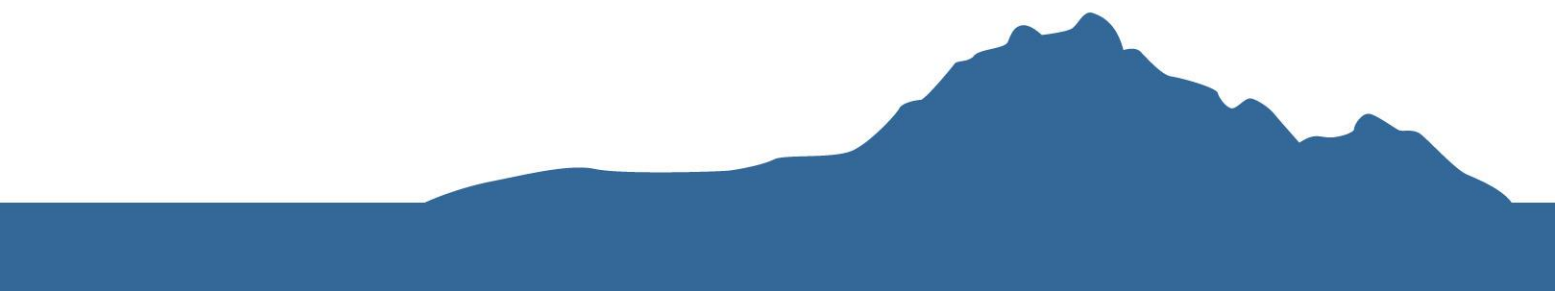




Agenda

Ordinary Council Meeting

15th December 2016



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 9th day of December 2016.



Sophie Pitchford
ACTING GENERAL MANAGER

FLINDERS COUNCIL ORDINARY MEETING

AGENDA

DATE: Thursday 15th December 2016
VENUE: Furneaux Arts and Entertainment Centre, Whitemark
COMMENCING: 1.00 pm

PRESENT

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

APOLOGIES

Nil

STAFF IN ATTENDANCE

Sophie Pitchford - Acting General Manager
Jacci Viney - Development Services Coordinator
Vicki Warden - Executive Officer

CONFIRMATION OF MINUTES

That the Minutes from the Ordinary Council Meeting and the Closed Council Meeting held on the 17th November 2016 be confirmed.

PUBLIC QUESTION TIME

In accordance with Section 31 (1) of the Local Government (Meeting Procedures) Regulations 2015 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.*

COUNCILLORS' QUESTIONS ON NOTICE

Nil

COUNCILLORS' QUESTIONS WITHOUT NOTICE

Regulation 29 of the Local Government (Meeting Procedures) Regulations 2015 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.

RESPONSE TO COUNCILLORS' QUESTIONS WITHOUT NOTICE

17th November 2016 Council Meeting

Question 1: Deputy Mayor Marc Cobham

On behalf of the Furneaux (Emita) Hall and Recreation Ground Special Committee, can Council please make arrangements to trim the pine trees located on the northern boundary of the Emita Hall grounds? The work needs to be done for several reasons e.g. road traffic sight lines and ongoing damage/maintenance issues e.g. the storage building near the entrance to the grounds. Additionally, once this work has been done, can Council arrange for the storage shed roof to be replaced with the roofing materials that are stored on-site? The issue of the tree maintenance has been raised on numerous occasions.

Mayor's Response:

The Acting General Manager has been proactive in looking into your requests and her advice is as follows:

"Council's Works and Services Manager has contacted Jim Wheeler to arrange for the removal of the pines however due to other work commitments this will not be completed until early next year. In the interim, Council will arrange for the pines to be trimmed prior to the Emita Sports.

Council will need to approve a budget variation for the re-roofing of the shed before this work can be completed."

Should the Furneaux (Emita) Hall and Recreation Special Committee require any further information on these issues please have them write directly to the Acting General Manager.

LATE AGENDA ITEMS

Nil

DECLARATION OF PECUNIARY INTEREST

In accordance with Part 2 Regulation 8 (7) of the Local Government (Meeting Procedures) Regulations 2015, 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 2015.

LEAVE OF ABSENCE

Nil

PETITIONS

Nil

WORKSHOPS & INFORMATION FORUMS

File No: COU/0205

Council Workshop held on 17th November 2016

Council held a Workshop on the following subjects:

- Item 1 Draft General Manager Contract
- Item 2 Solicitor to be used for contract check & advice
- Item 3 Relocation costs

Councillors Present:

Mayor Carol Cox, Deputy Mayor Marc Cobham, Cr Chris Rhodes, Cr Peter Rhodes and Cr Gerald Willis.

Apologies:

Cr Ken Stockton and Cr David Williams.

Staff and Consultants Present:

Rolph Vos Acting General Manager
Vicki Warden Executive Officer

Council Workshop held on 1st December 2016

Council held a Workshop on the following subjects:

- Item 1 Roberts St Reserve
- Item 2 Code of Tender and Contracts Policy
- Item 3 Review of Council Committees and Special Committees
- Item 4 Council Christmas Party
- Item 5 Badger Corner Boat Ramp
- Item 6 Grant Funding for Community Infrastructure

Councillors Present:

Mayor Carol Cox, Deputy Mayor Marc Cobham, Cr Chris Rhodes, Cr Peter Rhodes and Cr Gerald Willis.

Apologies:

Cr Ken Stockton and Cr David Williams.

Staff and Consultants Present:

Sophie Pitchford Acting General Manager
Jacci Viney Development Services Coordinator (Item 1 only)
Vicki Warden Executive Officer (Items 2 – 4 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 Workshops held on 17th November and 1st December 2016 be noted.

DECISION:

PUBLIC MEETINGS

Nil

PUBLICATIONS/REPORTS TABLED FOR COUNCIL INFORMATION

Nil

REPORTS TO BE RECEIVED

Furneaux Community Health Special Committee

File No: CSV/0912

*Annexure 1: Furneaux Community Health Special Committee Meeting 8th June 2016
Confirmed Minutes*

OFFICER'S REPORT (Sophie Pitchford, Acting General Manager):

The confirmed minutes of the Furneaux Community Health Special Committee Meeting held on Wednesday 8th June 2016 have been provided for consideration. The minutes outline what the committee has been working on to date and can now be received by Council.

OFFICER'S RECOMMENDATION

That the confirmed minutes of the Furneaux Community Health Special Committee meeting held on Wednesday 8th June 2016 be accepted.

DECISION:

Furneaux Community Health Special Committee

File No: CSV/0912

*Annexure 2: Furneaux Community Health Special Committee Meeting 30th November
2016 Unconfirmed Minutes*

OFFICER'S REPORT (Sophie Pitchford, Acting General Manager):

The unconfirmed minutes of the Furneaux Community Health Special Committee Meeting held on Wednesday 30th November 2016 have been provided for consideration. The minutes outline what the committee has been working on to date and can now be noted by Council.

OFFICER'S RECOMMENDATION

That the unconfirmed minutes of the Furneaux Community Health Special Committee Meeting held on Wednesday 30th November 2016 be noted.

DECISION:

Lady Barron Hall and Recreational Special Committee

File No: AME/0503

***Annexure 3:** Lady Barron Hall and Recreational Special Committee Meeting 5th November 2016 Unconfirmed Minutes*

OFFICER'S REPORT (Sophie Pitchford, Acting General Manager):

The unconfirmed minutes of the Lady Barron Hall and Recreational Special Committee Meeting held on Saturday 5th November 2016 have been provided for consideration. The minutes outline what the committee has been working on to date and can now be noted by Council.

OFFICER'S RECOMMENDATION

That the unconfirmed minutes of the Lady Barron Hall and Recreational Special Committee Meeting held on Saturday 5th November 2016 be noted.

DECISION:

Lady Barron Hall and Recreational Special Committee

File No: AME/0503

***Annexure 4:** Lady Barron Hall and Recreational Special Committee Special Meeting 19th November 2016 Unconfirmed Minutes*

OFFICER'S REPORT (Sophie Pitchford, Acting General Manager):

The unconfirmed minutes of the Lady Barron Hall and Recreational Special Committee Special Meeting held on Saturday 19th November 2016 have been provided for consideration. The minutes outline what the committee has been working on to date and can now be noted by Council.

OFFICER'S RECOMMENDATION

That the unconfirmed minutes of the Lady Barron Hall and Recreational Special Committee Special Meeting held on Saturday 19th November 2016 be noted.

DECISION:

Furneaux (Emita) Hall and Recreation Ground Special Committee

File No: AME/0502

Annexure 5: Furneaux (Emita) Hall and Recreation Ground Special Committee Meeting 15th November 2016 Unconfirmed Minutes

OFFICER'S REPORT (Sophie Pitchford, Acting General Manager):

The unconfirmed minutes of the Furneaux (Emita) Hall and Recreation Ground Special Committee Special Meeting held on Tuesday 15th November 2016 have been provided for consideration. The minutes outline what the committee has been working on to date and can now be noted by Council.

OFFICER'S RECOMMENDATION

That the unconfirmed minutes of the Furneaux (Emita) Hall and Recreation Ground Special Committee Special Meeting held on Tuesday 15th November 2016 be noted.

DECISION:

COUNCILLORS' REPORTS

Deputy Mayor's Monthly Report

File No: COU/0600

ACTIVITIES:

DATE	ITEM
15.11.16	Furneaux (Emita) Hall Special Committee Meeting
17.11.16	Council Meeting
18.11.16	Attended Gillian Woods' Yirriluka fundraising event for Cancer Council
19.11.16	Attended Flinders Island District High School fundraiser event
21.11.16	Phone call from community member re ongoing telecommunications issues
25.11.16	Met with D Heap, Community Development Officer re Furneaux (Emita) Hall funding opportunity
26.11.16	Phone call from community member re ongoing telecommunications issues
28.11.16	Meeting with Council's consultant, Adrian Mythen re Lagoon Rd project funding
28.11.16	Phone call from community member re Blue Rocks quarry Development Application
01.12.16	Council Workshop
03.12.16	Discussion with community member re Blue Rocks quarry Development Application
03.12.16	Attended Lion's Christmas market
05.12.16	Met with community member re upgrading Badger Corner boat ramp

RECOMMENDATION:

That the Deputy Mayor's report be received.

DECISION:

Report from Councillor Gerald Willis as the Flinders Council Representative on TasWater Owners' Committee
File No: COU/0312

CORRESPONDENCE IN:

DATE	WHO	SUBJECT
14.11.16	Email from Ailsa Sypkes, General Manager Legal and Governance for TasWater	Requesting availability to attend a Board Selection Committee meeting in the week beginning 6 March 2017. I responded as a yes.
19.11.16	Email from Ailsa Sypkes, General Manager Legal and Governance for TasWater	Draft minutes of Board Selection Committee held on Thursday 10 November 2016.
24.11.16	Email from Ailsa Sypkes, General Manager Legal and Governance for TasWater	Confirming a meeting of the Board Selection Committee has been set for Monday 6 March at Campbell Town commencing at 10:30 am. I advised my intention to attend.

REPORTS:

Report on a General Meeting of TasWater held Thursday 10 November 2016.

The matters discussed at the General Meeting consisted primarily of:

- **Receipt and discussion on the Annual Report**

There was minimal discussion on this matter.

- **Capital projects review**

There have been concerns that TasWater is "gold-plating" its projects. The Chairman, Miles Hampton, reported that he had commissioned an independent review to examine if project specifications were reasonable in all circumstances and if the funds expended on the projects were reasonable.

The review had concluded that "on balance, each of the projects presents value in terms of delivered capability for the Tasmanian community". The review did identify instances where costs could be reduced, although the costs were not considered significant.

- **10 year capital program**

There was minimal discussion on this matter as details had been previously released and discussed.

- **Quarterly report to Owners' Representatives**

The Chief Executive Officer, Mike Brewster, assisted by Dr Dharma Dharmabalan, provided a reasonably detailed report and addressed matters such as flood recovery progress, removing "boil water alerts", the placement on temporary boil water alerts, productivity updates and progress on the dispute with Launceston City Council.

- **General Business - Release of board minutes**

The meeting discussed the release of board minutes. This item arose because a number of councils have been and remain concerned at actions taken by the board regarding frozen dividends without reference to council shareholders. The general feeling of the meeting was that release of board minutes would fetter discussion at board meetings to a point where the board would find it difficult to function. My view is that the matter will lapse.

Report on a meeting of the Board Selection Committee of TasWater held Thursday 10 November 2016.

The matters discussed at this meeting related to directors' fees and appointment of directors. As these matters have been discussed in closed session, any announcements to shareholders or the public will be made by TasWater.

RECOMMENDATION:

That the Deputy Mayor's report be received.

DECISION:

MAYOR'S REPORT:

ACTION	Information
PROPONENT	Mayor C Cox
FILE REFERENCE	COU/0600
ASSOCIATED PAPERS	Nil

REPORT:

APPOINTMENTS:

14.11.16	Met briefly with Wayne Dick, Parks and Wildlife Services re island BBQ's
15.11.16	BJD Farmers' meeting with Biosecurity Tasmania
16.11.16	Bendigo Bank Agency Opening event
17.11.16	Council Meeting
17.11.16	Met with TasPorts to meet new Regional Manager (North)
17.11.16	Met with Rolph Vos the General Manager of West Tamar Council
18.11.16	Gillian Woods's Concert for Cancer
19.11.16	Flinders Island District High School Gala evening
24.11.16	Met with Michael Patterson re telephones dropping out (Phone)
26.11.16	Flinders Islanders' reunion at Rosevears Hotel
30.11.16	Lady Barron Hall & Recreation Special Committee meeting with Council staff (as Vice President in Cr Williams' absence)
30.11.16	Presentation of Award to Councils for support in undertaking Citizenship ceremonies
30.11.16	Furneaux Community Health Special Committee meeting
01.12.16	University of Tasmania (UTAS) - Isolated Power Grids Connect conference opening
01.12.16	Council Workshop
02.12.16	Northern Tasmania Development (NTD) Local Government Committee Meeting
03.12.16	Lions Christmas Market
03.12.16	Music & Dance Students' concert
05.12.16	Ochre Health community BBQ
06.12.16	Met with Michael Patterson re telephones dropping out (Phone)
07.12.16	Meeting with representatives from the Prime Minister's Department of Premier and Cabinet (DPaC) (Indigenous affairs)
07.12.16	Ladies night out - Health event sponsored by Roberts

General Manager Appointment Update:

Mr Bill Boehm and Council have completed contract negotiations, with Bill contracted to start on the 3rd January 2017 for a 4 year term. Bill will be joined on the Island by his wife Kaye.

BJD Farmers' meeting with Biosecurity Tasmania:

As of the 1st of January Flinders Island will fall into line with the rest of Australia and the recently amended regulations around Bovine Johnne's disease with the onus on biosecurity and disease control retreating to farm boundaries. Animal health statements will be used to identify the level of risk that is to be applied to the cattle being sold, and though not being compulsory these are legal documents when supplied with a sale of livestock.

Bendigo Bank Agency Opening event:

It was extremely pleasing to hear that the uptake of accounts with the agency is progressing extremely well with almost half the target deposits required to support the agency being achieved within the first 2 months of operation. I must make note here that a good percentage of these deposits are attributable to our off-island ratepayers and friends supporting the Bendigo Bank and tagging their accounts to Flinders.

Flinders Island District High School Gala evening:

A very well presented and attended event, with much enjoyment had by those who attended. From a Council point of view the amount raised, in excess of \$18,600 to support the students off-island trip in 2017 and replenishment of books for the primary school library, was amazing and typical of this Community in its ability and willingness to raise funds for worthwhile causes; in this case the support of our Island students.

Flinders Islanders' reunion at Rosevears Hotel:

This event is organised on a semi-regular basis by Wayne Vireaux and family. I attended whilst off-island on a personal trip and had the pleasure of catching up with and meeting several people who whilst no longer residents, feel a special connection to the Islands. I gave a short, interactive speech on Flinders and its services as it is now. It was a well-attended event and enjoyed by many who renewed acquaintances and shared memories.

UTAS – Isolated Power Grids Connect Conference opening:

Held over two days the conference was preceded by a two day technical workshop, with a day of island adventures in between. I had the pleasure of welcoming the conference attendees following the opening and introduction by Professor Michael Negnevitsky of UTAS, the convener of the conference.

Award to Council for support in undertaking Citizenship Ceremonies:

I had the pleasure of being presented with a plaque in appreciation of Council's contribution to the success of Australian citizenship through Council's long-term commitment to hosting Australian citizenship ceremonies and welcoming new citizens into our local community.

NTD Local Government Committee Meeting:

This was the last meeting of the NTD Local Government Committee as the Northern Tasmania Development Corporation (NTDC) will operate from the 1st of January 2017.

The newly appointed chair of the NTDC, John Pitt, presented to the meeting outlining his reasons for taking on the role and his enthusiasm and belief that the targets of increased regional economic activity can be met, and the structure of NTD, with a skills-based board, can strongly influence economic growth in the region. Councils signed both the constitution and the Shareholder agreement for the NTDC.

Ochre Health Community BBQ:

Whilst enjoying the BBQ I discussed the possibility of a permanent doctor with the Ochre Health recruitment officer who was present. I was advised it was still the intent to employ a permanent and a part-time doctor to be resident on the Island and that the recruitment process is proceeding.

Telecommunications:

I continue to liaise with Michael Patterson, the Area General Manager, Telstra Country Wide, Tasmania and the Chairman and Director, Telstra Tasmanian Board regarding the upgrading of telecommunications to the island. He is in contact with both the State and Federal politicians. The Building Better Regions fund is open in the New Year with an information session being held in January 2017.

Meeting with representatives from the Prime Minister's Department of Premier and Cabinet (Indigenous affairs):

Discussions were of an introductory and general nature and aimed at identifying areas where they and Council could work together to deliver programs of benefit to the islands.

CORRESPONDENCE IN:

DATE	WHO	SUBJECT
08.11.16	Womensport and Recreation Tasmania	Get Active Program small grants available
09.11.16	S Pitchford	Appointment of Acting General Manager
11.11.16	J Vuddamalay	Background checks on General Manager candidate
11.11.16	L Sowden	Advice needed on Annual Report
11.11.16	B & T Jones	Permit Application DA012/2016
14.11.16	G Kemp	Insurance advice
17.11.16	J Youl	Launch the Friends of Flinders campaign
17.11.16	Local Government Association of Tasmania (LGAT)	October Premier's Local Government Council Meeting communique and minutes
22.11.16	T Clark	Advice on New Chair of Northern Tasmania Development Corporation
22.11.16	Department of State Growth	No free wi-fi spots for the island
22.11.16	Tasmanian Audit Office	Report of the Auditor General

23.11.16	J Vuddamalay	Police check result
23.11.16	Premier of Tasmania	Successful Australia Day Great Ideas Grants Program 2017 funding application
24.11.16	National Climate Change Adaption Research Facility (NCCARF)	Letter of support for the continuation of NCCARF and CoastAdapt
25.11.16	LGAT	Agenda and Documentation for Local Government Committee Meeting
25.11.16	J Vuddamalay	General Manager's Contract
26.11.16	NTD	NTDC Board Director Positions
28.11.16	M Nicholls	Requests for support for Flinders Island District High School Annual Awards
28.11.16	D Grutzner	Submission on policy
29.11.16	Biosecurity Tasmania	Biosecurity Advisory 27/2016 - Biosecurity legislative framework released for public comment
30.11.16	C Busby	Information of Robert St site
30.11.16	Department of Immigration and Border Protection	Thank you for commitment to hosting citizenship ceremonies
30.11.16	Local Government Association of Tasmania	Asbestos Awareness Health House Checklists Launched
01.12.16	T Clark	NTD Media Alert - NTDC Shareholders Meet with New Board Chair
05.12.16	TasWater	Removal of public health alert (Do not consume notice) for Whitemark
06.12.16	M White	Thank you to community for the success of Connect 2016 conference
08.12.16	K Ives-Heap	Thank you for use of the hall and request to cover cost of piano tuning

CORRESPONDENCE OUT:

DATE	WHO	SUBJECT
11.11.16	B & T Jones	Permit Application DA012/2016
11.11.16	L Sowden	Advise on annual report
11.11.16	J Holloway	Response to public questions regarding Badger Corner boat ramp
11.11.16	J Cazaly and M-A Roberts	Response to public questions regarding Audit Panel
13.11.16	D Chipman	Congratulations on position of Vice President of Australian Local Government Association
15.11.16	Tasmanian Audit Office	Disclosure of confidential information

18.11.16	M Cooper, TasPorts	Issues for discussion re Lady Barron Port and Whitemark Wharf
23.11.16	K Nexo	Response to public question re slashing of Coast Rd
23.11.16	Ochre Health Group	Proposed service provision
23.11.16	J Vuddamalay	Contract of employment
23.11.16	G Brown	Query about pecuniary interest
24.11.16	D Dilger	GM contract and edits
24.11.16	M Patterson	Telstra service drop out
26.11.16	Several recipients	Media release on appointment of General Manager
05.12.16	M Nicholls	Flinders Island District High School Annual Awards
05.12.16	R Walker	Re Citizenship nominations
05.12.16	F Bryson	Re citizenship nominations
06.12.16	Cr M Cobham	Response to question without notice - Emita Hall
06.12.16	Colin Busby	Acknowledgement of receipt of information
06.12.16	M White	Acknowledgment of thank you for the Connect 2016 conference

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: Development Application Report
File No: DSV/0300
Annexure 6: Planner's Information Report – November 2016

Item A2: Extension of Robert Street
File No: ROA/0302

Item A3: Amendments to Council's Schedule of Fees and Charges 2016/2017
Annexure 7: Proposed Amendments to Fees and Charges 2016/2017

B. NOTICE OF MOTIONS

Item B1: Notice of Motion from Cr Marc Cobham – Badger Corner Boat Ramp
File No: REA/0201, ASM/0100

Item B2: Notice of Motion from Cr Gerald Willis – Expense Claims
File No: FIN/0502
Annexure 8: Corporate Credit Card Policy

Item B3: Notice of Motion from Mayor Carol Cox - Northern Tasmania
Development Corporation Limited (NTDC) New Governance Model
File No: COU/0305

C. CORPORATE SERVICES

Item C1: Financial Report for the Financial Year ending 30 June 2016
File No: FIN/0100
Annexure 9: 2015-2016 Financials

D. GOVERNANCE

Item D1: Waiver of Private Water Supply Fees
File No: WAT/0103
Annexure 10: Letter from J Cazaly and M-A Roberts

Item D2: Information Management Policy
File No: ADM/0300, ADM/0900
Annexure 11: DRAFT Information Management Policy

Item D3: **Legal Advice Policy**
File No: LEG/001, ADM/0900
Annexure 12: *DRAFT Legal Advice Policy*
Annexure 13: *Submission 1*
Annexure 14: *Submission 2*

Item D4: **Review of Council Committee Structure, Membership and Councillor
Committee Representation**
File No: COU/0600
Annexure 15: *Councillor Committee Representative Procedure*

Item D5: **Councillor Resolution Report**
File No: COU/0600
Annexure 16: *Councillor Resolution Report December 2016*

E. CLOSED COUNCIL

Item E1: **Closed Council Item**
File No: WOR/0601, WAT/0102
Annexures 17 & 18: For Councillors Only

Item E2: **Closed Council Item**
File No: LEG/001

Meeting Closed

A. DEVELOPMENT SERVICES

Item A1: Development Application Report

ACTION	Information
PROPONENT	Council Officer
OFFICER	Jacci Viney, Development Services Coordinator
FILE REFERENCE	DSV/0300
ASSOCIATED PAPERS	<i>Annexure 6: Planner's Information Report – November 2016</i>

INTRODUCTION:

The purpose of this report is to provide Councillors with an update of the applications which have been dealt with by the Planning Department for the month of October as per the council motion 249.09.2015, passed at the 24th September 2015 Council Meeting.

Council has requested that the planning consultancy service (West Tamar Council) provide this detail to Council on a monthly basis.

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 6 Planner's Information Report – November 2016, provided by West Tamar Council.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That the Planner's Information Report – November 2016 be received.

DECISION:

Item A2: Extension of Robert Street

ACTION	Decision
PROPONENT	Council Officer
OFFICER	Jacci Viney, Development Services Coordinator
FILE REFERENCE	ROA/0302
ASSOCIATED PAPERS	<i>Nil</i>

INTRODUCTION:

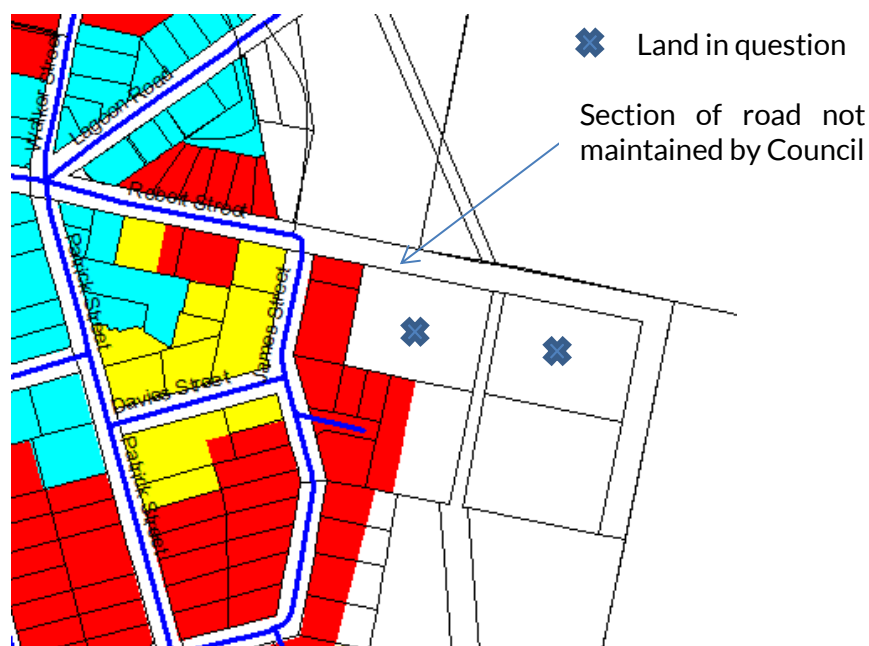
The property currently known as PID 2563982 was previously known as PID 7716116 when the land was purchased by the current owners. At the time of purchase the purchaser’s solicitor requested s132 & s337 certificates (*Local Government Act 1993*) relating to rates owing and powers over the land. The s337 certificate (at the time) asked if Council was responsible for providing access to the land. The answer provided, in 2004, was “YES”. This information is unfortunately incorrect.

PREVIOUS COUNCIL CONSIDERATION:

Council considered and discussed various matters relating to the drainage line behind the Whitemark Township at the Ordinary Meeting of Council dated 11th August 2005.

OFFICER’S REPORT:

The main point is the differentiation between a Council maintained road and a section of Crown Land Road Reservation. There are multiple sections of Crown Land Road Reservations across the Island as there are in each other Municipality in Tasmania. These areas are basically “left over” from when townships were devised at settlement. Historically, roads that were not maintained by the local authority when the Local Government Act came into effect in the 1950’s, reverted to the ownership of the Crown.



You can see from the plan above, where the thick blue line represents a Council Road, that the remaining sections are not maintained by Council. Therefore Council does not provide access or frontage to the land in question.

The current owners of the land were provided with the option to approach Crown Land Services to obtain a Crown Land Access License or to apply to Council to extend the area of responsibility to provide for access.

The land owners have chosen to request the road extension from Council.

STATUTORY REQUIREMENT:

There is not a statutory requirement to provide access to properties or take over Crown Land Road Reservations.

There is a statutory obligation to acquire the land from the Crown before progressing.

POLICY/STRATEGIC IMPLICATIONS:

4. Strategic, Efficient and Effective Organisation - Responding to risks and opportunities.

4.3 Ensure Council meets its statutory obligations and manages corporate and community risk.

4.3.1 Development undertaken in accordance with relevant development standards and legislative requirements.

BUDGET AND FINANCIAL IMPLICATIONS:

Legal costs associated with this matter are as yet unknown. Details are forthcoming from Council's lawyer regarding the process to be followed.

Construction costs have been estimated by Council's Works and Services Manager. He equates that 80 metres of road will need to be constructed at a cost of approximately \$5,000.00. The portion of new road may then be added to the asset register and may require additional maintenance costs into the future.

RISK/LIABILITY:

Liability surrounds the responsibility and maintenance of the 80 metre section of road.

Legal advice on risk and liability may be forthcoming.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER'S RECOMMENDATION:

That Council agrees to pursue the extension of Robert Street by approximately 80 metres.

Or
Council does not agree to pursue the matter.

DECISION:

Item A3: Amendments to Council's Schedule of Fees and Charges 2016/2017

ACTION	Decision
PROPONENT	Council Officer
OFFICER	Jacci Viney – Development Services Coordinator
FILE REFERENCE	FIN/3000
ASSOCIATED PAPERS	<i>Annexure 7: Proposed Amendments to Fees and Charges 2016/2017</i>

INTRODUCTION:

1. The State Government has reviewed the application of building and plumbing assessments under a new framework that is to commence on 1st January 2017.
2. The Tasmanian Drinking Water Quality Guidelines were amended in November 2015 with some misunderstanding surrounding the categories requiring registration. Council had pursued the registration of Private Water Supplies as larger schemes servicing multiple users. The most recent advice received 11th November 2016 regarding the application of Private Water registration, is attached.

PREVIOUS COUNCIL CONSIDERATION:

Nil

OFFICER'S REPORT:

The Building Act and Regulations review has seen some significant changes to the way Council carry out the application and assessment process, as well as record keeping and inspection of works. To reflect these changes, the attached amendments (Annexure 7) are proposed to the 2016/2017 Schedule of Fees and Charges.

A summary of the changes is as follows:

- Change to building and plumbing fee headings to reflect new terminology;
- Inclusion of Pre-Lodgment advice;
- Amendment to building levy minimums; and
- The addition of the Plumbing Extension fee.

Council's current Private Water Supplier fee is \$100.00. It is proposed that this fee shall remain as it is for the larger suppliers, while accommodation businesses, should pay a lesser fee due to the decrease in risk rating – i.e. reaching less people.

The fee structure for private water suppliers is proposed to be as follows:

PRIVATE WATER SUPPLIERS		
Commercial, educational or health services	Annual	100.00
Accommodation business	Annual	20.00

STATUTORY REQUIREMENT:

There is no statutory obligation to amend the fees, however charging for building and plumbing permit applications would be extremely hard without amending the Schedule, which may see Council unable to charge a fee resulting in a loss of revenue.

The proposed amendment to Private Water Suppliers is due to risk and in the interest of small business support.

POLICY/STRATEGIC IMPLICATIONS:

4. Strategic, Efficient and Effective Organisation - Responding to risks and opportunities.

4.3 Ensure Council meets its statutory obligations and manages corporate and community risk.

4.3.1 Development undertaken in accordance with relevant development standards and legislative requirements.

BUDGET AND FINANCIAL IMPLICATIONS:

It is unknown what the impact of the building reform may be on Council's revenue at this stage. An increase in revenue should be noted from the registration of additional private water suppliers.

RISK/LIABILITY:

Low

VOTING REQUIREMENTS:

Absolute Majority

OFFICER'S RECOMMENDATION:

That the proposed amendments to Council's Schedule of Fees and Charges 2016/2017 be adopted as per Annexure 7.

DECISION:

B. NOTICE OF MOTIONS

Item B1: Notice of Motion from Cr Marc Cobham – Badger Corner Boat Ramp

ACTION	Decision
PROPONENT	Cr Marc Cobham
OFFICER	Sophie Pitchford, Acting General Manager
FILE REFERENCE	REA/0201, ASM/0100
ASSOCIATED PAPERS	<i>Nil</i>

NOTICE OF MOTION:

1. That Council actively pursue acquiring a Crown Land lease over the relevant section of land that will allow legal public access of the area that historically has been known as Badger Corner boat ramp.
2. That Council consults with a community “user group” at a one-off on-site meeting to be held no later than early February 2017.
3. That Council, via the relevant application process, actively pursues a co-funded grant via Marine and Safety Tasmania’s (MAST) recreational boating fund prior to 31st March 2017 if possible.

COUNCILLOR’S REPORT:

Whilst the above Notice of Motion contains several fairly tight timeframes, any further delays in progressing with this issue will result in considerable delays given the application process from the MAST website as below.

“Applications are invited from 1 July 2016 and can be submitted at any time throughout the year. However, to fit each year’s budget cycle applications received before 31 March will be considered in May of that year. Applications received after 31 March will not be considered until May the following year”.

In mid-2010 Council was sent a petition from 105 community members re the issue of improving the boat launching “facility” located at Coast Rd, Badger Corner. Whilst the issue has been informally raised at several workshops since that time and my understanding was that the issue of getting a Crown Land Lease on the relevant land was “flagged” approximately 2 years ago, for whatever reason no action has occurred and it is time to progress the matter.

Historically (i.e. in excess of 50 years ago), a previous leaseholder established a basic ramp. The current basic boat launching ramp was established and funded by community members/recreational boat users over 25 years ago. At peak times anecdotal evidence is that there can be up to 25 vehicles and boat trailers parked adjacent to the facility.

Whilst Badger Corner is only several kilometres from the Lady Barron boat ramp my understanding is that since the upgrading of the port facility the boat ramp is not as accessible as the ramp at Badger Corner and there is insufficient parking space available.

A facility similar to the newly renovated Whitemark boat launching facility is what is required i.e. suitable concrete ramp and small jetty. Additionally a pontoon at the end of the jetty has been suggested.

In summary my understanding of what is required is:

- replacement of existing ramp;
- new ramp to be 5 metres in width;
- extend the ramp approximately 4 metres toward the road;
- raise the middle section with rock fill to reach 1.3 metres above current level at 14 metres from top of extended ramp i.e. creating greater slope towards the water;
- excavate seabed away from foot of the ramp; and
- construct a pontoon with walkway on south-eastern (Lady Barron) side of ramp.

As per the Notice of Motion, a community meeting held on-site with interested users will be an easy way of determining what is required for the facility. The Furneaux Islands Community has the highest percentage of recreational boating registrations and licences per head of population in Tasmania. Currently Flinders Island has “established” boat launching facilities at Palana, Settlement Point, Whitemark and Lady Barron.

Badger Corner ramp is used by both recreational and some professional users. It provides direct access to Cape Barren Island especially during times of less than ideal weather; access to many of the outer islands in the Furneaux Group; is heavily utilised during mutton bird season and is also used by rate paying leaseholders of the outer islands.

Undertaking the necessary work at Badger Corner will provide a crucial infrastructure upgrade to enhance the experience of recreational and other boat users in the Furneaux Islands community.

PREVIOUS COUNCIL CONSIDERATION:

Nil

OFFICER'S REPORT:

The Flinders Island Recreational and Community Facilities Assessment and Infrastructure Plan – June 2014 identified that the Badger Corner Boat Ramp was deemed an important facility by the Flinders Island Community.

The report recommended that the boat ramp be excised from the current foreshore reserve and transferred to Council ownership. This would allow Council to apply for MAST funding to up-grade the infrastructure.

STATUTORY REQUIREMENTS:

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS:

2.0 Infrastructure and Services - An Islands' specific approach to planning and delivery to ensure community and environmental values are maintained.

2.1 Plan, deliver and operate community infrastructure to provide levels of service that align with community needs and demand.

2.1.1 Recreational and community facilities upgraded as recommended by the Recreational and Community Facilities Assessment and Infrastructure Plan.

BUDGET AND FINANCIAL IMPLICATIONS:

A budget allocation will need to be made for the cost of the transfer of ownership of land.

RISK/LIABILITY:

Low

VOTING REQUIREMENTS:

Absolute

OFFICER'S RECOMMENDATION:

The motion as written.

DECISION:

Item B2: Notice of Motion from Cr Gerald Willis – Expense Claims

ACTION	Decision
PROPONENT	Councillor G Willis
OFFICER	Sophie Pitchford, Acting General Manager
FILE REFERENCE	FIN/0502
ASSOCIATED PAPERS	<i>Annexure 8: Corporate Credit Card Policy</i>

NOTICE OF MOTION:

That this meeting resolves:

- That motion no. 255.10.2016 be withdrawn and
- That copies of all expense invoices paid by credit card and claims for expense reimbursement submitted by the General Manager beginning at 1 July 2016 be provided to the Flinders Council Audit Panel so that it can scrutinise and ensure probity of those claims and
- That in the future all expense invoices paid by credit card and claims for expense reimbursement submitted by the General Manager be provided to the Flinders Council Audit Panel for review on a quarterly basis and
- That the Corporate Credit Card Policy of the council be amended to require that all expense claims by the General Manager be reviewed by the Audit Panel.

COUNCILLOR'S REPORT:

The Tasmanian Audit Office, in a Report of the Auditor-General No. 6 of 2015-16 entitled "Auditor-General's Report on the Financial Statements of State entities; Volume 3 Local Government Authorities and Tasmanian Water and Sewerage Corporation Pty Ltd 2014-15" which was presented to the Legislative Council and House of Assembly on 19th November 2015 states, at page 19, under

"KEY FINDINGS

Adoption of recommendations from our Information Financial Accounting in Local Government Reports

Credit card administration

The use of credit cards by staff and elected members was generally regulated by internal policies. Those policies required all credit card transactions be authorised by a person independent from the cardholder. Generally, purchases made by the Mayor are authorised by the General Manager. Some councils required the Mayor to authorise purchases made by the General Manager. However, the Local Government Act 1993

does not allow for a person who is not an employee of council to authorise expenses. It is therefore necessary that a suitably senior employee authorises the General Manager's credit card transactions. In order to mitigate both the actual and perceived risks associated with credit cards and ensure probity, we recommended incorporating into credit card policies a requirement for credit card purchases made by the General Manager to be disclosed to and scrutinised by an appropriate committee (for example an audit panel) on a regular basis."

There were no specific councils identified, but the report went on to state:

"During our audits we noted instances of non-compliance with policies and delegations as well as inadequate supporting documentation for credit card usage."

While the comments made by the Auditor-General on credit card usage in the second paragraph quoted have not been specifically linked to Flinders Council it is not only opportune to address the matter of transactions by credit cards, but to examine all claims paid by means other than credit cards.

The recommendation by the Auditor-General to disclose credit card usage to an appropriate committee is based on its knowledge and experience from auditing in the field. It is considered that the council's Audit Panel is the most appropriate of all council committees and special committees to review credit card usage from a risk and probity perspective.

The Auditor-General's report addressed the audit findings for the financial year ending 30 June 2015. Although time has passed and the council has progressed through another financial year, it is considered proper to review transactions for the current financial year which is the reason the Notice of Motion refers to the period commencing 1 July 2016.

It is not considered necessary to amend the Corporate Credit Card Policy immediately, but should this motion be passed it is recommended that the policy be amended in the near future and that the Council takes the opportunity to review the policy in detail.

PREVIOUS COUNCIL CONSIDERATION:

254.10.2016 and 255.10.2016 20th October 2016

OFFICER'S REPORT:

Under Clause 4 of the Local Government (Audit Panels) Order 2014, the Audit Panel review should consider the accounting, internal control, anti-fraud, anti-corruption and risk management policies, as well as systems and controls that Council has in relation to safeguarding its long-term financial position.

For the Audit Panel to be able to carry out the review, a list of the General Manager's credit card transactions should be made available on a quarterly basis when the audit panel meets.

STATUTORY REQUIREMENTS:

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS:

4.0 Strategic, Efficient and Effective Organisation - Responding to risks and opportunities.

BUDGET AND FINANCIAL IMPLICATIONS:

Nil

RISK/LIABILITY:

By not undertaking a review, the audit panel would not be able to carry out their role of ensuring the safeguarding of the Council's long-term financial position.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

The motion as written.

DECISION:

Item B3: Notice of Motion from Mayor Carol Cox - Northern Tasmania Development Corporation Limited (NTDC) New Governance Model

ACTION	Decision
PROPONENT	Mayor Carol Cox
OFFICER	Sophie Pitchford, Acting General Manager
FILE REFERENCE	COU/0305
ASSOCIATED PAPERS	Nil

NOTICE OF MOTION:

That the Council objective for its involvement in the formation and membership of the Northern Tasmanian Development Corporation (NTDC) is that the structure of NTDC and its focus on economic growth will provide pro-active regional leadership that is engaged with business and the shareholders to consolidate an agreed vision and to implement a strategic economic action plan based on the Northern Regional Futures Plan framework.

COUNCILLOR'S REPORT:

Previously Council has considered and agreed to the transformation of Northern Tasmania Development (NTD) to the Northern Tasmania Development Corporation (NTDC).

Under the enterprise powers given to Council in section 21(1) (a) of the *Local Government Act 1993*, Council can participate in the formation and operation of a corporation.

"21 Enterprise Powers

(1) In carrying out any of its functions, a council may -

(a) form or participate in the formation and operation of a corporation, trust, partnership or other body";

Following on from that, 21 (1A) requires that *"A motion by a council to exercise any of its powers under [subsection \(1\)](#) must be accompanied by a statement of the objectives of the exercise of that power"*.

Council did not satisfy this requirement when it approved its involvement with NTDC and should make such a statement now to satisfy the requirements of the Act and to make clear its objective in supporting the change from NTD to NTDC.

There are also other obligations to inform the Minister if expenditure into the enterprise of at least \$250,000 or 5% or more of its general rates revenue is at stake - but this decision does not entail this quantum of expenditure.

The stated purpose and objectives for the Northern Tasmanian Development Corporation (NTDC) are as follows (as set out in the NTDC Constitution and Shareholder Agreement):

“NTDC will provide pro-active regional leadership that is engaged with business and the shareholders to consolidate an agreed vision and implement a strategic economic action plan based on the Northern Regional Futures Plan framework.

The primary objectives of the NTDC are to:

- (a) provide pro-active, engaged and strategic regional economic leadership;*
- (b) consolidate an agreed vision for the development, sustainability and prosperity of the geographic region that the Organisation’s Members encompass;*
- (c) implement a strategic economic action plan based on the Northern Regional Futures Plan framework or similar; and*
- (d) to provide effective representation and advocacy to State and Federal Government and other stakeholders.”*

As an incumbent member of the Northern Tasmania Development Association Inc., Council has been involved in all considerations about the incorporation of that entity into the NTDC, pursuant to the Local Government Act. It is considered by Council that Council, the Municipality and rate payers generally, will benefit from the incorporation of NTDC. The organisation will effect direct and material economic, employment, and investment outcomes and contribute indirectly to social and community benefits as a consequence of NTDC achieving the objectives that it will be set up to achieve.

PREVIOUS COUNCIL CONSIDERATION:

21 st June 2012	182.06.2012
20 th June 2013	565.06.2013
13 th March 2014	764.03.2014
22 nd September 2016	226.09.2016

OFFICER’S REPORT:

The Mayors report clearly explains the reason for the notice of motion and I am fully supportive of the motion.

STATUTORY REQUIREMENTS:

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS:

Flinders Council Strategic Plan – all areas.

BUDGET AND FINANCIAL IMPLICATIONS:

Nil

RISK/LIABILITY:

Nil

VOTING REQUIREMENTS:

Simple majority

OFFICER'S RECOMMENDATION:

The motion as written.

DECISION:

C. CORPORATE SERVICES

Item C1: Financial Report for the Financial Year ending 30 June 2016

ACTION	Information
PROPONENT	Acting General Manager
OFFICER	Sophie Pitchford
FILE REFERENCE	FIN/0100
ASSOCIATED PAPERS	<i>Annexure 9: 2015-2016 Financials</i>

INTRODUCTION:

Presented to Council is the end of year financials for 2015/16 per department.

PREVIOUS COUNCIL CONSIDERATION:

Nil

OFFICER'S REPORT:

The report structure provides a summary of income and expenditure for the 2015/16 financial year across all departmental divisions as individual finance reports. The Statement of Comprehensive Income includes actuals from the previous financial year, for comparison against current actuals, as well as the 2015/16 Revised Annual Budget.

The Capital Works Report highlights each project and the expenditure incurred for the financial year as well as projects carried forward as Works in Progress arising from the previous financial year.

STATUTORY REQUIREMENT:

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS:

Corporate, Governance and Intergovernmental Relations

BUDGET AND FINANCIAL IMPLICATIONS:

Annual Plan – all areas

RISK/LIABILITY:

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

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That the financials for 2015/16 be received and accepted.

DECISION:

D. GOVERNANCE

Item D1: Waiver of Private Water Supply Fees

ACTION	Decision
PROPONENT	Council Officer
OFFICER	Sophie Pitchford, Acting General Manager
FILE REFERENCE	WAT/0103
ASSOCIATED PAPERS	<i>Annexure 10: Letter from J Cazaly and M-A Roberts</i>

INTRODUCTION:

The *Public Health Act 1997* (the Act) requires Council to register Private Water Suppliers to mitigate risks to public health from unsafe water. The *Tasmanian Drinking Water Quality Guidelines 2015* (TDWQG) are legislatively enforceable under the Act and hence compliance is mandated.

The Department of Health and Human Services (DHHS) issued a document to assist Councils with registration. It was named 'Private Water Suppliers – Guidance Note' (v17 Sept 2015) and included classifications of supplies to be registered and different classifications of supply types.

One of the classifications to be registered includes: Private Water Schemes with reticulated water not supplied by TasWater.

The Killiecrankie town supply falls into this category. Having said that, it may be provided as a "Do Not Consume" supply, removing any obligation to disinfect or monitor.

PREVIOUS COUNCIL CONSIDERATION:

Nil

OFFICER'S REPORT:

During the Killiecrankie toilet development application advertising, a representation was received that alluded to Council "tapping into" the town supply. This option was unknown to officers working on the project. Further investigation found the water supply to be administered by Jude Cazaly and Mary-Anne Roberts. An application to register has been forthcoming but was also accompanied by a request to waive the registration fee (Annexure 19).

Council's fees for private water registration are:

Annual registration	Initial	\$100.00
	Renewal	\$80.00

The request was considered at the October Ordinary Meeting of Council when a procedural motion to defer consideration of the motion on the table was passed to enable more information to be sought on the possibility of utilising the water supply to augment the water supply to the Council owned Killiecrankie public toilet.

The following additional information has been received from the Officer:

This item is required to address the matter of the waiving of the registration fee for the Killiecrankie Water Supply and the previous Council consideration.

The operators of the water supply have advised Council officers that the supply is largely limited by the volume it can supply. They have reported that new connections are generally not accepted as the supply is limited and often runs dry. To this end it was concluded that a connection was not possible – or would be unreliable – and a 15,000 litre water tank was purchased and placed at the site.

The motion and subsequent approved amendment on which consideration was deferred now needs to be considered, taking into account the additional information.

STATUTORY REQUIREMENT:

Public Health Act 1997

POLICY/STRATEGIC IMPLICATIONS:

5.0 Livability - Protect, improve and promote the safety, creativity, health and wellbeing of the Islands' communities.

5.1 Improve the health and wellbeing of the Island communities through leadership and co-ordination.

5.1.4 Water supply free from contaminants.

BUDGET AND FINANCIAL IMPLICATIONS:

Loss of registration fee totaling \$100.00 and annual renewal fees of \$80.00

RISK/LIABILITY:

Nil

VOTING REQUIREMENTS:

Absolute Majority

OFFICER'S RECOMMENDATION:

That Council agrees to waive the requested \$100.00 application fee for the Killiecrankie Private Water Supply for the 2016/2017 period.

That Council agrees to waive ongoing registration fees for each year beyond the current period.

DECISION: (as deferred at the October Meeting)

264.10.2016 Moved: Cr D Williams **Seconded:** Deputy Mayor M Cobham

That Council agrees to waive the requested \$100.00 application fee for the Killiecrankie Private Water Supply for the 2016/2017 period.

That Council agrees to waive ongoing registration fees for each year beyond the current period.

Mayor Carol Cox passed the chair to Deputy Mayor Marc Cobham at 3.44pm.

AMENDMENT

265.10.2016 Moved: Mayor C Cox **Seconded:** Cr D Williams

That Council agrees to waive the requested \$100.00 application fee for the Killiecrankie Private Water Supply for the 2016/2017 period.

That Council agrees to waive ongoing registration fees for each year beyond the current period and that Council agrees to review the position in three years with the proviso that fees and charges for any action required by legislation, now or in the future, are not included in this waiver.

CARRIED (5-2)

For: Mayor Carol Cox, Deputy Mayor Marc Cobham, Cr C Rhodes, Cr K Stockton and Cr David Williams.

Against: Cr P Rhodes (abstained) and Cr G Willis.

Deputy Mayor Marc Cobham passed the chair to Mayor Carol Cox at 3.47pm.

PROCEDURAL MOTION

266.10.2016 Moved: Cr C Rhodes **Seconded:** Cr K Stockton

That Item F1: Waiver of Private Water Supply Fees be deferred until further information is gained regarding the possibility of a sustainable water supply being connected to the toilet.

CARRIED (5-2)

For: Mayor Carol Cox, Cr C Rhodes, Cr P Rhodes, Cr K Stockton and Cr G Willis.

Against: Deputy Mayor Marc Cobham and Cr David Williams.

DECISION:

SUBSTANTIVE MOTION (as deferred)

264.10.2016 Moved: Cr D Williams **Seconded:** Deputy Mayor M Cobham

That Council agrees to waive the requested \$100.00 application fee for the Killiecrankie Private Water Supply for the 2016/2017 period.

That Council agrees to waive ongoing registration fees for each year beyond the current period and that Council agrees to review the position in three years with the

proviso that fees and charges for any action required by legislation, now or in the future, are not included in this waiver.

Item D2: Information Management Policy

ACTION	Decision
PROPONENT	Council Officer
OFFICER	Sophie Pitchford, Acting General Manager
FILE REFERENCE	ADM/0300, ADM/0900
ASSOCIATED PAPERS	<i>Annexure 11: DRAFT Information Management 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:

8th September and 6th October 2016 Councillor Workshops

OFFICER'S REPORT:

Flinders Council's information and records are a corporate asset, vital both for ongoing operations and also in providing valuable evidence of business decisions, activities and transactions. The Draft Information Management Policy has been developed to provide guidance and direction on the creation and management of information and records and to clarify staff and elected members' responsibilities. The policy has been based on a template produced by the Government Information Strategy Unit of the Tasmanian Archives and Heritage Office. It is now presented to Council for consideration.

STATUTORY REQUIREMENT:

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS:

4. Strategic, Efficient and Effective Organisation - Responding to risks and opportunities.

4.3 Ensure Council meets its statutory obligations and manages corporate and community risk.

4.3.5 Requirements of the Archives Act 1983 substantially complied with through improved records management processes.

4.3.5.1 Finalise and maintain Records Management Policy and procedures.

RISK/LIABILITY:

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

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That Council adopts the Information Management Policy and allows it to lay on the table for 28 days for public comment.

DECISION:

Item D3: Legal Advice Policy

ACTION	Decision
PROPONENT	Council Officer
OFFICER	Sophie Pitchford, Acting General Manager
FILE REFERENCE	LEG/001 and ADM/0900
ASSOCIATED PAPERS	<i>Annexure 12: DRAFT Legal Advice Policy</i> <i>Annexure 13: Submission 1</i> <i>Annexure 14: Submission 2</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:

259.10.2016 20th October 2016

OFFICER'S REPORT:

The Draft Legal Advice Policy was adopted by Council at the October Ordinary Council Meeting. As per the requirements of the Council Policy Manual Policy, the policy was tabled for the required period and also advertised; calling for public submission to the draft. During the advertising period two submissions were received (Annexures 13 and 14).

The comments raised were:

1. That contrary to usual practice the policy was not developed at a workshop with input from other Councillors.
2. For policies to be effective they need to be co-owned by the General Manager and staff and this policy was developed without input from the General Manager.
3. Seems to be contrary to the Local Government Act in that sections 28 A and B are not covered.
4. Legislation takes precedence so the policy cannot be implemented.
5. Perhaps a submission re the review of the Local Government Act would be more appropriate.
6. The policy will result in extra workload for staff and Councillors.
7. The policy indicates a complete lack of faith in any General Manager that may be appointed to the position.

Officer's response:

It is evident that the Legal Policy presented to Council needs to be developed further at a Councillor Workshop.

There are a number of areas of concern, particularly where the policy sits in relation to the Local Government Act.

The Policy document layout and content should be structured to conform to the format used for other Council Policies.

STATUTORY REQUIREMENT:

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS:

4. Strategic, Efficient and Effective Organisation - Responding to risks and opportunities.

4.3 Ensure Council meets its statutory obligations and manages corporate and community risk.

4.3.9 Maintain Council's Policy Manual and Instrument of Delegation.

RISK/LIABILITY:

Further development of the Legal Policy will potentially eliminate additional exposure to unwarranted costs and avoid confusion for the staff.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That Council agrees to discuss the content and format of the Legal Policy at a Council workshop.

DECISION:

Item D4: Review of Council Committee Structure, Membership and Councillor Committee Representation

ACTION	Decision
PROPONENT	Council Officer
OFFICER	Sophie Pitchford, Acting General Manager
FILE REFERENCE	COU/0600
ASSOCIATED PAPERS	<i>Annexure 15: Councillor Committee Representative Procedure</i>

INTRODUCTION:

1. Flinders Council currently has a number of committees that were established to allow communication, discussion and community input into decision-making on specific areas or activities of community and Council importance. Previously Council determined to undertake a review of these committees and their Councillor representation in December 2016 to ensure they are still relevant and have adequate representation for their continued function.
2. Special Committees include community members who are often nominated for membership due to their expertise in an activity and their involvement in the activity could be perceived as a pecuniary interest. Under the *Local Government Act 1993* Councils are able to provide exemption for community committee members for a period of 12 months.
3. Council has representation on a number of different types of committees and a procedure is required so that all Councillor Committee Representatives know what Council expects of them in this role.

PREVIOUS COUNCIL CONSIDERATION:

Council reviews Special Committee representation post each election.

936.11.2014 and 937.11.2014 13th November 2014

40.02.2015, 43.02.2015 and 45.02.2015 19th February 2015

Council Workshop 1st December 2016

OFFICER'S REPORT:

1. Post each election, Councillors consider the need and past efforts/use of the Special Committees in place and collectively decide what Special Committees are required. The current list of Special, Council and Legislated Committees were adopted post the last election on 13th November 2014 with additional committees adopted on 19th February 2015.

At the 13th November 2014 meeting when the majority of the committees were

adopted, Councillors also resolved *“That Council review the structures of committees in December 2016”* (motion no. 936.11.2014). The current Special, Council and Legislated Committees and the Councillors involved in each committee are listed below for consideration and review by Council.

Special Committees

Furneaux Community Health Special Committee

Cr G Willis – Chair

Mayor Cox

Furneaux (Emita) Hall & Recreation Ground Special Committee

Deputy Mayor Marc Cobham – Chair

Furneaux Group Aviation Special Committee

Mayor Carol Cox – Chair

Cr P Rhodes

Cr K Stockton

Furneaux Group Shipping Special Committee

Mayor Cox - Chair

Deputy Mayor Marc Cobham

Cr P Rhodes

Lady Barron Hall & Recreational Special Committee

Cr David Williams – Chair

Whitemark Beautification Committee

(Note: Although currently not functioning it has been suggested that this Committee can be re-established as and when required with Cr Marc Cobham as Chair.)

Council Committees

General Manager Performance Review Committee

Mayor Carol Cox – Chair

Cr K Stockton

Cr G Willis

Ideas and Innovations Committee

Cr G Willis – Chair

Cr C Rhodes

Cr P Rhodes

Cr K Stockton

Clean Up Australia Day

Cr P Rhodes

Cr K Stockton

(Note: It has been suggested that this is not a committee.)

Legislated Committees

Flinders Council Audit Panel

Cr K Stockton

Cr G Willis

Municipal Emergency Management Committee

Mayor Cox

2. The membership of all Special Committees also includes community members who are often nominated for membership due to their expertise in a business, community group or activity specifically related to the Special Committee. Under the *Local Government Act 1993*, this expertise could be perceived as a potential pecuniary interest in which case the committee member would not be entitled to vote on matters being dealt with by the committee.

Section 52(3) of Part 5 of the *Local Government Act 1993* enables a Council to exempt community members who are Special Committees members from pecuniary interest for a period of 12 months if the community member has a potential pecuniary interest in a matter only because of being appointed as a member due to expertise arising from direct involvement in an activity that gives rise to that potential pecuniary interest.

Previously Council has not done this however provision of this exemption from now on will support the right of community members on Special Committees to vote on matters being dealt with that might otherwise appear as though an interest should be declared.

3. A procedure has been developed to define Council's expectations of Councillor Committee Representatives on different types of committees and organisations. The procedure explains expected meeting and reporting procedure, to keep fellow Councillors and the Council informed of committee activity and the process to follow to bring committee recommendations to Council for consideration.

The Councillor Committee Representative Procedure (Annexure 15) is now presented to Council for consideration.

STATUTORY REQUIREMENT:

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS:

4. Strategic, Efficient and Effective Organisation - Responding to risks and opportunities.

BUDGET AND FINANCIAL IMPLICATIONS:

Nil

RISK/LIABILITY:

Nil

VOTING REQUIREMENTS:

Absolute Majority

OFFICER'S RECOMMENDATION:

1. That Council reconfirms Councillor Committee Representation and structure of its special, council and legislated committees as follows:

Special Committees

Furneaux Community Health Special Committee

Cr G Willis – Chair

Mayor Cox

Furneaux (Emita) Hall & Recreation Ground Special Committee

Deputy Mayor Marc Cobham – Chair

Furneaux Group Aviation Special Committee

Mayor Carol Cox – Chair

Cr P Rhodes

Cr K Stockton

Furneaux Group Shipping Special Committee

Mayor Cox - Chair

Deputy Mayor Marc Cobham

Cr P Rhodes

Lady Barron Hall & Recreational Special Committee

Cr David Williams – Chair

Whitemark Beautification Committee

Committee to be re-established as and when required with Cr Marc Cobham as Chair.

Council Committees

General Manager Performance Review Committee

Mayor Carol Cox – Chair

Cr K Stockton

Cr G Willis

Ideas and Innovations Committee

Cr G Willis – Chair

Cr C Rhodes

Cr P Rhodes

Cr K Stockton

Legislated Committees

Flinders Council Audit Panel

Cr K Stockton

Cr G Willis

Municipal Emergency Management Committee

Mayor Cox

2. That Council agrees to grant exemption from pecuniary interest to the community members appointed to all of its Special Committees for a period of 12 months.
3. That Council again considers the pecuniary interest of community members on its Special Committees at the December 2017 Ordinary Meeting of Council.
4. That Council adopts Annexure 15 the Councillor Committee Representative Procedure.

DECISION:

Item D5: Councillor Resolution Report

ACTION	Information
PROPONENT	Council Officer
OFFICER	Sophie Pitchford, Acting General Manager
FILE REFERENCE	COU/0600
ASSOCIATED PAPERS	<i>Annexure 16: Councillor Resolution Report December 2016</i>

INTRODUCTION:

This report identifies the actions taken and actual costs associated with implementing resolutions passed by elected members up to December 2016.

PREVIOUS COUNCIL CONSIDERATION:

The report is presented on a monthly basis.

OFFICER'S REPORT:

Please read Annexure 16 – Councillor Resolution Report December 2016.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That the Councillor Resolution Report December 2016 be noted.

DECISION:

E. CLOSED COUNCIL

Item E1 and E2: Closed Council Items

ACTION	Decision
PROPONENT	Council Officer
OFFICER	Sophie Pitchford, Acting General Manager
FILE REFERENCE	WOR/0601, WAT/0102, LEG/001
ASSOCIATED PAPERS	<i>Annexure 17 & 18: For Councillors Only</i>

PREVIOUS COUNCIL CONSIDERATION:

188, 189 and 194.08.2016	Special Council Meeting	1 st and 4 th August 2016
202 and 203.08.2016	Closed Council Meeting	18 th August 2016
230.09.2016	Closed Council Meeting	22 nd September 2016

REASON FOR CLOSED COUNCIL:

Item E1 - Increase to Whitemark Water Storage is **CONFIDENTIAL** in accordance with Section 15(2) (f) of the Local Government (Meeting Procedures) Regulations 2005.

Item E2 - Notice of Motion from Mayor Carol Cox – General Manager’s Separation from Council is **CONFIDENTIAL** in accordance with Section 15(2) (i) of the Local Government (Meeting Procedures) Regulations 2005.

VOTING REQUIREMENTS

Absolute Majority

OFFICER’S RECOMMENDATION:

That Council move into Closed Council.

DECISION:

Meeting Closed