves no purpose and cannot be reflected upon to provide guidance to officers of Council when dealing with matters as outlined in the Policy.

Council resolved to rescind the Elected Members' Allowances & Reimbursements Policy and allowed it to lay on the table for 28 days for public comment. No submissions were received during the public consultation period.

STATUTORY REQUIREMENT:

Nil

POLICY/STRATEGIC IMPLICATIONS:

3.0 Land use, Development and Building

RISK/LIABILITY:

There is a risk that the Policy will contravene a practice outlined in the *Building Act 2000* and may be utilised instead of legislated proceedings.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That Council rescinds the Building Approvals Policy.

DECISION:

B. NOTICE OF MOTIONS

Item B1: Notice of Motion - Names of Representors

ACTION	Decision
PROPONENT	Councillor Gerald Willis
OFFICER	General Manager, Raoul Harper
FILE REFERENCE	DSV/0200
ASSOCIATED PAPERS	<i>Nil</i>

NOTICE OF MOTION:

That from the closure of this meeting any future representation received under the terms of any section of the *Land Use Planning and Approvals Act 1993* will only be included in any agenda of the Flinders Council with full disclosure of the name of the person making the representation and, furthermore, if a representation is made by an agent, then the agent shall disclose the name of the person for whom the agent is acting and, furthermore, any representation shall not be redacted in any manner prior to consideration by the Council nor will any representation be considered unless the name of the person ultimately making the representation is disclosed.

COUNCILLOR'S REPORT:

Under the terms of section 9(1)(3)(b) of the *Land Use Planning and Approvals Act 1993* representations may be made in relation to an application for a permit in accordance with section 57(5). There is no reference to any requirement that representations made under section 57(5) should or should not be disclosed.

Those sections are reproduced here. Some sub-sections which have minimal or less relevance have been removed.

That the Act makes no reference to disclosing identities of those who make representations in relation to planning applications means that Councils are free to determine the way in which representations are disclosed.

The practise of disclosing the identities of those individuals who make representations to the council in relation to planning applications is one which ensures full transparency in relation to all parties who wish to make public statements about planning applications. If a person is going to make a representation then, in the opinion of this Councillor, that person should have their name fully disclosed; if not then the representation should not be heard.

It is the Council administration which has decided not to disclose the names of those making representations, not the Elected Members. There is no policy which decrees that names of those making representations should not be made.

The requirement that all the names of those making representations be disclosed means that the Elected Members can form their own opinions on the relevance of the representations. It also means that individuals making representations do so in the full knowledge that there will be no anonymity in their representation.

In many cases where representations have been made it is possible for a reader of the representation to determine that person's identity from the content. This motion, if passed, would ensure the identities of all those who make representations are disclosed.

EXTRACT FROM LAND USE AND PLANNING APPROVALS ACT 1993

9. Notice of application for permit

(1) For the purposes of [section 57\(3\)](#) of the Act, notice by a planning authority of an application for a permit is to be—

(a) advertised in a daily newspaper circulating generally in the area relevant to the application; and

(b) displayed at the planning authority's office; and

(c) given to the owners and occupiers of all properties adjoining the land that is the subject of the application; and

(d) displayed on the land that is the subject of the application—

(i) in a size not less than A4; and

(ii) as near as possible to each public boundary.

(3) A notice under [subregulation\(1\)](#) is to—

(b) advise that representations in relation to the application may be made in accordance with [section 57\(5\)](#) of the Act; and

(c) explain how those representations may be made.

57. Applications for discretionary permits

(3) Unless the planning authority requires the applicant to give notice, the authority must give notice, as prescribed, of an application for a permit.

(5) Any person may make representations relating to the application during the period of 14 days commencing on the date on which notice of the application is given under [subsection \(3\)](#) or such further period not exceeding 14 days as the planning authority may allow.

(5AA) If the time period specified in subsection(5) includes any days on which the office of the planning authority is closed during normal business hours in that part of the State where the land subject to the application for a permit is situated, that period is to be extended by the number of those days.

PREVIOUS COUNCIL CONSIDERATION:

Nil

OFFICER'S REPORT:

Flinders Council has no formal policy directive in relation to the printing (or not) of a representor's name in relation to the planning process under the *Land Use Planning and Approvals Act 1993* (the Act). The Act is silent on the matter and the printing of such information is a matter of Council policy or procedure. In the absence of any formal directive, staff do not print the names of representors.

Under the requirements of the Act, case law has consistently determined that a representation must include:

- the identity of the representor (this is not stated in the act, but a clear requirement of the obligations for notification of a decision);
- a clear identification of the subject application; and
- a clear representation that they object or support the proposal.

Provided these matters are included within the representation, it is valid and must be considered in determination of the subject application. There is no requirement specifically for the name of the representor to be included in any public documentation or agenda.

There is no requirement for the representor to have any clear involvement, relationship or anything else with any other parties in the process. There is nothing in the Act that prevents an agent acting for an interested or affected party.

Including a representor's identity in the agenda document is a matter of Council policy. Many Councils include the representor's name, but redact personal or contact details. This is quite a sensible approach. As stated earlier in this report, Flinders Council has no formal policy on the matter but in my time as General Manager, and previous to this as I understand it; Council has not included the names of representors in agenda items. If the elected members are of the mind that the inclusion of a person's name is important then there is no specific impediment to this occurring, a decision of Council and a directive to the General Manager from Council to deliver such is simply required.

That said, the identity of the representor is a separate issue to its consideration against the particular application. The Resource Management and Planning

Appeals Tribunal have consistently determined that the identity (or proximity for that matter) of a representor is not a valid consideration when determining the representation against a particular application. I would caution Councillors to consider this when formulating their opinions.

For these reasons, Council cannot determine that representations made through an agent *will not be heard* if they do not fully disclose the name of the person who commissioned the representation. This is not a relevant test under the Act for making a representation. Any attempt by Council to implement such a practice would ultimately result in an application being determined without considering representations that were valid at law. In that case:

- the Council would not have made a valid decision on the application;
- the application would be undetermined, and ultimately exceed the statutory time for determination (42 days for discretionary applications); and
- Council would ultimately be liable for the costs of all parties and the Tribunal for determination of the application, and potentially for any party who subsequently relied on that 'purported' decision and incurred costs or damages as a result (in my opinion).

The proposal outlined in the notice of motion is sound, except for the requirement for an agent to provide their client's name and details in order to have the representation heard.

Normally, this is an operational matter that would be addressed through policies or procedures. Inclusion of a representor's name (and redaction of contact details for that matter) is consistent with Flinders Council's adopted Personal Information Protection Policy, clauses 4.1.3, 4.1.5 and 4.2.1. Given this policy, the motion could be addressed through a revision of the relevant internal procedure whereby the General Manager can direct staff to include the names (but not the contact details) of representors in planning related agenda items.

STATUTORY REQUIREMENTS:

Local Government Act 1993

Land Use Planning and Approvals Act 1993

POLICY/STRATEGIC IMPLICATIONS:

3. Land use, Development and Building - A productive system of land and building development that promotes investment and activity while protecting people and the environmental characteristics of the Flinders Municipal area.

BUDGET AND FINANCIAL IMPLICATIONS:

Nil

RISK/LIABILITY:

The motion as written if adopted in full would expose Council to significant risk of non-compliance with the Act.

The proposal to print the names of representors is sound so long as the requirement for an agent to provide their client's name and details in order to have the representation heard is removed. If such a change was made no specific legal risk exists with Council supporting such an approach.

It could be argued that in a small community allowing a representor a level of public anonymity by not printing their name encourages and supports engagement with the planning process that is free of potential bias, harassment and/ or fear of reprisals for voicing an opinion. A risk may exist that representors will be less willing to voice their opinion if their names are to be made public. A further risk that Councillors could be exposed to is a claim of actual bias or apprehended bias if they know the representor and they have had previous dealings with them. As a counterpoint, those who take the time and invest in making an application to Council for consideration may feel the process is not transparent if representors names are not included in the public documents. Council needs to balance these risks and provide a formal directive to staff.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

The Flinders Council resolves that representation received under the terms of the *Land Use Planning and Approvals Act 1993* will be included in the agenda of the Flinders Council with full disclosure of the name of the person making the representation.

DECISION:

Item B2: Notice of Motion - Furneaux Community Health Special Committee Representative

ACTION	Decision
PROPONENT	Councillor Gerald Willis
OFFICER	General Manager, Raoul Harper
FILE REFERENCE	CSV/0912
ASSOCIATED PAPERS	<i>Nil</i>

NOTICE OF MOTION:

That Council appoints Youdit Deane to the Furneaux Community Health Special Committee.

COUNCILLOR'S REPORT:

The Furneaux Community Health Special Committee ("the Committee") has been constituted under section 24 of the *Local Government Act 1993*. Current members were appointed by the Council at its meetings in November and December 2014.

The Terms of Reference state the principal role of the Committee is to be a conduit for health based concerns of the Community. To this end, Committee members have been selected with the objective of providing the Committee with as wide a representation of the community as possible. One member has traditionally been selected from the Flinders Island District High School ("the School") fraternity. This has been done because the School has involvement with most of the children of school age in the Community and also their parents. The school represents a significant number of members of the Community.

The school representative has been Jan Schibrowski, who was also the school Principal. However, Jan has resigned from the school position and, as a consequence, has also resigned from the Committee.

Following a request to Nicole Jones, Acting Principal, the Committee has been advised that Youdit Deane, a teacher at the school, is willing to be appointed to the Committee to represent the school.

Youdit is keen to join the Committee and it is my opinion that she would be a worthwhile participant in the business of the Committee.

I have no hesitation in commending Youdit Deane as a member of the Furneaux Health Community Special Committee and recommend the Notice of Motion to all Councillors.

PREVIOUS COUNCIL CONSIDERATION:

Nil

OFFICER'S REPORT:

The motion is supported.

STATUTORY REQUIREMENTS:

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS:

4.0 Community Safety, Engagement and Enterprise - Through positive Council-Community partnerships, enhance people's security, inclusion and well-being.

BUDGET AND FINANCIAL IMPLICATIONS:

None

RISK/LIABILITY:

None

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That Council appoints Youdit Deane to the Furneaux Community Health Special Committee.

DECISION:

Item: B3 Notice of Motion - Audit Panel

ACTION	Decision
PROPONENT	Councillor Gerald Willis
OFFICER	General Manager, Raoul Harper
FILE REFERENCE	CSV/0912
ASSOCIATED PAPERS	<i>Nil</i>

NOTICE OF MOTION:

1) That Flinders Council resolves to change the name of the Flinders Council Audit and Finance Special Committee to the Flinders Council Audit Panel.

2) That Flinders Council authorise Ms Diana Droog and Mr John Dick to attend a workshop on Audit Panels being hosted by Local Government Association Tasmania to be held on 7 July 2015 in Launceston and reimburse expenses associated with attending the seminar.

COUNCILLOR'S REPORT:

The Tasmanian Government has amended the *Local Government Act 1993* (the Act) and introduced the concept of Audit Panels. Audit Panels, which are special committees of Councils as were Audit and Finance Committees traditionally set up, have a greater range of responsibilities than the committees they replace. Indeed, Flinders Council considered the extra responsibilities to be so onerous and costly that it lobbied the Minister for Local Government to be granted an exemption from complying with all aspects of the new regime. Unfortunately, no exemption has been forthcoming.

The functions of an Audit Panel are no longer restricted to financial matters; the function now includes a review of council performance with respect to corporate governance, legislative and policy compliance, risk management and internal control and decision-making.

The membership of the Audit Panel consists of Mr John Dick, chairman and Ms Diana Droog, both Community representatives, together with Councillors Stockton and Willis.

Given the broad range of responsibilities that now fall onto Audit Panels, the Local Government Association of Tasmania (LGAT) has organised seminars, one to be in Launceston on 7 July. The forums are in partnership between LGAT and Governance Institute of Australia (Tasmanian branch). It is considered that all members of Audit Panels will have a period of learning and adapting to the new requirements. The seminar proposed would provide a good introduction to the new era.

The anticipated cost for the two panel members to attend is in the order of \$600 which would include airfares, land travel and seminar attendance fees. As the seminar is to be held in the next financial year, it is expected that these costs

would fall into budget allocated to the operation of the Audit Panel, although such a determination has yet to be made.

The motion is recommended to Councillors for approval.

PREVIOUS COUNCIL CONSIDERATION:

Nil

OFFICER'S REPORT:

The current name of the Committee in question is the Flinders Council Audit and Finance Special Committee. As a matter of compliance with the *Local Government Act 1993* this should be changed by a resolution of Council to the Flinders Council Audit Panel.

As stated by Cr Willis, an Audit Panel has very specific functions under the *Local Government Act 1993*.

The Panel includes an independent Chair and community member. Council should support the training and development of these individuals in the requirements and functions of Audit Panels.

Training for all members of the Panel would be highly valuable. It is critical that the Panel deliver value and drive improvement for Council as a whole. To do this the ability to understand roles, responsibilities and set agreed work plans and reporting processes are vital.

The workshop to be held by LGAT will assist members improve their understanding of the roles required and an allocation to support their attendance and the ongoing operations of the Audit Panel should be made in the 2015/2016 Budget.

STATUTORY REQUIREMENTS:

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS:

5. Corporate Governance and Intergovernmental Relations - decisions are professionally and transparently made, communicated and implemented to achieve defined outcomes in the interest of the community.

5.1 Support the capacity and productivity of our organisation and a culture of professionalism, compliance, innovation and service.

5.1.3 Achieve a sustainable balance of income, investment and recurrent expenditure.

5.1.3.8 Maintain an Audit Panel as outlined in the Ministerial Orders.

BUDGET AND FINANCIAL IMPLICATIONS:

Council is required to support the activities of the Audit Committee and as such a budget allocation in the 2015/2016 financial year is required. The level of this allocation is to be decided by Council at the 2015/2016 budget deliberations. The Motion at hand if supported will see expenditure incurred in the new financial year and as such no budget variation is required.

RISK/LIABILITY:

Failure to ensure that the members of the Audit Committee have the appropriate skills, experience and qualifications to undertake the legislated tasks required could expose Council to significant risk. As both the Chair and the community member appointed have no specific, current or formal qualifications as Auditors but have been selected for their broad business skills and experience in financially related fields, providing ongoing training may mitigate the risk that the actions and activity of the Audit Committee do not comply with the requirements of the Act.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

1) That Flinders Council resolves to change the name of the Flinders Council Audit and Finance Special Committee to the Flinders Council Audit Panel.

2) That Flinders Council authorise and arrange the booking, travel and accommodation required to support Ms Diana Droog and Mr John Dick to attend a workshop on Audit Panels being hosted by Local Government Association Tasmania to be held on 7 July 2015 in Launceston. That Flinders Council as part of the 2015/2016 Budget process allocate an agreed amount of funding to support the functions of the Audit Panel in discharging their duties under the *Local Government Act 1993*.

DECISION:

C. CORPORATE SERVICES

Item C1: Waiver of Fees Policy

ACTION	Decision
PROPONENT	Council Officer
OFFICER	Corporate Services Manager, Sophie Pitchford
FILE REFERENCE	FIN/0701
ASSOCIATED PAPERS	<i>Annexure 3: DRAFT Waiver of Fees Policy</i>

INTRODUCTION:

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

PREVIOUS COUNCIL CONSIDERATION:

85.03.2015 26th March 2015

OFFICER'S REPORT:

The Waiver of Fees Policy has been developed to guide the General Manager by providing a framework for the consistent and equitable assessment of all requests for the reduction or waiver of Council Fees and Charges for the use of facilities and/or services provided by Council.

Council resolved to adopt the Waiver of Fees Policy and allowed it to lay on the table for 28 days for public comment. No submissions were received during the public consultation period.

STATUTORY REQUIREMENT:

Nil

POLICY/STRATEGIC IMPLICATIONS:

5.0 Corporate, Governance and Intergovernmental Relations

RISK/LIABILITY:

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

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That Council adopts the Waiver of Fees Policy.

DECISION:

Item C2: Variation to the 2014/15 Budget Review

ACTION	Information
PROPONENT	Council Officer
OFFICER	Corporate Services Manager, Sophie Pitchford
FILE REFERENCE	FIN/0701
ASSOCIATED PAPERS	<i>Annexure 4: Capital Works Program Budget</i>

INTRODUCTION:

Council has identified that the Public Toilets at Lady Barron need to be replaced as the amenities in existence are past their use by date and problematic.

Council has a budget allocation in the 2014-15 Capital Works Program Budget for Public Toilet upgrades; however the allocation does not include the Lady Barron upgrade.

PREVIOUS COUNCIL CONSIDERATION:

Nil

OFFICER'S REPORT:

The Lady Barron toilet amenity block is an integral part of the functioning of the Port along with the use of other public facilities located in the hub of the township. The current toilets are extremely old and are no longer functional.

Council is currently purchasing three other units for Killiecrankie, Yellow Beach and the Whitemark Foreshore. By purchasing a fourth unit at the same time, Council will make a substantial saving of approximately 15 percent.

Council should be aware that the intention with these projects will be to group purchase and /or procure all of the waste water systems, the construction of the units the plumbing works and commissioning collectively to also drive further savings.

Soil testing, site selection and refinement of the scope of works for each site are now well advanced and once the units are purchased staff will move quickly towards submitting development applications for the projects with Whitemark and Killiecrankie being the first to be submitted for consideration.

STATUTORY REQUIREMENT:

Local Government Act 1993

Environmental Management Pollutions Control Act 1993

POLICY/STRATEGIC IMPLICATIONS:

1.2 Infrastructure

BUDGET AND FINANCIAL IMPLICATIONS:

To bulk purchase the units will deliver a discount on individual purchases.

RISK/LIABILITY:

To not carry out the works may prevent an environmental and public nuisance.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

The Council approves a budget variation request to the 2014/15 Capital Works Program Budget to allow for the reallocation of \$38,000 from the budget line items identified in the annexure, for the purchase of a fourth unit for the replacement of the Lady Barron Public Toilets.

DECISION:

Item C3: Variation to the 2014/15 Budget Review

ACTION	Information
PROPONENT	Council Officer
OFFICER	Corporate Services Manager, Sophie Pitchford & Works and Services Manager, Brian Barnewall
FILE REFERENCE	FIN/0702
ASSOCIATED PAPERS	<i>Annexure 5: Capital Works Program Budget</i>

INTRODUCTION:

A reallocation of existing unspent funds from the Capital Works budget is required to complete the purchase of the Bitumen Sprayer Truck and two automated spreader boxes.

PREVIOUS COUNCIL CONSIDERATION:

2014/2015 Budget Workshops
2014/2015 Budget Estimate
2014/2015 Annual Plan
Closed Council 18th December 2014

OFFICER'S REPORT:

Council has previously approved the purchase of a new or near new Bitumen Sprayer Truck and two automated spreader boxes. Investigations since then have not found any suitable near-new trucks for sale. There are only three engineering companies that assemble sprayer trucks in Australia that Council has been able to find. We have now obtained a firm quote from Matthew Brothers Engineering and the price is slightly higher than first expected however they are well respected and have high quality products. Therefore an additional allocation of \$30,000 will be needed to complete the purchase and allow for freight.

Council has a very large resealing program over the next three years with works including Department of State Growth and the Airport runway totaling over 230,000 square metres. It is projected that Council undertaking this work, as opposed to outside contractors will deliver sufficient saving within the program to pay back the capital purchase costs.

STATUTORY REQUIREMENT:

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS:

2.0 Infrastructure - Efficient and reliable infrastructure that supports and protects production, services and lifestyle.

2.2 Optimise infrastructure to support existing settlements and enhance sustainable development opportunities and remove impediments to growth.

2.2.1 Identify, research, design and implement key infrastructure projects and programs to meet the economic and environmental needs of Council and the community.

2.2.1.11 Reconstruct and seal the equivalent of 1 kilometre of Palana Road and reseal 11 kilometres of bitumen road.

2.4.2.1 Continue to review road resealing program and procedures to identify possible savings through new technologies and delivery systems.

BUDGET AND FINANCIAL IMPLICATIONS:

An additional \$30,000 will need to be reallocated from within the Capital Works budget to purchase the new Bitumen Sprayer Truck and two new automated Aggregate Spreader boxes.

RISK/LIABILITY:

Council's Roads to Recovery Funding and Resealing Program could potentially be impacted by further delays and high contractor prices.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER'S RECOMMENDATION:

That Council reallocates \$30,000 from the Capital Budget as per Annexure 5 to finance the purchase of a new Bitumen Sprayer Truck and two new Automated Aggregate Spreader Boxes

DECISION:

D. GOVERNANCE

Item D1: Personal Information Protection Policy

ACTION	Decision
PROPONENT	Council Officer
OFFICER	General Manager, Raoul Harper
FILE REFERENCE	ADM/0900
ASSOCIATED PAPERS	<i>Annexure 6: DRAFT Personal Information Protection Policy</i>

INTRODUCTION:

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

PREVIOUS COUNCIL CONSIDERATION:

19th February 2015 Council Meeting
12th March 2015 Councillor Workshop
26th March 2015 83.03.2015

OFFICER'S REPORT:

Flinders Council collects and uses personal information about individuals to enable it to carry out its functions under the *Local Government Act 1993* and other legislation and regulations. As a personal information custodian, Flinders Council is required under the *Personal Information Protection Act 2004* to document Council's policy on management of personal information and to make that document available to any person who requests it. This policy has been developed in response to that legislative requirement.

Council resolved to adopt the Personal Information Protection Policy and allowed it to lay on the table for 28 days for public comment. No submissions were received during the public consultation period.

STATUTORY REQUIREMENT:

Local Government Act 1993
Personal Information Protection Act 2004

POLICY/STRATEGIC IMPLICATIONS:

5.0 Corporate, Governance and Intergovernmental Relations

RISK/LIABILITY:

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

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That Council adopts the Personal Information Protection Policy.

DECISION:

Item D2:

Community Grants 2015-16

ACTION	Decision
PROPONENT	Council Officer
OFFICER	General Manager, Raoul Harper
FILE REFERENCE	FIN/0905
ASSOCIATED PAPERS	<i>Grant Applications Circulated to Elected Members only</i>

INTRODUCTION:

Volunteer groups are a vital component of the social fabric that makes up the Furneaux Community. Grants such as these are designed to assist these groups to remain viable and continue to provide services and activities to the broader community.

Regrettably their ability to raise adequate funding from within the community as well as pay for additional capital costs required to undertake their activities is limited and in previous years, the Council has provided the community with the opportunity to request financial assistance for local projects. This approach has been well supported and a further round of funding requests is now submitted for consideration.

PREVIOUS COUNCIL CONSIDERATION:

Community Grants are decided annually by Council.

OFFICER'S REPORT:

Notices were placed in the Island News and on the Council's website calling for community organisations to submit applications for funding via Council's Community Grant Scheme. Applications closed on the 1st May 2015.

The following requests were received for consideration by Council:

No.	Applicant	The Project	Requested amount
1	Flinders Island Branch of Tas Regional Arts	Airfares for tutor and material costs for a Mosaic Workshop.	\$1,000.00
2	Furneaux Field & Game Association	Winner's sashes for the September 2 day Super Shoot.	\$800.80
3	Flinders Island Show Society Inc.	Travel and freight assistance for the entertainers and Place of Assembly and Temporary Food Business Licence fees waived.	\$5,000.00

4	Flinders Island Sports & RSL Club	Contribution toward the cost of re-roofing part of the Clubhouse.	\$3,000.00
5	CWA Rest Room Committee	Wood heater for the CWA meeting Room.	\$2,300.00
6	Flinders Island Harriers	Financial assistance towards the 'Pasta Night' which is held every year for the Flinders Island Running Festival. Pat Farmer will be the speaker.	\$1,000.00
7	Emita Hall Special Committee	Table Tennis equipment.	\$1,350.00
8	Claire Nicoll, et al	Production of a pantomime to provide theatrical performance and production experience.	\$3,750.00
		TOTAL of all the Grant Applications	\$18,200.80

STATUTORY REQUIREMENT:

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS:

4.0 Community Safety, Engagement and Enterprise - Through positive Council-Community partnerships, enhance people's security, inclusion and well-being.

4.3 Maintain and develop productive, constructive relationships with the community and organisations involved in delivery of strategic services and activities in the islands

4.3.1 Engage with, as necessary support and integrate into Flinders Council plans key community based service providers.

4.3.1.1 Coordinate advertising and administration of the Community Grants and Gunn Bequest funding program.

BUDGET AND FINANCIAL IMPLICATIONS:

Minimal

RISK/LIABILITY:

No foreseen risks

VOTING REQUIREMENTS:

Absolute Majority

OFFICER'S RECOMMENDATION:

That Council discuss this item (Community Grants 2015-14), under Section 22 (9) of the Local Government (Meeting Procedures) Regulations 2005.

DECISION:

Item D3:**Gunn Bequest Grants 2015-16**

ACTION	Decision
PROPONENT	Council Officer
OFFICER	General Manager, Raoul Harper
FILE REFERENCE	FIN/1600
ASSOCIATED PAPERS	<i>Grant Applications Circulated to Elected Members only</i>

INTRODUCTION:

The Gunn Bequest is annually allocated to sporting groups on the Island for the promotion or facilitation of sporting activities for the general population.

PREVIOUS COUNCIL CONSIDERATION:

Gunn Bequest Grants decided annually by Council.

OFFICER'S REPORT:

Notices were placed in the Island News and on the Council's website calling for sporting clubs to submit applications for funding via Council's Gunn Bequest Grants scheme. Applications closed on 1st May 2015.

The total amount held in trust for the Gunn Bequest is \$108,567.78 and the estimated interest to be earned on the account for the 2014/15 financial year will be \$3,667.66. As per Council's decision when the bequest was received in 1985, only 50% of maturing interest is to be distributed as grants and the remainder is to be reinvested.

Therefore, the available amount for distribution this year is \$1833.83. The total amount applied for by Sporting Clubs exceeds the funds available.

The following requests were received for consideration by Council:

No.	Applicant	The Project	Requested amount
1	Furneaux Field & Game Association	Place medallions for September Super Shoot	\$240.00
2	Flinders Island Women's Golf	Golf coaching clinics	\$500.00
3	Flinders Island Pony & Riding Club	Airfares for competition judges	\$740.00

4	Emita Hall Special Committee	Badminton equipment	\$289.70
5	Flinders Island Netball Association	New goal posts/rungs (\$847) and 2 airfares (\$592) for students to compete in Netball Carnival.	\$1,439.00
		TOTAL of all the Grant Applications	\$3,208.70

STATUTORY REQUIREMENT:

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS:

4.0 Community Safety, Engagement and Enterprise - Through positive Council-Community partnerships, enhance people's security, inclusion and well-being.

4.3 Maintain and develop productive, constructive relationships with the community and organisations involved in delivery of strategic services and activities in the islands

4.3.1 Engage with, as necessary support and integrate into Flinders Council plans key community based service providers.

4.3.1.1 Coordinate advertising and administration of the Community Grants and Gunn Bequest funding program.

BUDGET AND FINANCIAL IMPLICATIONS:

Minimal

RISK/LIABILITY:

No foreseen risks

VOTING REQUIREMENTS:

Absolute Majority

OFFICER'S RECOMMENDATION:

That Council discuss this item (Gunn Bequest Grants 2015-16), under Section 22 (9) of the Local Government (Meeting Procedures) Regulations 2005.

DECISION:

Item D4: Councillor Resolution Report

ACTION	Information
PROPONENT	Council Officer
OFFICER	General Manager, Raoul Harper
FILE REFERENCE	COU/0600
ASSOCIATED PAPERS	<i>Annexure 7: Councillor Resolution Report May 2015</i>

INTRODUCTION:

This report identifies the actions taken and actual costs associated with implementing resolutions passed by elected members up to May 2015.

PREVIOUS COUNCIL CONSIDERATION:

The report is presented on a monthly basis.

OFFICER'S REPORT:

Please read Annexure 7 – Councillor Resolution Report May 2015.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That the Councillor Resolution Report May 2015 be noted.

DECISION:

Meeting Closed