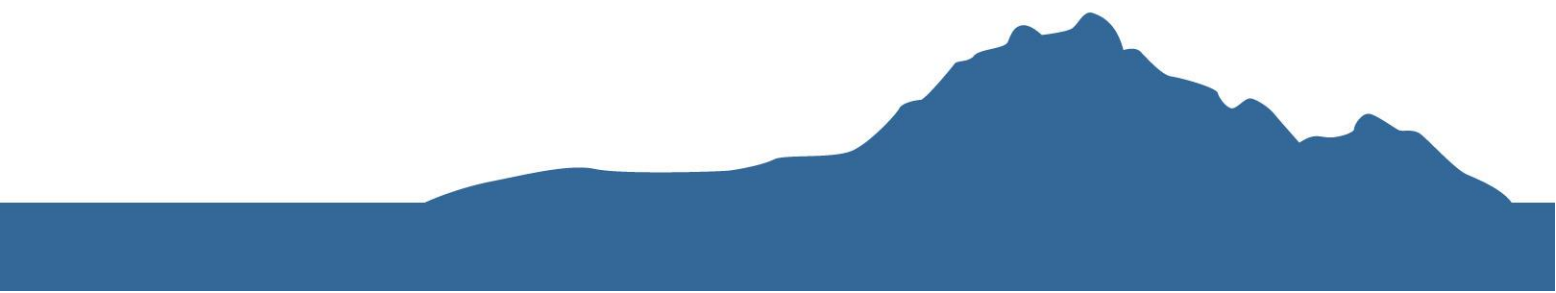




Agenda  
Ordinary Council Meeting  
17<sup>th</sup> August 2017



## 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 11<sup>th</sup> day of August 2017.



Bill Boehm  
**GENERAL MANAGER**

# FLINDERS COUNCIL ORDINARY MEETING

## AGENDA

**DATE:** Thursday 17<sup>th</sup> August 2017  
**VENUE:** Flinders Arts and Entertainment Centre, Whitemark  
**COMMENCING:** 1.00 pm

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### 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

Bill Boehm - General Manager  
Clare Nicholl - Community Development Officer  
Sophie Pitchford - Corporate Services 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 20<sup>th</sup> July 2017 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.*

#### **Question 1: Annemarie Carnell**

Could Council tell me what will happen to the Tip Shop at the Whitemark site when the tip is privatised? (I think it is such a useful way to recycle clothing etc. and is an asset to the Community of Flinders Island.) Additionally, will there be a charge to put rubbish in the tip when it is privatised?

#### **General Manager's Response:**

At this stage Council has made no decision on waste management operations, in part as there are many aspects to consider. Currently we are still very much in the negotiating stage with a final proposal still some time away. In any event, Council is unlikely to privatise the current tip but potentially may have it managed by a contractor who would remain responsible to Council. As such, both matters raised will be considered as part of this process. The current Tip Shop operation is highly valued and will form a keen consideration. Whilst charging at the landfill may, for equity reasons, be an option it can also have a negative downside. Council will work with community on issues such as the Giving Shed to reach suitable and achievable outcomes.

#### **COUNCILLOR'S QUESTIONS ON NOTICE**

Nil

#### **COUNCILLOR'S 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 COUNCILLOR'S QUESTIONS WITHOUT NOTICE**

**20<sup>th</sup> July 2017 Council Meeting**

#### **Question 2: Cr David Williams**

Why wasn't I given notice, as a matter of courtesy, that my question on insurance costs was being moved to Closed Council? It meant that I was unable to submit an acceptable question.

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

Please note that a part of this question has been removed as it is considered **CONFIDENTIAL** in accordance with Section 15(2) (b) and (c) of the Local Government (Meeting Procedures) Regulations 2015 and this has been noted in the minutes of the July meeting.

In response, you were aware when you lodged your question that it dealt with sensitive matters as I pointed out in my email to you on the 11<sup>th</sup> July. Given your wish to have the question appear in the public arena an appropriate and informative action for you to have taken would have been to discuss the matter directly with the General Manager prior to or at the time of lodging the question.

#### **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**

A leave of absence request has been received from Cr David Williams in order to undertake voluntary work as caretaker for the National Parks & Wildlife Services on Deal Island. Cr Williams has requested leave from approximately 1<sup>st</sup> September to 30<sup>th</sup> November 2017.

#### **PETITIONS**

Nil

#### **POLICIES**

The Related Party Disclosure Policy and Procedure were available for public consultation for 28 days until 20<sup>th</sup> July 2017. No submissions were received therefore, as per the Flinders Council Policy Manual Policy, the policy can now be considered as adopted.

## WORKSHOPS & INFORMATION FORUMS

File No: COU/0205

### Council Workshop held on 3<sup>rd</sup> August 2017

Council held a Workshop on the following subjects:

- Item 1 Airport Hangar Project Update
- Item 2 Tunapri Flinders – Flinders Island District High School Students
- Item 3 Roadside and Reserve Vegetation Management Policy
- Item 4 Solid Waste Disposal
- Item 5 Code of Contracts and Tenders Review
- Item 6 Footpath and Access Ramp Audit
- Item 7 LG Capital Program
- Item 8 Fees and Charges Review
- Item 9 Safe Harbour Report
- Item 10 Business Case for Whitemark Community Gym
- Item 11 General Update - Ross Hart, Member for Bass

#### Councillors Present:

Mayor Carol Cox, Deputy Mayor Marc Cobham, Cr Chris Rhodes, Cr Ken Stockton, Cr Gerald Willis and Cr David Williams.

#### Apologies:

Cr Peter Rhodes

#### Staff and Consultants Present:

Bill Boehm	General Manager
Kelly Blundstone	Executive Assistant
Marshall Clarkson, Tanner Clarkson, Amber Matthewson , Piper Taylor McKain, Anastasia Meier, Lucy Walker and Jazmin Wheatley	Flinders Island District High School (Item 2 only)
Holly Barnewall	Flinders Island District High School (Item 2 only)
Vicki Warden	Executive Officer (Item 2 only)
Claire Nicholl	Community Development Officer (Item 2 and 9 only)
Brian Barnewall	Works & Services Manager (Items 1 - 7 only)
Jacci Viney	Development Services Coordinator (Items 1 - 8 only)
Sophie Pitchford	Corporate Services Manager (Items 1, 2, 6 - 8 only)
David Conn	(Item 3 only)
Vanessa Grace	(Item 3 only)
Ross Hart	Member for Bass (Item 11 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 3<sup>rd</sup> August 2017 be noted.

#### DECISION:

**PUBLIC MEETINGS**

Nil

**PUBLICATIONS/REPORTS TABLED FOR COUNCIL INFORMATION**

Nil

<b>REPORTS TO BE RECEIVED</b>
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**Furneaux Community Health Special Committee**

**File No:** CSV/0912

**Annexure 1:** *Furneaux Community Health Special Committee 3<sup>d</sup> July 2017 Unconfirmed Minutes*

**OFFICER'S REPORT (Bill Boehm, General Manager):**

The unconfirmed minutes of the Furneaux Community Health Special Committee meeting held 3<sup>rd</sup> July 2017 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 3<sup>rd</sup> July 2017 be accepted.

**DECISION:**



## COUNCILLORS' REPORTS

### Report from Councillor Gerald Willis as the Flinders Council Representative on TasWater Owners' Committee

File No: COU/0312

#### CORRESPONDENCE IN:

DATE	WHO	SUBJECT
21.07.17	Stephanie Watson, Communications Manager, Local Government Association of Tasmania	Media Release issued by Local Government Association re Infrastructure Tasmania report on the proposed takeover of TasWater by the State Government.
24.07.17	Katrena Stephenson, Chief Executive Officer, Local Government Association of Tasmania	Email advising that the government has released draft legislation re the acquisition of TasWater and that the Local Government Association anticipates providing preliminary analysis at its meetings on Wednesday of this week.
24.07.17	Stephanie Watson, Communications Manager, Local Government Association of Tasmania	Email with two media releases attached; both from Local Government Association of Tasmania with one about the inaccuracy of the government linking a takeover of TasWater with a healthy Tamar River and the other restating the opposition to the proposed takeover.
26.07.17	Alyson Ainscough, acting General Manager, Legal and Governance, TasWater on behalf of Ailsa Sypkes, General Manager, Legal and Governance, TasWater	Email with Quarterly Report to Owners' Representatives for April to June 2017 with a reminder that a northern regional briefing will be held in Launceston at 2:00 pm on Thursday 10 August 2017.

#### RECOMMENDATION:

That the report from Councillor Gerald Willis as the Flinders Council Representative on TasWater Owners' Committee be received.

#### DECISION:

**MAYOR'S REPORT:**

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

**REPORT:****APPOINTMENTS:**

11.07.17	Laser Tag and Flinders Island Aboriginal Association Inc.
13.07.17	Council School Holiday Program - Football Clinic
13.07.17	Swinburne University, Telephone link re pilot program for Flinders
17.07.17	Council School Holiday Program - Netball Clinic
17.07.17	Evening BBQ hosted by TasWater as thank you for support during the summer water shortage for Whitemark
18.07.17	Met Mr J Helmich, Department of Premier and Cabinet
18.07.17	School Symposium Group for Internet improvement Teleconference with M Patterson, Area General Manager, Telstra Country Wide, Tasmania Chairman and Director, Telstra Tasmanian Board
20.07.17	Council Meeting
21.07.17	Council School Holiday Program - Glow in the Dark event
26.07.17	Local Government Association of Tasmania General Meeting
26.07.17	Local Government Association of Tasmania Annual General Meeting
26.07.17	Cocktail mingling with politicians, Mayors, General Managers at the Welcome Reception
27-28.07.17	Local Government Association of Tasmania Annual Conference
27.07.17	Local Government Association of Tasmania Annual Dinner
02.08.17	Senator David Bushby re success of Building Better Regions grant application
02.08.17	Media re Building Better Regions fund grant application success for \$7.9 million for Telecomms Project for the Furneaux Group
02.08.17	General Managers Performance Review Committee meeting
03.08.17	Council workshop
03.08.17	Funeral of resident Chris Rawson
04.08.17	Presentation and release of Northern Resource Sharing Group study involving the eight northern Councils
07.08.17	Made representation to the proposed redistribution of Federal Electoral Divisions in Tasmania

**Council's Separation with ex General Manager Raoul Harper Settled:**

The following Media Release was distributed on the 24<sup>th</sup> July 2017.

*"Mayor Carol Cox announced today that Flinders Council and former General Manager, Raoul Harper, had resolved legal action that had arisen from the termination of Mr Harper's contract of employment in mid-2016.  
Mayor Cox stated,*

*“Mr Harper’s work for the Council accomplished increased economic growth, improved governance standards, and served to promote Flinders as a can-do place that is open to Investment.*

*There has been huge investment in Flinders over recent years and Mr Harper played a significant role in this success, by positioning Flinders as a place of potential growth and economic development.”*

*Mayor Cox referring to Mr Harper’s exit from Council commented that, “...it was becoming evident that the working relationship between some Councillors and the General manager was not as productive as it could be and this culminated in the separation of Council and Raoul Harper in 2016.”*

*Mayor Cox said that she was pleased that the matter had resolved and wished Mr Harper all the best in his future endeavours.*

*Mr Harper indicated today he was relieved that the matter had resolved to his satisfaction, saying*

*“It has been a difficult time, personally and professionally, and I am grateful for the support given to me by the Flinders Community, the Council staff, and my family and friends.*

*I was proud to call Flinders my home for seven years and want to wish the Island all the very best for the future. Flinders is one of the jewels in Tasmania’s crown and I have no doubt that in time, its enormous potential will be further realised.”*

#### **Building Better Regions Fund:**

Council is elated to have achieved the funding for a major telecommunications overhaul for Flinders Island that will also benefit Cape Barren Island and issued the following media release on the 2<sup>nd</sup> of August 2017.

*“Flinders Council is celebrating Senator David Bushby’s announcement yesterday that the Federal Liberal Government’s Building Better Regions Fund will commit \$7,879,960 towards the Flinders and Cape Barren Islands Telecomms Transformation Project.*

*A total of nearly \$11 million made up of \$7,879,960 from the Federal Liberal Government, \$1.8M from Telstra, \$770,000 from the Flinders Council and \$350,000 from the Tasmanian Liberal Government, will completely overhaul the aged infrastructure currently providing limited internet and phone services to the islands of the Furneaux Group. As a result Flinders Island, Cape Barren Island and the surrounding waters will have increased mobile coverage and fast internet access.*

*Poor telecommunications has long been identified as a problem for the islands. A funding commitment by the liberal party in 2014 enabled the initial feasibility study and assisted Council to make a grant application. After failing with the first application, Council persisted with a grant application this year for Building Better Regions Funding. Mayor Carol Cox was both elated and relieved at the success of the application. “This once in a lifetime project will enable our small but dynamic population to take advantage of previously unusable technology.”*

*“Mobile phone coverage will extend to Palana and Killiecrankie; our school will be able to effectively deliver a range of online educational programs; our medical service will be able to offer effective remote consults; our businesses will be able to transfer large blocks of data; our residents will be able to “skype” off-island family and friends; Wi-Fi*

*hotspots for visitors that unavailable using our current infrastructure, will become feasible; emergency services will be able to communicate more easily in times of emergency. The improvements to our lifestyle will be endless and will bring our remote island communities that much closer to and in line with the rest of the world."*

*We thank the Federal Liberal Government for their commitment to our Municipality through this grant. We thank both Telstra and the State Government for their support in developing the application. Council is overjoyed that this long awaited project is becoming a reality".*

**Local Government Association of Tasmania:**

The General Manager and I attended the General Meeting and Annual General Meeting and voted according to the resolution made at the July Ordinary Meeting of Council.

The Corporate Services Manager joined us at the conference. A report on the conference will be forwarded to Councillors in the near future.

**Federal Redistribution Tasmania:**

On Monday the 7<sup>th</sup> of August I attended the inquiry into further objections to the proposed redistribution of Federal Electoral Divisions in Tasmania and made the confirmation that I would prefer that Flinders remain in Bass, as per the proposed boundaries which were released on the 20<sup>th</sup> July 2017. This differs from the initial proposal of the 5<sup>th</sup> of May in that it places Flinders and Dorset back in the electorate of Bass. I made a statement that I would like to see Flinders remain in Bass as in the second proposal and the current situation.

**CORRESPONDENCE IN:**

DATE	WHO	SUBJECT
26.06.17	P Gutwein, Treasurer, Minister for Local Government	Preparation of Local Provisions Schedules
14.07.17	Gregory Andrews Threatened Species Commissioner	Submissions welcome on the RSPCA's cat management discussion paper, <i>Identifying Best Practice Cat Management in Australia</i>
14.07.17	P & G Masters	West St kerbing and guttering
14 & 18.07.17	Dr Robert Gill Course Director - Communication Deputy Chair - Media and Communication Group, Faculty of Health, Arts and Design Swinburne University of Technology	Flinders Island Friendly Business update and social media recommendations
17.07.17	P Gutwein	Preparation of Local Planning Schemes
18.07.17	Dion Lester, Policy Director, Local Government Association of Tasmania	Water Fluoridation

<b>DATE</b>	<b>WHO</b>	<b>SUBJECT</b>
18.07.17	Mayor Doug Chipman	Reconciliation Council
19.07.17	P Gutwein, Treasurer, Minister for Local Government	Accelerated infrastructure investment delivery in Tasmania's water and sewerage sector report
19.07.17	Hydro Tasmania	Invitation to Industry Briefing
19.07.17	K Stephenson, Local Government Association of Tasmania (LGAT)	Review of councillor allowances and Terms of Reference
19.07.17	Alysse Gavlik, State Growth	Community Road Safety Grants Program - Funding 2017-2018
21.07.17	Stephanie Watson, Communications Manager, LGAT	Media Release - Appalling Politics Delays Investment in Water and Sewerage Infrastructure
24.07.2017	K Stephenson, LGAT	Media Release - "Work with Us" Call from Local Government
24.07.17	G Howard, Dorset Council	Subscription Modelling Proposal for LGAT AGM
24.07.17	Stephanie Watson, Communications Manager, LGAT	Media Releases - Local Government Remains Opposed to the Takeover of TasWater
24.07.17	Australian Local Government Association	National Local Roads and Transport Congress
24.07.17	G Barnett MP, Minister for Resources	Schools Tree Day and National Tree Day
24.07.17	E Talbot, TasWater	Media Release - Lifting of the Boil Water Alert in Lady Barron
24.07.17	K Stephenson, LGAT	TasWater Bills released by government
25.07.17	Alex Tay, Director of Local Government	Advice on Code of Conduct resolution
28.07.17	Juliet Mercer GM - Corporate and Community Relations	TasWater Review of the Infrastructure Tasmania report and letter from Chairman
31.07.17	Rosalind Herbert Project Officer COTA TAS	Tasmania Councils Liveability Survey
01.08.17	Senator D Bushby	Building Better Regions Funding Media release
01.08.17	Moya Fyfe Chief of Staff Office of the Vice- Chancellor University of Tasmania	Letter re appointment of new Vice Chancellor
03.08.17	Maree Tetlow, Northern Tasmania Development Corporation (NTDC)	Councils Role in the Regional Economic Development Plan - NTDC
03.08.17	Maree Tetlow, NTDC	Quarterly Report - August 2017

DATE	WHO	SUBJECT
04.08.17	Seth Langford, Hydro Tasmania	Flinders Hub Project Update to Council
07.08.17	Miles Hampton, Chairman, TasWater	Letter to Mayors re: State Government Takeover
07.08.17	Stephanie Watson, LGAT	Media Release - LGAT focused on bigger TasWater picture
07.08.17	K Stephenson, LGAT	Reconciliation Council of Tasmania Launch request to Northern Councils
08.08.17	Fiona Madigan, LGAT	July 2017 Report
09.08.17	K Stephenson, LGAT	Next Mayors Workshop
09.08.17	Stephanie Commons	Media Release - Tasmanian Community Achievement Awards

#### **CORRESPONDENCE OUT:**

DATE	WHO	SUBJECT
18.07.17	M Roughley	Kerbing West St Lady Barron
24.07.17	R Harper	Reference
25.07.17	V Grace	Response to Letter
03.08.17	Senator D Bushby	Council's Building Better Regions Funding Media release
10.08.17	Safe Harbour Group	Invitation to attend 31 August workshop

#### **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:** Report on Representations Received in Relation to Planning Scheme Amendment AMD01/17 and Development Application DA2017/010 (16 Esplanade, Whitemark)

**File No:** AMD01/17 and DA2017/010

*Annexure 2:* Representations

**Item A2:** Development Application Report

**File No:** DSV/0300

*Annexure 3:* Planner's Information Report – July 2017

### B. CORPORATE SERVICES

**Item B1:** Whitemark Community Gym

**File No:** CDV/0701

*Annexure 4:* Whitemark Gym Community Business Case

*Annexure 5:* Gym equipment inventory (Elected Members Only)

**Item B2:** Schedule of Fees & Charges 2017-18

**File No:** FIN/0701

*Annexure 6:* DRAFT Fees & Charges Schedule 2017-18

**Item B3:** Financial Investments

**File No:** FIN/0501, ADM/0900

### C. GOVERNANCE

**Item C1:** Signatories to the Use of the Common Seal

**File No:** GOV/1000

**Item C2:** Rescind Council Policy Manual Policy

**File No:** ADM/0600

*Annexure 7:* G4 - Council Policy Manual Policy

**Item C3:** Code for Tenders and Contracts

**File No:** ADM/0900, WOR/0300

*Annexure 8:* Code for Tenders and Contracts

*Annexure 9:* Legislative outline of what constitutes "A Council"

**Item C4:** Review of Instrument of Delegation

**File No:** PUB/0300

*Annexure 10:* DRAFT Instrument of Delegation – revised August 2017

**Item C5:** Quarterly Report on the Northern Tasmania Development Corporation

**File No:** COU/0305

*Annexure 11: Northern Tasmania Development Corporation's Quarterly Report to all member councils*

**Item C6: Councillor Resolution Report**

**File No: COU/0600**

*Annexure 12: Councillor Resolution Report - August 2017*

**Meeting Closed**



<b>A. DEVELOPMENT SERVICES AND PLANNING APPLICATIONS</b>
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**Item A1: Report on Representations Received in Relation to Planning Scheme Amendment AMD01/17 and Development Application DA2017/010 (16 Esplanade, Whitemark)**

<b>ACTION</b>	Decision
<b>PROPONENT</b>	Commercial Project Delivery
<b>OFFICER</b>	James Ireland (Consultant Town Planner)
<b>APPROVED BY</b>	Karin Van Straten (Senior Consultant Town Planner)
<b>FILE REFERENCE</b>	AMD01/17 and DA2017/010
<b>ASSOCIATED PAPERS</b>	<i>Annexure 2: Representations</i>

**Proposal:** To amend the Flinders Planning Scheme to: a) make tourist operation, restaurant, community building and local shop discretionary uses in the port zone on a specific part of land at Whitemark Wharf (CT: 129006/1) and as described in DA2017010, and: b) to amend the planning scheme to add to the zone intent statement for the port zone. This amendment will enable an existing shed adjacent to the Whitemark wharf to be refurbished and used for a multi-purpose commercial centre.

**Location:** 16 Esplanade. Whitemark (CT:129006/1)

**Applicant:** Commercial Project Delivery

**Representations:** Six

### INTRODUCTION

The above combined amendment and permit application was initiated and certified by Council at the June 2017 meeting. It was subsequently put on notification for the required 28 days, with the closing time for representations being **5pm on Monday 21<sup>st</sup> July**.

Six representations were received before this time and a seventh was one day late. Of the six representations that can be considered, four were in unequivocal support, one was in support but expressed concern about the provision of car parking and one was opposed for various reasons. It is worth noting that the late representation was in general support and would not require changes to the amendment if it was counted.

An assessment of the representations is provided in the next section of this report. It summarises the representations, provides a planning response to the issues and addresses whether changes to the amendment should result from the representations (no changes are required). The representations themselves are provided in full as associated papers.

### REPORT ON REPRESENTATIONS:

No.	Ground	Planning Response	Changes Required
<b>1</b>	<b>Mark Baldwin, Lughrata</b>		
	<i>"I would like to register my support for the recent</i>	No planning response required.	None required.

No.	Ground	Planning Response	Changes Required
	<i>Development Application for the wharf shed. I hope it is approved without undue delay and the entire venture proves to be a great success.</i>		
<b>2</b>	<b>Judith Blundstone, Whitemark</b>		
	General support, but also concern about provision of car parking spaces.	<p>No planning response required in relation to the support.</p> <p>In relation to the concern about car parking provision:</p> <p>Part 6.6 Access and Parking (i) of the scheme requires: <i>“New Use or Development shall provide adequate car parking to provide for the demand it generates and shall be capable of being safely accessed.”</i></p> <p>The scheme does not provide parking rates. The amendment/permit application by Commercial Project Delivery states that the proposed 20 spaces are adequate, except for ‘<i>occasionally during functions and special events</i>’, when there is ‘<i>more than adequate</i>’ capacity on-street. Using the parking rates in the West Tamar planning scheme (they obviously don’t technically apply, but are a useful comparison), the café/restaurant/bar requires 8 spaces (1 per 15m<sup>2</sup> public floor area), the offices require 5 spaces (1 per 50m<sup>2</sup> floor area plus 1 per employee – one per office) and the function area 3 spaces (1 per 20m<sup>2</sup> floor area). This gives a total parking requirement of 16 spaces, less than the 20 space provided. It is considered that the proposal provides adequate car parking to provide for the demand it generates. It is capable of being safely accessed.</p>	None required.
<b>3</b>	<b>Murray Dagley, Whitemark</b>		
	<i>General support, with reference to economic benefits.</i>	No planning response required.	None required.
<b>4</b>	<b>Alan Radford, address not supplied</b>		
	Reference to existing operation and the changes to it.	Unsure of what he refers to - there is no Council record of an existing food services operation on the site. If he refers to another operation of the proponent not on the site, this is not a relevant planning consideration.	None required.

No.	Ground	Planning Response	Changes Required
	The proposal will 'impact on his business greatly' and may mean I need to close, terminating five employees.	Neither the scheme nor the Act seek to restrict commercial competition. This is not a planning consideration.	None required.
	Amendment only relates to this application for permit and doesn't allow for other similar proposals in all foreshores and marina areas of Flinders Island.	The combined amendment / permit route was taken to prevent exactly this from happening. Other foreshore/marina areas in the Port Zone are not suitable for developments such as this as they are functioning ports. To enable proposals such as this on most foreshore areas, an amendment would have to be made to the Environmental Management Recreation zone, which covers the majority of the coast. This is not the proposal here. This amendment was initiated by a private individual – a reasonable private individual does not fund broad-scale amendments.	None required.
	Does the reference to 'Community Building' in the application mean that Council will purchase the building. Council already has sufficient buildings.	This is not a community building as defined in the planning scheme. It is a private operation and is 'community oriented' only insofar as the community will be able to use its café/restaurant/bar and function room.  There is no intention for the building to be sold to Council. It will remain the property of Tas Ports (the applicant is leasing it). The tenant/s will operate private operations.	None required.
<b>5</b>	<b>Aimee Wheatley, Memana</b>		
	<i>"I'm writing to you, expressing my absolute approval for the amendment to the Flinders Planning Scheme 1994, in regard to DA 2017/010 and Amendment 01/17"</i> (continues)	No planning response required.	None required.
<b>6</b>	<b>Commercial Project Delivery (applicant) OBO Quoin Holdings (proponent)</b>		
	General support.	No planning response required.	None required.

#### STATUTORY REQUIREMENT:

The *Land Use Planning and Approvals Act 1993* requires Council to consider the need for any alterations to an amendment following submission of representations during the notification

process. This report satisfies this requirement. It does not identify any need for alterations to the amendment.

Once a decision on the representations is made by Council, this decision, along with the representations and the report on representations must be emailed the Tasmanian Planning Commission (TPC). The TPC then commence their statutory assessment process, which will include organising public hearings, where representors will be able to speak to their representations.

The TPC will then either approve as proposed, approve with changes or refuse the amendment and permit.

#### **POLICY/STRATEGIC IMPLICATIONS:**

Once initiated, Council cannot terminate an amendment process. An applicant may withdraw an application at any time. It is Council's statutory obligation to make a decision on the representations and advise the TPC of this decision.

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

Financial considerations of the amendment are addressed through normal statutory processes.

#### **OFFICERS RECOMMENDATION:**

That Council:

1. Determines that no alterations are required to combined AMD 01/17 and DA2017010 as a result of the representations lodged,
2. Submits AMD 01/17 and DA2017010 to the Tasmanian Planning Commission for review; and:
3. Requests approval of AMD 01/17 and confirmation of the approval of DA2017010.

#### **DECISION:**

**Item A2: Development Application Report**

<b>ACTION</b>	<b>Information</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Jacci Viney, Development Services Coordinator
<b>FILE REFERENCE</b>	PLN/0105
<b>ASSOCIATED PAPERS</b>	<i>Annexure 3: Planner's Information Report - July 2017</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 24<sup>th</sup> September 2015 Council Meeting.

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

Permitted applications are assessed under s58 of the *Land Use Planning and Approvals Act 1993* and as such are not advertised nor are the applicant's details made public. Applicants retain the right to privacy having met all development and use standards applicable within the current planning scheme. Applications made under this section must be granted a permit, with or without conditions.

The numbering of applications relates to the allocation provided by the 'Regulatory Applications' (RegApps) electronic filing system. Numbers are allocated in order to Planning (DA), Building (BA) and Plumbing (PA) applications. This may mean that planning numbers are not sequential.

**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 2 Planner's Information Report - July 2017, provided by West Tamar Council.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

That the Planner's Information Report - July 2017 be received.

**DECISION:**

<b>B. CORPORATE SERVICES</b>
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**Item B1: Whitemark Community Gym**

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Claire Nicholl, Community Development Officer
<b>FILE REFERENCE</b>	CDV/0701
<b>ASSOCIATED PAPERS</b>	<i>Annexure 4: Whitemark Gym Community Business Case</i> <i>Annexure 5: Gym Equipment Inventory (Elected Members Only)</i>

**INTRODUCTION:**

For the past three months, there has been a privately managed gym operating in Whitemark servicing private patrons as well as clients of the Royal Flying Doctor Service's (RFDS) new health program provided by Council's Physical Health Worker. As the gym is not financially viable to run as a private concern, Council has been asked to consider taking over the facility and running it as a community gym.

This report examines the rationale, options, costs and risks associated with running a community gym at Whitemark and benchmarks relevant features with Council's current Community Gym operation at Lady Barron.

**PREVIOUS COUNCIL CONSIDERATION:**

Council Workshop 6<sup>th</sup> July 2017  
Council Workshop 3<sup>rd</sup> August 2017

**OFFICER'S REPORT:**

The proprietor of the privately managed gym operating in Whitemark is David Heap who established the initiative on a trial basis in response to requests from a number of community members who lived and worked in and around Whitemark but for various reasons were unable to use the facility at Lady Barron. The gym operates out of the Lions Club Masonic Lodge premises on which David pays monthly rent and insurances.

As well as being used by private patrons, the gym has also been utilised over this period by clients accessing the new RFDS service provided by David Heap in his role as Physical Health Worker.

On the 6<sup>th</sup> of July 2017, David made a presentation to Council at which he stated that he is no longer able to continue the private operation of the gym and that he is about to cease his financial commitment to it due to the unviability of operating as a private enterprise.

A major consequence of the current facility closing includes the inability of Council to deliver on its key strategic objectives by affecting the core service delivery of the Physical Health Worker under the RFDS health program. The considerable benefits of having a fitness facility being located close to the MPC would be lost as arrangements would have to be made for clients to use the community gym at Lady Barron. Furthermore, with the opening of the Council owned Lady Barron Fitness Facility, issues of equitable access to fitness facilities were a major consideration in the need to look into keeping open a gym facility in Whitemark.

As a result the Community Development Department was asked by Flinders Council's General Manager to write a business case to determine options to provide a sustainable operational model for a community gym in Whitemark for use by the general public as well as by clients using the service delivered by the Physical Health Worker. Accordingly, on the 3<sup>rd</sup> of August a community business case was presented to a Council Workshop in which options were presented for consideration.

This Community Business Case is attached as Annexure 3. This identified three broad options as follows:

**Option 1 Do nothing, close the Whitemark gym, and relocate the RFDS Physical Health Worker service to Lady Barron.**

Under this option the stakeholder impact is high, because community members as well as those using services provided by the RFDS Physical Health Worker in Whitemark would incur the extra costs of travel to Lady Barron. This would put the RFDS Council delivered service at risk with the consequence that Council is no longer able to deliver on its core strategic objective of improving the health and wellbeing of the Island communities through leadership and coordination.

**Option 2 Flinders Council covers rent and insurances on the Lions Club gym premises which is operated by the existing private gym manager.**

Under this option, the impact on stakeholders would be low. However, the risk of reputational damage for Council and its delivery of RFDS health services would be high. Risks for Council include the perception of conflict of interest between the Physical Health Worker and his role as a private gym manager, as well as public perceptions of Council operating to subsidise a private business.

**Option 3 Council Community Gym. That the gym ceases to be a privately operated business, and that Council trials the running of a Community Gym in Whitemark, in conjunction with a community management committee.**

Under this option, Council would utilise existing administrative funds associated with the RFDS health service delivery grant to pay rent on the existing Lions Club premises. Insurance would be folded into existing Council policies.

Council staff would provide compliance and user management as they do at the Lady Barron Fitness Facility and a community management committee would be formed as a special committee of Council to oversee day-to-day management of the community gym.

This option has a low stakeholder impact as the gym service in Whitemark would be maintained. Risks to Council are also low in terms of project complexity, cost and reputation.

**STATUTORY REQUIREMENT:**

*Workplace Health & Safety Act 2012*

**POLICY/STRATEGIC IMPLICATIONS:**

5.0 Liveability - 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.

5.1.2 Rural Primary Health Service program funding is administered for delivery of health services to the community.

5.1.2.1 Facilitate and deliver the Rural Primary Health Service Program.

**BUDGET AND FINANCIAL IMPLICATIONS:**

As indicated in the financial analysis associated with the attached Community Business Case, the budget implications are modest and in line with those that currently apply at the Lady Barron community gym but with the added benefit that the Council cost per participant will likely be less given the expected greater usage. The interim nature of the proposal also provides a thorough review operationally once the transition has been completed.

**RISK/LIABILITY:**

The future delivery of health services under the RFDS may be compromised if the gym facility at Whitemark closes. Also there is the risk of the perception of inequity in the provision of community gym services between communities.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

1. That Council agrees in principle to the trial operation of a community gym in Whitemark under a special committee until the end of the RFDS funding in June 2018.
2. That Council authorises a Special Committee of Council to be set up for this purpose.

**DECISION:**



**Item B2: Schedule of Fees & Charges 2017-18**

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Sophie Pitchford, Corporate Services Manager
<b>FILE REFERENCE</b>	FIN/0701
<b>ASSOCIATED PAPERS</b>	<i>Annexure 6: DRAFT Fees &amp; Charges Schedule 2017-18</i>

**INTRODUCTION:**

Under Section 205 of the *Local Government Act 1993*, Council can impose fees and charges with respect to the listed activities within the Act. These activities include the use of any property or facility owned by Council; and any application, licence, permit, registration granted by the Council.

**PREVIOUS COUNCIL CONSIDERATION:**

Council Budget Workshop 3<sup>rd</sup> August 2017

**OFFICER'S REPORT:**

Annually Council sets fees and charges to reflect costs of providing services to the Municipality in the most cost-effective manner obtainable. Therefore, these costs should reflect any CPI increase posted by the Federal Government for the forthcoming financial year.

The proposed fees & charges were discussed at a workshop by Councillors and staff, prior to being presented for formal adoption.

**STATUTORY REQUIREMENT:**

*Local Government Act 1993*

**POLICY/STRATEGIC IMPLICATIONS:**

4. Strategic, Efficient and Effective Organisation - Responding to risks and opportunities.5.1 Support the capacity and productivity of our organisation and a culture of professionalism, compliance, innovation and service.
- 4.3 Ensure Council meets its statutory obligations and manages corporate and community risk.

**BUDGET AND FINANCIAL IMPLICATIONS:**

Minimal

**RISK/LIABILITY:**

Maintaining Council in a sound financial position is a critical function of a Council.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

Pursuant to Section 205 of the *Local Government Act 1993*; that Council adopts the Fees & Charges for the Financial Year 2017-18.

**Item B3: Financial Investments**

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Sophie Pitchford, Corporate Services Manager
<b>FILE REFERENCE</b>	FIN/0501, ADM/0900
<b>ASSOCIATED PAPERS</b>	<i>Nil</i>

**INTRODUCTION:**

BT Investment Solutions requires authorisation from Council to approve any changes to signatories on the Westpac Investment account.

**PREVIOUS COUNCIL CONSIDERATION:**

Nil

**OFFICER'S REPORT:**

Due to a change in General Managers, BT Investment Solutions requires the account authorisation holders to be updated. For this to occur, BT requires minutes to show that Council is happy to appoint the new General Manager as a signatory to the Westpac Investment Account.

**STATUTORY REQUIREMENT:**

*Local Government Act 1993*

*Trustee Amendment (Investment Powers) Act 1997*

**POLICY/STRATEGIC IMPLICATIONS:**

No policy exists on this matter.

**RISK/LIABILITY:**

Nil

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

That Council approves that removal of Raoul Harper as a signatory and that the General Manager, Bill Boehm, become a signatory on the Westpac Investment account.

**DECISION:**

<b>C. GOVERNANCE</b>
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**Item C1: Signatories to the Use of the Common Seal**

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Bill Boehm, General Manager
<b>FILE REFERENCE</b>	GOV/1000
<b>ASSOCIATED PAPERS</b>	<i>Nil</i>

**INTRODUCTION:**

This report has been prepared for the purposes of clarifying and improving the current administrative arrangements regarding the keeping and use of Council's common seal.

**PREVIOUS COUNCIL CONSIDERATION:**

Nil

**OFFICER'S REPORT:**

Section 19 of the *Local Government Act 1993* (Act) relevantly provides that:

1. councils are body corporates with perpetual succession and a common seal;
2. a council's common seal is to be kept and used as authorised by that council;
3. the execution of a document sealed by a council is to be attested by such persons as that council determines; and
4. all courts and persons acting judicially must take judicial notice of the use of council's common seal on a document and presume that the document was duly sealed by council.

Use of the common seal is a matter which should not be taken lightly.

The common seal lends a sense of security and legitimacy when used to execute a document and indicates that Council has authorised and supports the relevant undertaking.

It is not necessary to use the common seal for all business transactions. Indeed, a Council officer can enter into a legally binding arrangement on Council's behalf provided they have been duly authorised to do so (e.g. via a delegation).

In many cases use of the common seal is not generated by a specific Council decision. In the main, the common seal is used in response to a request from an external party, such as the government. There are however certain situations in which the seal must be used, two examples being:

1. the sealing of a final plan of subdivision under section 89 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*; and

2. the making of a by-law under section 161 of the Act.

Legal advice received by the General Manager indicates that it is common practice for councils to authorise their General Manager under section 19(3) and section 19(5) of the Act to keep, use and witness the affixing of the common seal as and when required in order to give effect to Council's decision making.

Such authorisation can also be extended to other council officers, such as Council's Corporate Services Manager.

These authorisations are not delegations made pursuant to section 22 of the Act; they are documented authorisations made for the purposes of section 19 of the Act which remain in force unless amended or revoked. As such, these authorisations should be granted to positions (e.g. General Manager) rather than named individuals.

In the normal course of events this is all that is required. However, in relation to the authorisation of certain instruments the Land Titles Office requires the Mayor and one other Councillor to witness the affixing of the common seal. Council's authorisations under section 19 of the Act concerning the keeping and use of the common seal need to address these specific requirements.

**STATUTORY REQUIREMENT:**

*Local Government Act 1993, s.19*

**POLICY/STRATEGIC IMPLICATIONS:**

No policy exists on this matter.

**BUDGET AND FINANCIAL IMPLICATIONS:**

Nil

**RISK/LIABILITY:**

Minimum

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

Council authorises the following to witness the use of the Flinders Council Common Seal on the following basis:

General Manager and  
Corporate Services Manager

All transactions duly authorised by Council or within the power of the officer excepting the sealing of final plans for the purposes of section 89 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*

Mayor or Deputy Mayor and  
one other Councillor

The sealing of final plans for the purposes of section 89 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*

**DECISION:**

**Item C2: Rescind Council Policy Manual Policy**

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Bill Boehm, General Manager
<b>FILE REFERENCE</b>	ADM/0600
<b>ASSOCIATED PAPERS</b>	<i>Annexure 7: G4 - Council Policy Manual 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. Others relate to the provisions of policy guidelines to aid in the improved governance and management of the Municipality.

In this instance, Council's existing Policy G4 – Council Policy Manual Policy, relates merely to the overarching administrative process associated with making policies in a general nature only.

This report reviews the rationale of Policy G4 – Council Policy Manual Policy and effectiveness in achieving these aims.

**PREVIOUS COUNCIL CONSIDERATION:**

14 June 1994	123.06.94
13 December 2001	301.12.01
23 September 2010	281.09.10
15 November 2012	342.11.12
21 January 2016	08.01.2016

**OFFICER'S REPORT:**

In consideration of Council adopting a revised Rates Policy at the July 2017 Council Meeting, I had our legal advisors externally review that policy along with Council's overarching Policy G4 – Council Policy Manual Policy.

In essence, Policy G4 divides the creation of new policies (or the amendment of existing policies) into a two-stage process which involves a 28-day public consultation feedback.

The process is as follows:

- (i) the new or amended policy is placed before Council and, if approved, it is placed on public exhibition for 28 days and members of the public are able to make comment;
- (ii) if no comments are received, the new or amended policy is adopted at the next Council Meeting after the completion of the 28 day consultation period and brought into force; however
- (iii) if comments are received, the new or amended policy along with the comments are placed before Council for further consideration.

This policy is entirely of Council's making - it is not a requirement of any legislation or other instrument which governs Council's behavior.

Accordingly, it is open to Council to make exceptions for the application of the Policy if the circumstances warrant it.

As indicated above, 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. Others relate to the provisions of policy guidelines to aid in the improved governance and management of the Municipality.

In this instance, Council's existing Policy G4 – Council Policy Manual Policy, relates merely to the overarching administrative process associated with making policies in a general nature only and makes no contribution whatsoever towards any specific improvements to governance that cannot be otherwise addressed on a case by case basis.

To illustrate this point the following examples are provided:

(a) Policy F6 – Rates and Charges Policy

This policy arises from a thorough evaluation of Council's rating provisions which like many core actions of a Council are not subject to public consultation. Under the Local Government Act it is expected that a Council is best placed to undertake such a review. The resultant policy is merely administrative in nature to put into effect a decision of Council. In the instance when this Policy was brought to the July Council Meeting for consideration, the delay that could have been caused if the requirements of the G4 - Council Policy Manual Policy were applied could have caused Council to be unnecessarily in breach of the Local Government Act.

(b) Policy F2 – Code for Tenders and Contracts

This Code is largely procedural and administrative in nature with very few discretionary elements, each in themselves administrative in nature.

(c) Policy O4 - Pacific Oyster Marine Farming

This policy involves a sensitive environmental matter and a wider public consultation rather than the current policy methodology would seem more appropriate.

(d) Workplace Health and Safety Policies

Many of these policies are, in the main, operational in nature.

As a general rule, less is more. Less bureaucracy and time delays are generally regarded as being in the community's interest. Public consultation for the sake of merely ticking a box is generally not appreciated especially when the matter under consideration is the core business of the Council and largely administrative in nature.

In these circumstances, rescission of Policy G4 – Council Policy Manual Policy would actually improve administrative and corporate governance. The form of and any future need to receive public input is still open to be done on a case by case basis according to need.

Whilst some in the community may see this policy recession as being less than transparent; in reality it's not. It just means that Council, rather than relying on a blanket catch all rule, one size fits all approach, actually identifies the rationale for seeking public input which will in turn educate the Community as to the actual reasons for the consultation or not.

**STATUTORY REQUIREMENT:**

Nil

**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:**

The Policy G4 is administrative in nature only so there are no risks or liabilities in a legal sense and minimal risks in public perception so long as Council continues to undertake and improve its public consultation process and engages with the Community on those aspects that are important as opposed to procedural in nature.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

That G4 - Council Policy Manual Policy be rescinded.

**DECISION:**



**Item C3: Code for Tenders and Contracts**

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Bill Boehm, General Manager
<b>FILE REFERENCE</b>	ADM/0900, WOR/0300
<b>ASSOCIATED PAPERS</b>	<i>Annexure 8: Code for Tenders and Contracts</i> <i>Annexure 9: Legislative outline of what constitutes "A Council"</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. Others relate to the provisions of policy guidelines to aid in the improved governance and management of the Municipality.

In this instance the subject matter relates to the Code for Tenders and Contracts that all Councils are required to develop under Division 2A of the *Local Government Act 1993* (Act) and the Local Government Regulations 2015.

Council has a policy that states that policies should be reviewed at least every four (4) years but under s.333B(2)(d) of the Act, Council is also required to review the Code once every 4 years.

This report summarises this review effectively replacing Council's previous F2 - Code for Tenders and Contracts Policy.

**PREVIOUS COUNCIL CONSIDERATION:**

16 <sup>th</sup> July 2009	263.07.09
21 <sup>st</sup> January 2016	05.01.2016
2 <sup>nd</sup> February 2017	Council Workshop
5 <sup>th</sup> April 2017	Council Workshop
6 <sup>th</sup> July 2017	Council Workshop
3 <sup>rd</sup> August 2017	Council Workshop

**OFFICER'S REPORT:**

The Tenders and Contracts Code, and as such the Title, is set by legislation and whilst it replaces Council's previous F2 - Code for Tenders and Contracts Policy, it is not a policy but a Code. In part, it is briefer than Council's existing policy as the content is prescribed but nevertheless it is clear and follows the general rule that less is more, i.e. if it's clear and not overly prescriptive then it will be easier to be implemented and understood. Although largely prescriptive there are several elements added to what is essentially a legally prescribed template that reflects local flavor. This includes the following:

- (a) Definitions of Contractor, Consultant and Tender added to Section 2 (Definitions) of the template;
- (b) Section 7.1 has had added local variations to define approaches where a contract value is less than \$250,000. There has been little change from the previous Policy except at the lower end of the procurement amounts where the previous \$10,000 threshold has been split to recognise the practicalities of running the organisation such that

efficiencies are maintained but a more formal process in decision-making rationale recorded;

(c) Section 9(i) Exemptions has been expanded to include previous requirements;

(d) Section 11.6 Evaluation Report has been added to clarify that from time to time an evaluation report in various forms is contemplated.

The Attached Appendix A to the Code relates to necessary procedures under the Local Government Regulations. These will form part of the Code.

For the most part, from an administrative perspective, many if not most of Council's procurement will fall under Section 7.3 (Standing Contracts) and Section 7.4 (Multiple Use Register) where periodically Council invites public registration onto a preferred supplier list. Section 9 (Exceptions) is also frequently used.

Section 11.2 (Delegation) notes the provision to delegate the powers and functions under the Code to the General Manager. The exact refinement of this is addressed within the Instrument of Delegation which is a separate agenda item for this meeting.

By way of clarification, also attached is the relevant legislative outline of what constitutes "A Council" as this should explain the relevance of the meaning of term "Council" throughout the Code.

The Code does not prescribe how a decision is reached, merely the rationale and matters to be considered. This is appropriate as all decisions are based on merit. Appropriate recording of the reasons is also important. In the case of this code it is largely prescriptive and operational in nature and thereby falls within the core administrative business of the Council.

Councillors and staff have reviewed the content and I believe it is both appropriate and workable.

#### **STATUTORY REQUIREMENT:**

*Division 2A of the Local Government Act 1993 (Act)*  
*Local Government Regulations 2015*

#### **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:**

Adoption of a Code of Tenders and Contracts is a mandatory requirement under the Act and will help to reduce Council's exposure to risk in this area.

#### **VOTING REQUIREMENTS:**

Simple Majority

#### **OFFICER'S RECOMMENDATION:**

That Council adopts the F2 - Code for Tenders and Contracts.

**DECISION:**

**Item C4: Review of Instrument of Delegation**

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Bill Boehm, General Manager
<b>FILE REFERENCE</b>	PUB/0300
<b>ASSOCIATED PAPERS</b>	<i>Annexure 10: DRAFT Instrument of Delegation - revised August 2017</i>

**INTRODUCTION:**

The purpose of this report is to update Council's Instrument of Delegation as per the *Local Government Act 1993*.

**PREVIOUS COUNCIL CONSIDERATION:**

027.01.2009	20 <sup>th</sup> January 2009
375.11.2010	18 <sup>th</sup> November 2010
087.03.2011	17 <sup>th</sup> March 2011
365.12.2012	13 <sup>th</sup> December 2012
612.08.2013	15 <sup>th</sup> August 2013
740.02.2014	13 February 2014
807.05.2014	15 <sup>th</sup> May 2014
53.02.2015	19 <sup>th</sup> February 2015
Council Workshop	4 <sup>th</sup> February 2016

**OFFICER'S REPORT:**

The purpose of the Instrument of Delegation is to ensure that the General Manager and Officers of Council have the delegation to undertake their roles and responsibilities in accordance with the *Local Government Act 1993*.

The current review has resulted predominantly from staff changes and the alterations made are in the main minor in nature.

However, an additional delegation has been included relating to Section 333B of the Act- Code for Tenders and Contracts in relation to the awarding of contracts in circumstances where exemptions under the Code do not apply.

The delegation by which a decision is made to award a contract is a vexed question. In the main the General Manager would normally be delegated this function as it is an operational matter.

Previous discussion seems to indicate that some Councils have a \$250,000 threshold (the same as the legislative limit which was presumably envisaged under the Act by which that tender must be called) whilst a threshold of \$100,000 (that than must be reported on the Annual Report) may be preferable locally; more from community perception basis.

Some Councils may decide to introduce a monetary limit, but it is the complexity rather than any monetary limit that is critical. For instance, the purchase of bitumen, aggregate or a major plant replacement might exceed the monetary limit but in reality, the decision is straight forward and unnecessary delays in the award of the contract could conceivably be an issue.

However, some tenders, such as Waste Management, may be under a set limit but are complex, involving a new form of operation requiring Council to not just understand the overall implications but actually make the final determination. The same would apply to the purchase of new plant that would fundamentally change the way the Council operates e.g. new bitumen sprayer.

In this respect, as previously outlined, the delegation limits in the Instrument of Delegation are considered a reasonable approach to avoid unnecessary delays that could provide operational difficulties, and therefore not be in the Community's interest, whilst balancing the governance role and function of the Council.

**STATUTORY REQUIREMENT:**

*Building Act 2000*

*Environmental Management and Pollution Control Act 1994*

*Food Act 2003*

*Land Use Planning and Approvals Act 1993*

*Local Government Act 1993*

*Local Government (Building and Miscellaneous Provisions) Act 1993*

*Local Government (Highways) Act 1982*

*Public Health Act 1997*

**POLICY/STRATEGIC IMPLICATIONS:**

4.0 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.

**BUDGET AND FINANCIAL IMPLICATIONS:**

Nil

**RISK/LIABILITY:**

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

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

That Council adopts the Instrument of Delegation – revised August 2017.

**DECISION:**

**Item C5: Quarterly Report on the Northern Tasmania Development Corporation**

<b>ACTION</b>	<b>Information</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Bill Boehm, General Manager
<b>FILE REFERENCE</b>	COU/0305
<b>ASSOCIATED PAPERS</b>	<i>Annexure 11: Northern Tasmania Development Corporation's Quarterly Report to all member councils</i>

**INTRODUCTION:**

As permitted under Section 21 (c), Enterprise Powers of the *Local Government Act 1993*, Flinders Council became a member of the Northern Tasmania Development Corporation (NTDC) as from 1 January 2017. The *Local Government Act 1993* also requires the General Manager to provide a quarterly report to Council on the activities of the NTDC and any adverse developments that may affect the entity's financial viability.

Annexure 10 is the first report provided to all member councils since the establishment of the organisation.

**PREVIOUS COUNCIL CONSIDERATION:**

This is the first formal report provided to all member Councils since the establishment of the NTDC. The Chair also briefed Council at the 12<sup>th</sup> January 2017 Council Workshop.

**OFFICER'S REPORT:**

As permitted under Section 21 (1c), Enterprise Powers of the *Local Government Act 1993*, Council became a member of NTDC as from 1 January 2017. The NTDC was officially formed in March 2017 with the following primary objectives:

- 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.

Section 21 (5) of the *Local Government Act 1993* states the following:

*"The general manager is to report to the council-*

- a) at least once every 3 months in respect of the performance of any activities carried out pursuant to (section 21 (1)) and any strategic issues related to those activities; and*
- b) any adverse developments that significantly affect or are likely to significantly affect the financial viability, the operating viability or any other aspect of any of those activities."*

Although in its early life, the NTDC has made strong progress with the appointment of a well-respected Chairman and a skilled industry-based Board of Directors. From initial observations as indicated in the attached report there is positive and strategic progress. Importantly,

discussions with Councils in the region continue to indicate positive rapport. Council being a part of this new structure is a positive initiative.

**STATUTORY REQUIREMENT:**

*Local Government Act 1993*

**POLICY/STRATEGIC IMPLICATIONS:**

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

4.1 Remain actively engaged with internal and external stakeholders providing regional leadership.

4.1.1.2 Contribute to technical reference group work program of Northern Tasmania Development Corporation.

**RISK/LIABILITY:**

Nil

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

That Council notes the General Manager's quarterly report on the activities of the Northern Tasmania Development Corporation and the report provided to all member Councils as Annexure 10.

**DECISION:**

**Item C6: Councillor Resolution Report**

<b>ACTION</b>	<b>Information</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Bill Boehm, General Manager
<b>FILE REFERENCE</b>	COU/0600
<b>ASSOCIATED PAPERS</b>	<i>Annexure 12: Councillor Resolution Report August 2017</i>

**INTRODUCTION:**

This report identifies the actions taken to implement resolutions passed by elected members up to August 2017.

**PREVIOUS COUNCIL CONSIDERATION:**

The report is presented on a monthly basis.

**OFFICER'S REPORT:**

Please read Annexure 11 – Councillor Resolution Report August 2017.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

That the Councillor Resolution Report August 2017 be noted.

**DECISION:**

**Meeting Closed**