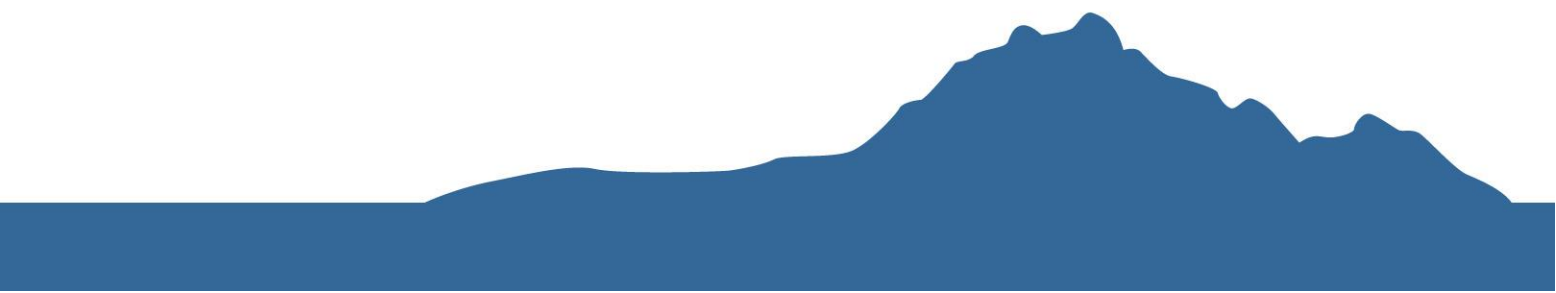




Agenda
Ordinary Council Meeting
13 September 2018



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 7th day of September 2018.



Bill Boehm
GENERAL MANAGER

FLINDERS COUNCIL ORDINARY MEETING

AGENDA

DATE: Thursday 13 September 2018
VENUE: Flinders 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

Bill Boehm - General Manager
Brian Barnewall - Works & Services Manager
Daniel Pitcher - Community Development Team Leader
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 16 August 2018 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.*

RESPONSE TO PUBLIC QUESTIONS

16 August 2018 Council Meeting

Question 1: Annie Revie

From the documentation included in the agenda for today's meeting, I glean the following:

1. There has been a significant decline in Council's cash position; and
2. Council has commitments to significant expenditure over the next 3-4 year.

Also gleaned from the agenda package are the beliefs that:

- We are small;
- We have not charged enough for services (through rates); and
- We have scope to significantly increase rate income and still be within the bounds of what other local governments charge.

Missing from the list is:

- We have not controlled expenditure in line with income.

Perhaps we are spending above our means? Perhaps increase should have been gradual and initiated in prior years?

I put it to you that participation in governance is important for two key reasons:

1. To sometimes enable community to sometimes achieve what they want; and
2. To enable community to understand why they can't get what want all the time.

A community that understands why and how is one that is responsible and manages hard decisions.

I am requesting a Council presentation to the Community:

1. To support their understanding of the big picture; and
2. To seek input into how our problems are solved.

Mayor's Response:

As I responded at the meeting, Council is aware that tough decisions need to be made and Council had already decided to hold community meetings to explain the budget. These meetings are intended to address point one in your question, and as a consequence, in return, understand any ideas that the Community might put forward for future consideration, i.e. address point two.

At the August meeting Council adopted the Annual Plan and Budget Estimates for the Year ending June 30th 2019 along with the Long-Term Asset and Financial Management Plans. The Adopted Budget Estimates provide a raft of information including the rationale behind the

budget and financial position as well as a more transparent project and cash-based presentation of Council's Finances.

Following the mailing out of rates, Council has also released a "Frequently asked Questions" document to assist the Community.

Question 2: Michael Grimshaw

Does Flinders Council consider the agenda report suggesting a 200% plus targeted rate rise to existing aviation businesses that support this island to be fair? Furthermore, has Council considered, given it runs the largest airport, that it is acting in an anti-competitive manner and possibly subject to a CCC investigation.

Mayor's Response:

The recommendations made by staff in the proposed rates resolution, as in the Agenda to the 16 August Council Meeting, were made in accordance with Part 9 of the *Local Government Act 1993*, that amongst other things allows a Council to vary the general rate using factors including:

1. the use or predominant use of land;
2. the non-use of the land;
3. locality; and
4. Land Use Codes determined by the Valuer General.

This year, similar to last year, Council has used lawful variation factors to make a range of differential rates. This was done in part to improve equity of the rates system, but also to address anomalies that arose from the recent transition from 'assessed annual value' to 'capital value' for the purpose of making general rates.

Approximately half of all ratable properties are subject to a varied general rate, including but not limited to, Non-Vacant Commercial Aviation Land Uses.

You will be aware by now that at the meeting Council amended the rates resolution to result in a 35% differential to the general rate for Non-Vacant Commercial Aviation Land Uses, an increase of 15% to the differential applied last year when the relevant properties were classified as Commercial which attracts a 20% differential to the General Rate.

Question 3: David Grutzner

I trust Councillors are fully aware of the ever-increasing costs and invariably months of time now involved in preparing development applications to Flinders Council and obtaining permits for building and construction projects on Flinders Island.

Generally, this is due to the constantly changing and increasingly demanding requirements imposed by the many bureaucratic institutions now involved in reviewing and rewriting the related regulations at both state and federal level. It is also due in part to the absence of accredited town planners and building surveyors resident on Flinders Island who would be qualified to give first hand advice and guidance on increasingly complex planning and building regulatory matters.

I refer to the copy of the enclosed notification from Flinders Council of 20 July (*Extract from Island News 20 July 2018 page 13 ed.*) advising of yet another change to the requirements for

development applications. Is this latest requirement exclusive to Flinders Council, and if so, has it been sanctioned by the responsible State Government planning authorities in both concept and detail?

Mayor's Response:

Council is very aware of the costs associated with the processing of applications for development. Some of these costs, such as building levies, are prescribed by the State, some, such as advertising costs relate to requirements of the State planning system, and some are user pays costs that retrieve a portion of the administrative tasks involved. The legislation around building, plumbing and planning is also outside of Council's control and thus changes to the cost and complexity of development are largely outside of Council's control.

However, the amount of time taken for applications to proceed is currently under scrutiny with the objective to understand where the bottlenecks are and to subsequently streamline the processes for planning, building and plumbing.

Council officers will be engaging with building industry and other stakeholders on the Island and it is hoped this review will identify ways in which the three processes can be more closely aligned and occur simultaneously, especially for less complex applications.

It is also anticipated that a pre-lodgement planning advice service will be initiated that can ensure applications accepted for assessment are the best they can be from a design, siting and compliance perspective. When established, this service will minimise the need for further information requests and other factors that increase the time taken to gain approval. The 001 Development Inquiry Form contributes to time saving and streamlined processes.

It is true that many of the relevant regulatory requirements, especially those related to the *Building Act 2016*, are now very complex and are subject to ongoing amendments. In addition, there is often confusion around the distinction between planning and building requirements, for example a proposal may be exempt from any requirement under the Building Act, but still require planning approval under the current Flinders Planning Scheme and, be a notifiable work under the plumbing requirements.

The 001 Form is a means of managing the complexity of the three distinct development approvals. It is used in other councils and has been used at Flinders Council for some time.

The Island News article drew attention to the existence of the form as a way of finding out just what all the requirements are *at the beginning of the process*. Then the applicant will be aware of ALL the applications, information and permits that will or will not be required. To that end it is part of the pre-lodgement information. Rather than making it more arduous for the applicant, the idea of using the 001 Development Inquiry Form is to improve the process, reduce the time taken and ensure that all necessary approvals are gained at the same time. These three things are not intended to obstruct the customer service function but to improve it.

For simple developments the 001 form also assists the property owner/developer to understand which permits are or are not needed and, as a property owner who has had occasion to use the 001 form, I can say that it was very useful in clarifying right from the start the permits required and not required should I proceed with the proposed development.

Question 4: Michael Grimshaw

Has Flinders Council recognised that Flinders ratepayers are burdened with the second highest impost per person in the whole state? I can think of 30 or more options to reduce expenses or increase income without thinking hard. Should not the staff and elected members exhaust all those options before undertaking the unprecedented and unthinkable rate rises that are proposed?

Mayor's Response:

Council's Rating Strategy Overview Document presented and noted by Council at the August Council Meeting includes a factual objective and independent analysis of rates generally in the State. It does not support the assertion of Flinders Ratepayers being "burdened" with a high impost of rates. References to population numbers in relation to average rates is not relevant in a community with such a high number of non-resident property owners. Rates are a charge based on properties and not connected to population numbers. The average rate per ratable property for Flinders is on par with that charged by other councils of similar classification to Flinders.

As you are aware Councillors landed on a 9% rise in rates, agreeing with you that the recommended 15% was not acceptable.

Council is acutely aware of the level and potential burden of rates on community businesses and members and is looking at all levels of its operations, including having detailed long-term financial and asset management plans to guide it in understanding the impost of current actions on future finances. Also, it is an action in the Annual Plan for the year ending June 30th 2019, that Council looks at its assets with a view to rationalising any that are no longer required for council's current or predicted activities.

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.

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

Annexure 1: Petition to the Mayor and Councillors of Flinders Council

A petition to the Mayor and Councillors of Flinders Council was received on 5 September 2018 from Ronald Wise with 90 signatories regarding the “Release of Closed Council Agenda Papers and Meeting Minutes relevant to the 2016 termination of the former General Manager of the Flinders Council”. The petition complies with s57 of the *Local Government Act 1993* and is tabled.

As per s60 (2) (b) of the Act, Council will determine what action is to be taken in respect of the petition within 42 days.

WORKSHOPS & INFORMATION FORUMS

File No: COU/0205

Council Workshop held on 30 August 2018

Council held a Workshop on the following subjects:

- Item 1 NE River Camping Area
- Item 2 Asset and Financial Management Strategies and Plans
- Item 3 TasWater Update
- Item 4 Furneaux Islands Festival Special Committee Formation / Royal Flying Doctor Service Health Program / Memorial Rock
- Item 5 Airport Update
- Item 6 Citizen of the Year Awards

Councillors Present:

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

Apologies:

Deputy Mayor Marc Cobham and Cr Peter Rhodes.

Staff and Consultants Present:

Brian Barnewall	Acting General Manager
Robyn Cox	Strategic Planner (Item 1)
Heidi Marshall	Accountant (Items 2 – 6)
Eleanor Talbot	TasWater Senior Officer Stakeholder Engagement (Item 3)
David Krushka	TasWater Senior Engineer Dam Safety (Item 3)
Dan Pitcher	Community Development Team Leader (Item 4)
Stacey Wheatley	Community Development Team Leader (Item 4)

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 30 August 2018 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 2: Furneaux Community Health Special Committee Meeting 12 June 2018 Confirmed Minutes

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

The confirmed minutes of the Furneaux Community Health Special Committee meeting held Tuesday, 12 June 2018 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 Tuesday, 12 June 2018 be accepted.

DECISION:

Furneaux Community Health Special Committee

File No: CSV/0912

Annexure 3: Furneaux Community Health Special Committee Meeting 6 August 2018 Unconfirmed Minutes

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

The unconfirmed minutes of the Furneaux Community Health Special Committee meeting held Monday, 6 August 2018 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 Monday, 6 August 2018 be noted.

DECISION:

General Manager's Performance Review Committee

File No: PER/1500

Annexure 4A: General Manager's Performance Review Committee Open Meeting 21 August 2018 Unconfirmed Minutes

Annexure 4B: General Manager's Performance Review Committee Closed Meeting 21 August 2018 Unconfirmed Minutes (For Elected Members only)

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

The unconfirmed minutes of the General Manager's Performance Review Committee open meeting held Tuesday, 21 August 2018 (Annexure 4A) 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 General Manager's Performance Review Committee open meeting held Tuesday, 21 August 2018 be noted.

DECISION:

OFFICER'S REPORT (Brian Barnewall, Works and Airport Manager):

The unconfirmed minutes of the General Manager's Performance Review Committee closed meeting held Tuesday 21 August 2018 (Annexure 4B) have been referred to Closed Council as they are considered **CONFIDENTIAL** in accordance with Regulation 15(2) (a) of the Local Government (Meeting Procedures) Regulations 2015.

OFFICER'S RECOMMENDATION

The unconfirmed minutes of the General Manager's Performance Review Committee closed meeting held Tuesday 21 August 2018 be considered in Closed Council.

VOTING REQUIREMENTS

Absolute Majority

DECISION:

COUNCILLORS' REPORTS

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

File No: COU/0312

CORRESPONDENCE IN:

DATE	WHO	SUBJECT
10 Aug 2018	Ailsa Sypkes, General Manager, Legal and Governance and Company Secretary	Email with copy of presentation given to elected members on 7 and 9 August regarding the proposed Memorandum of Understanding between TasWater and the State Government.
13 Aug 2018	Mike Brewster, Chief Executive Officer	Email with attached media release advising the retirement of Miles Hampton as chairman of TasWater.
20 Aug 2018	Mike Brewster, Chief Executive Officer	Email advising that a piece of enabling legislation will be introduced on 21 August to parliament to ensure that any decisions made by Owners' Representatives on 22 September will be valid.
27 Aug 2018	Ailsa Sypkes, General Manager, Legal and Governance and Company Secretary	Email advising that a meeting of the Board Selection Committee will be held on Wednesday 24 October at a place to be decided.
30 Aug 2018	Lynn Luckock, Executive Assistant to Mike Brewster, CEO TasWater	Email with attached letter from Miles Hampton, Chairman of TasWater, addressing some issues which were raised at an earlier regional briefing on a proposed Memorandum of Understanding with the State Government.

This report includes all inwards correspondence received from TasWater by Cr Gerald Willis, Flinders Council Owners' Representative of TasWater from 3 August 2018 to 30 August 2018.

RECOMMENDATION:

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

DECISION:

MAYOR'S REPORT:

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

REPORT:**APPOINTMENTS:**

16.08.18	Council Meeting
18.08.18	Community 80 th birthday party for Mrs Pat Masters
20.08.18	With the General Manager, met with the Board of the Tasmanian Community Fund
21.08.18	General Manager's Performance Review Committee Meeting
25.08.18	Attended the junior football grand final & presentations
30.08.18	Council Workshop
02.09.18	Attended the Flinders 5 event of the Flinders Running Festival

Tasmanian Community Fund

It was a pleasure to have the Board meet on Flinders Island and a privilege for the General Manager and I to meet with them. It gave me an opportunity to thank the Board for the work they do and express to them the positive impact to the Community that the grants received over the years have had on the lifestyle of people living in this remote community. We were also, in reciprocation, able to give the Board an understanding of the Community, the challenges and benefits of island life and the aims of the Council in supporting its community.

The Flinders 5

I thank the organising committee and all its helpers for again making the Flinders Running Festival a huge success. There were many familiar and new faces at the Sunday event with the welcome addition to the events of those who travelled from across the water from both Tasmania and interstate.

Junior Sport:

Whilst unable to attend the junior netball finals and presentations, I was able to attend the corresponding junior football event which had huge community support. I thank the organisers, umpires and other helpers that make it possible for our young residents to enjoy these sports and also my fellow councillors and staff who support the provision of the playing fields at little cost to the users to enable these events to happen.

CORRESPONDENCE IN:

DATE	WHO	SUBJECT
15.08.18	Mr Michael Grimshaw	Regarding proposed 15% rate rise please find other ways of addressing the balance sheet
15.08.18	Mr D Chipman, President of Local Government Association of Tasmania	National Election Advocacy

DATE	WHO	SUBJECT
20.08.18	M Brewster, CEO TasWater	Enabling legislation, " <i>Water and Sewerage Corporation Amendment (Crown Involvement Facilitation Bill) 2018</i> " being introduced to parliament
20.08.18	University of Tasmania	Invitation to the University Dinner
20.08.18	Mrs J Henning	Water sitting in with new crossovers
20.08.18	Rikki-Lee Ross, Northern Tasmania Development Corporation	REMINDER – Regional Workshop
27.08.18	Ms L Virieux	Invitation to attend the Furneaux Island Reunion
29.08.18	Mr Michael Grimshaw	Request for update on planning scheme and Whitemark Structure Plan
29.08.18	M Hampton, Chair of TasWater	Addressing some issues that were raised at the recent regional briefings
29.08.18	M Hampton, Chair of TasWater	Some issues that were raised at the recent regional briefings on the Memorandum of Understanding with the State Government
31.08.18	Mr T Galbally	Re Community shed aims and request to meet with Council
03.09.18	Mr D Tresemer	New managers at Mountain Seas
03.09.18	Hon Roger Jaensch MP	Preparation of Draft Amendment to State Planning Scheme
04.09.18	M Hampton, Chair of TasWater	Owners' Representatives Group General Meeting in November 2018
04.09.18	Mr B van der Heyden, Planning Policy Unit, Department of Justice	Preparation of Draft Amendment 01/2018 of the State Planning Provisions
05.09.18	Ailsa Sypkes, Company Secretary, TasWater	Notice of Special General Meeting to be held at 11.30am on Thursday 27 September 2018
05.09.18	Hon Sarah Courtney MP	Current status of fruit fly in northern region

CORRESPONDENCE OUT:

DATE	WHO	SUBJECT
10.08.18	A Rae	Helicopter landing at Killiecrankie
15.08.19	Mr M Grimshaw	Response re proposed 15% rate rise please find other ways of addressing the balance sheet
30.08.18	Mr M Grimshaw	Response re request for update on planning scheme and Whitemark Structure Plan
30.08.18	C Fenner	Letter of introduction re Safe Harbour project
31.08.18	Mr T Galbally	Re Community shed aims and request to meet with Council
04.09.18	Mr D Tresemer	Response re new managers at Mountain Seas
05.09.18	Mrs A Revie	Response to public question on rates
05.09.18	Mr M Grimshaw	Response to public questions on rates
05.09.18	Mr D Grutzner	Response to public questions on building and plumbing permits

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 5: *Planner's Information Report – August 2018*

B. COMMUNITY DEVELOPMENT

Item B1: Furneaux Islands Festival Committee Terms of Reference
File No: CDV/0301
Annexure 6: *DRAFT Terms of Reference*

C. NOTICES OF MOTIONS

Item C1: Notice of Motion – Development Plan North East River
File No: AME/1100
Annexure 7: *Schedule 8 Flinders Council Planning Scheme 1994*

Item C2: Notice of Motion – Lady Barron Hall Landscaping
File No: AME/0503

D. GOVERNANCE

Item D1: Review of Instrument of Delegation
File No: PUB/0300
Annexure 8: *DRAFT Instrument of Delegation – revised September 2018*

Item D2: Local Government Legislation Review
File No: LEG/0600
Annexure 9: *Letter dated 6 August 2018*
Annexure 10: *Draft Terms of Reference*

Item D3: Review of Land Return Model in Tasmania
File No: REA/0202
Annexure 11: *Letter dated 28 August 2018*
Annexure 12: *Discussion Paper*

Item D4: Councillor Resolution Report
File No: COU/0600
Annexure 13: *Councillor Resolution Report September 2018*

E. CLOSED COUNCIL

Item E1 – E4: Closed Council Items
File No: AER/0501, PUB/0800, PER/1500
Annexures 14 – 31: For Elected Members only

Meeting Closed

A. DEVELOPMENT SERVICES AND PLANNING APPLICATIONS
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Item A1: Development Application Report

ACTION	Information
PROPONENT	Council Officer
OFFICER	Jacci Viney, Development Services Coordinator
FILE REFERENCE	PLN/0105
ASSOCIATED PAPERS	<i>Annexure 5: Planner's Information Report - August 2018</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 current period 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.

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 5 Planner's Information Report - August 2018, provided by West Tamar Council.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That the Planner's Information Report - August 2018 be received.

DECISION:

B. COMMUNITY DEVELOPMENT

Item B1: Furneaux Islands Festival Committee Terms of Reference

ACTION	Decision
PROPONENT	Council Officer
OFFICER	Daniel Pitcher, Community Development Team Leader
FILE REFERENCE	CDV/0301
ASSOCIATED PAPERS	<i>Annexure 6: DRAFT Terms of Reference</i>

INTRODUCTION:

This report briefly outlines the background to the current arrangements that are in place whereby an adhoc group comprising community members and representatives of the Flinders Island Aboriginal Association Inc. (FIAAI) have been assisting Council staff to manage Council's Furneaux Islands Festival and provides a framework to transition this group into a wider support committee.

PREVIOUS COUNCIL CONSIDERATION:

167.07.2016	7 July 2016
76.04.2018	19 April 2018
119.06.2018	21 June 2018

PREVIOUS COUNCIL DISCUSSION:

5 April 2018	Council Workshop
30 August 2018	Council Workshop

OFFICER'S REPORT:

The Furneaux Islands Festival, now in its fifth year, is a major community event held annually by Flinders Council. The festival highlights our local history, embodies our community spirit and provides an opportunity to come together and celebrate our unique island lifestyle.

Each year, Flinders Council aims to deliver an event that highlights our local history, celebrates the diverse cultural and community spirit, increases local participation and creative expression, provides local economic benefit and stimulates tourism. Since it began in 2014, the Festival has become one of the most important community events conducted on Flinders Island. The Flinders Island Aboriginal Association Inc. (FIAAI) has also been a creative and financial partner in the delivery of the Festival since 2016.

The Festival is directly managed by Councils' Community Development Team and for the past five years ably assisted by an adhoc working group comprising community members and representatives of FIAAI. However, there has been a lack of role definition due to it being an informal group.

Under Council's recently adopted Furneaux Islands Festival Policy the purpose of the Committee is to assist in coordinating and delivering the annual Furneaux Islands Festival in partnership with the Community as an event that fulfils the core objectives of *"highlighting the Furneaux Islands history, culture and community spirit, increasing local participation and creative expression and providing local economic benefit and stimulus to tourism."*

Amongst other things it is Council Policy that:

- 4.1 Council will manage, coordinate and deliver an annual Furneaux Islands Festival in partnership with the Community.
- 4.2 Council will allocate recurring financial support, sufficient to deliver the Festival on an annual basis, to provide surety for planning.
- 4.3 Council will carry full responsibility and risk management for the event.
- 4.4 Council will form a Committee to help coordinate the Festival.
- 4.5 Council will be provided with a comprehensive Festival report in conjunction with the third quarterly report.

As stated in point 4.4 of the Furneaux Islands Festival Policy, Council will form a Committee to help coordinate the Festival and to carry out the planning and running of the Furneaux Islands Festival on Council's behalf. From a legal viewpoint the Special Committee provision of the *Local Government Act 1993* is the best form of Committee. The relevant Draft Terms of Reference for the Committee have been prepared for Council consideration.

Once the Terms of Reference have been adopted by Council, staff will commence seeking expressions of interest from persons interested in participating as volunteers with tasks assigned by Council Staff. A recruitment process where broad roles and responsibilities are set out in a simple position description, much like that associated with Council's normal recruitment processes, is considered appropriate.

STATUTORY REQUIREMENT:

Workplace Health & Safety Act 2012

POLICY/STRATEGIC IMPLICATIONS:

5. Liveability

5.2 Support cultural activities that foster social engagement and emotional wellbeing and provide opportunities for creative expression.

5.2.2 Community events and activities are supported, encouraged and delivered.

5.2.2.1 Deliver the Furneaux Islands Festival.

BUDGET AND FINANCIAL IMPLICATIONS:

Nil. The Festival has a separate budget allocation which staff manage internally.

RISK/LIABILITY:

A wider membership base with a public expression of interest process will aid in broadening community input and enhancing the aim to successfully plan for the Festival, create and maintain valuable partnerships and develop a long-term vision for the event. Council's exposure to risk will also be minimised. Whilst the liability for running the Festival will remain with Council, an expanded community input will be valuable. Without this committee, there is a risk that a well-liked and sustainable festival will not flourish and expand, with the consequence of potential adverse community reaction.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That Council adopts the Terms of Reference for the Furneaux Islands Festival Special Committee of Council.

DECISION:

C. NOTICE OF MOTIONS

Item C1: Notice of Motion – Development Plan North East River

ACTION	Decision
PROPONENT	Councillor Gerald Willis
COUNCIL OFFICER	Bill Boehm, General Manager
FILE REFERENCE	AME/1100
ASSOCIATED PAPERS	<i>Annexure 7: Schedule 8 Flinders Council Planning Scheme 1994</i>

NOTICE OF MOTION:

1. That this Council requests the General Manager to take whatever action is necessary to facilitate the removal of unauthorised structures, including mobile caravans, from the area referred to in Development Plan, North East River, being Schedule 8 of the Flinders Council Planning Scheme 1994.
2. That this Council affirms the action to prepare a Management Plan for the site to guide future use, as recorded in the 2018/19 Annual Plan.

COUNCILLOR'S REPORT:

Schedule 8, Development Plan, North East River, as recorded in the Flinders Council Planning Scheme 1994 (and amended in October 2012) was devised to provide alternative accommodation sites for those residents of the Community who had occupied the west bank of North East River and had constructed shacks on those sites. The sites were possessed without reference to any authority and many have never been subject to compliance and development standards.

Flinders Council (the Council) engaged with Department of Primary Industries, Parks, Water and Environment (DPIPWE), which owns the land where the shacks existed, in and around 2012, and the result is that a Development Area of 25 sites has been set aside in the region for a staged development.

The intent of the Development Plan is to:

- Provide for a staged development of no more than 25 dwelling units; and
- Provide an alternative location for short term accommodation for current occupiers of campsites within the North East River Game Reserve and a limited number of other recreational users.

There are conditions set out in the Development Plan and most are not relevant to this discussion. However, one condition is that leases in excess of 10 years will not be permitted. In other words, occupiers of land in the Development Plan should have leases.

The problem is that there are sites which have been occupied, without consent of Flinders Council, and without any leases being put in place.

If the Council does nothing to sort out the current situation, then given time the same situation for which the Development Plan was devised (to sort out illegal occupancy of land) will apply to the land currently being occupied.

But, in addition to issues of legitimacy of occupancy, the Council has potential liability for damages which might be incurred by the current occupiers. As strange and unfair as this liability might seem, the Council has received legal advice supporting the view of the Council's liability.

It is, therefore, proposed that the current occupiers be asked to vacate the sites and that the General Manager prepare a way forward to promote the legal occupancy of the sites.

I urge support of Councillors in the two motions.

PREVIOUS COUNCIL DISCUSSION:

30 November 2017 Council workshop
30 August 2018 Council workshop

PREVIOUS COUNCIL CONSIDERATION:

There have been no previous council considerations other than the amendment made to include Schedule 8 of Flinders Council Planning Scheme 1994.

OFFICER'S REPORT:

Council has not consented to or otherwise granted permission to erect structures, caravans or other facilities on the Council owned land at North East River or to any occupation of the site. Notwithstanding the intention to accommodate (ex) holiday shack dwellers from the riverside sites, these actions represent breaches of planning and building laws that Council is obliged to enforce. They also constitute trespass on the land and the implications of this are significant in relation to Council liability for damage and personal injury.

Given the occupation of the site occurred several years after the riverside shacks were vacated, the link with the reason for devising schedule 8 of the scheme appears somewhat tenuous. This suggests that once the present risk to Council is dealt with, the site may be reconsidered in the context of current and future recreational use(s). Such uses may require a Management Plan and suitable zoning in the Local Provisions Schedule of the Tasmanian Planning Scheme. A Management Plan for the site would likely be completed around the same time as the draft Local Provisions Schedule (LPS), suggesting that amendment of the current scheme would be unnecessary.

The preparation of a Management Plan should be conducted in consultation with the Parks and Wildlife Service, Flinders Island Business Inc., present occupiers and other interested parties, however Council's immediate action needs to eliminate the liability caused by trespass on the site.

The first part of the Notice of Motion as written essentially addresses the matter of illegal occupation.

The second part affirms the action within Council's Annual Plan which requires development of a Management Plan for Council's North East River camping area and consideration of implementation.

STATUTORY REQUIREMENTS:

There are no statutory requirements, but there are regulatory requirements such as those in the provisions of Schedule 8 of the Flinders Council Planning Scheme 1994, Development Plan, North East River.

POLICY/STRATEGIC IMPLICATIONS:

5. Liveability

5.3 Land use planning conserves natural and cultural values and addresses natural hazards and climate adaption.

5.3.4. Planning scheme enhances liveability and protects distinctive local characteristics.

5.3.4.3 Develop a management plan for Council's North East River camping area and consider implementation.

BUDGET AND FINANCIAL IMPLICATIONS:

No allowance has been made in the budget.

RISK/LIABILITY:

The risk is that the intermittent occupation of the site represents a liability to Council that is unlikely to be covered by insurance due to the fact that the structures are illegal and constitute trespass on Council land.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That this Council requests the General Manager to take whatever action is necessary to facilitate the removal of unauthorised structures, including mobile caravans, from the area referred to in Development Plan, North East River, being Schedule 8 of the Flinders Council Planning Scheme 1994.

That this Council affirms the action to prepare a Management Plan for the site to guide future use, as recorded in the 2018/19 Annual Plan.

Item C2: Notice of Motion – Lady Barron Hall Landscaping

ACTION	Decision
PROPONENT	Councillor David Williams (Chair, Lady Barron Hall and Recreation Special Committee)
OFFICER	Bill Boehm, General Manager
FILE REFERENCE	AME/0503
ASSOCIATED PAPERS	<i>Ni/</i>

NOTICE OF MOTION:

That Council:

1. Supports, in principle and subject to consideration of final landscaping plans, the Lady Barron Hall & Recreation Special Committee (LBC)'s project to landscape the grounds of the Lady Barron Memorial Hall.
2. Delegates to the LBC the day-to-day preparation and planning including community consultations and preparation of submission subject to final approval by Council prior to commencement of works.
3. Approves the preparation by the LBC, on Council's behalf, of an application for the Teddy Sheean Memorial Grants Program.
4. Approves, in principle, the relocation of the memorial stone to the Lady Barron Hall grounds and agrees to provide the appropriate personnel and equipment to achieve such, after the preferred position for the stone is identified (such contribution to be noted in the Grant Application).
5. Approves the LBC proposal to call for Initial Expressions of Interest for the drafting of landscaping plans by suitably qualified parties.

COUNCILLOR'S REPORT:

The Lady Barron Hall & Recreation Special Committee has for some time been considering the beautification and landscaping of the land on the eastern side of the hall to incorporate the relocation of the War Memorial presently situated outside the Lady Barron Police Station. Michael Buck suggested that the stone, which has a plaque commemorating local men who served in WW1 and WW2, be relocated to the grounds of the Lady Barron Hall. He pointed out, rightly in the view of the LBC: 'Unfortunately very few people know of its existence and so it has become a forgotten memorial.' There is no footpath running past it and thus nothing to encourage viewing.

In a letter dated 10 May 2017, the Mayor wrote to the LBC confirming that Council had received a request from Mr Buck requesting the relocation of the memorial and asking that the LBC 'explore the possibility of siting the memorial in the area [LB Hall grounds] and make a recommendation to Council as to whether this is achievable or not.'

The LBC proposes having a formal design prepared after consultation with the local community and seeking expressions of interest for this design.

The LBC have informally consulted the RSL President and Secretary who have indicated their support of the relocation of the memorial stone. They have agreed to write a Letter of Support

for any grant(s) applied for to fund the relocation of the stone and creation of an appropriate garden setting for it.

It is difficult to estimate costs associated with the project before a suitably qualified party puts together a plan for the hall grounds. The LBC envisages approaching the overall project in set phases and will organise community working bees, call for donations of plants, etc. to help off-set costs. It is also proposed that the LBC will approach the school, local tradespeople and other members of the Community to provide help and skills where appropriate (e.g. Community Shed).

The LBC has agreed to use some of its community-raised funds for the project.

The Lady Baron Meat Raffle organisers have also agreed to donate towards the project.

The Flinders Branch of the RSL have agreed to donate \$500 towards the project.

It is envisaged that the Council contribution to this proposal will be minimal and will in all likelihood include only:

- a. Moving the War Memorial from its existing site to the Hall; and
- b. A small amount of gravel for any footpath included in the final design.

PREVIOUS COUNCIL CONSIDERATION:

Nil

PREVIOUS COUNCIL DISCUSSION:

30 August 2018 Council Workshop

OFFICER'S REPORT:

The summation from Cr Williams is self-explanatory and budget implications minimal.

STATUTORY REQUIREMENTS:

Nil

POLICY/STRATEGIC IMPLICATIONS:

5. Liveability

5.2 Support cultural activities that foster social engagement and emotional wellbeing and provide opportunities for creative expression.

5.2.1 Arts and cultural activities are encouraged and supported.

5.2.1.1 Support community groups, businesses and organisations to foster and support cultural activities.

BUDGET AND FINANCIAL IMPLICATIONS:

Minimal costs expected

RISK/LIABILITY:

Low

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

The Notice of Motion as presented

DECISION:

D. GOVERNANCE

Item D1: Review of Instrument of Delegation

ACTION	Decision
PROPONENT	Council Officer
OFFICER	Bill Boehm, General Manager
FILE REFERENCE	PUB/0300
ASSOCIATED PAPERS	<i>Annexure 8: DRAFT Instrument of Delegation - revised September 2018</i>

INTRODUCTION:

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

PREVIOUS COUNCIL DISCUSSION:

Council Workshop 2 August 2018

PREVIOUS COUNCIL CONSIDERATION:

027.01.2009	20 January 2009
375.11.2010	18 November 2010
087.03.2011	17 March 2011
365.12.2012	13 December 2012
612.08.2013	15 August 2013
740.02.2014	13 February 2014
807.05.2014	15 May 2014
53.02.2015	19 February 2015
205.08.2017	17 August 2017

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 is a minimalist approach to the current arrangements which has resulted from a recent staff organisational review with position and title changes. The reviewed document now brings delegations in line with current staffing.

Other changes made have resulted from changes being made to some of the Acts listed.

The delegation limits in the Instrument of Delegation are considered a reasonable approach to balance the governance role and function of the Council.

STATUTORY REQUIREMENT:

Building Act 2016
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.

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

4.3.4.2 Revise the 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 September 2018.

DECISION:

Item D2: Local Government Legislation Review

ACTION	Decision
PROPONENT	Council Officer
OFFICER	Bill Boehm, General Manager
FILE REFERENCE	LEG/0600
ASSOCIATED PAPERS	<i>Annexure 9: Letter dated 6 August 2018</i> <i>Annexure 10: Draft Terms of Reference</i>

INTRODUCTION:

The Tasmanian Government is undertaking a major review of Tasmania's local government legislation and has requested feedback on the review's Draft Terms of Reference.

PREVIOUS COUNCIL CONSIDERATION:

Nil

PREVIOUS COUNCIL DISCUSSION:

Nil

OFFICER'S REPORT:

The Tasmanian Government is undertaking a major review of Tasmania's local government legislation. The purpose of the review is to develop a best practice 21st century legislative framework for the Tasmanian local government sector.

The review will be undertaken by a project team within the Department of Premier and Cabinet's Local Government Division. The review process is expected to take approximately two years with the new legislation in place in 2020.

The Draft Terms of Reference is the first stage in the review process and Council's feedback on the document is required by 20 September 2018.

STATUTORY REQUIREMENT:

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS:

4. Strategic, Efficient and Effective Organisation

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

BUDGET AND FINANCIAL IMPLICATIONS:

Nil

RISK/LIABILITY:

Low

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

For Council to decide.

DECISION:

Item D3: Review of Land Return Model in Tasmania

ACTION	Decision
PROPONENT	Council Officer
OFFICER	Bill Boehm, General Manager
FILE REFERENCE	REA/0202
ASSOCIATED PAPERS	<i>Annexure 11: Letter dated 28 August 2018</i> <i>Annexure 12: Discussion Paper</i>

INTRODUCTION:

A review of the model for returning land to the Aboriginal community in Tasmania is being undertaken by the Department of Communities Tasmania. The return of land to Tasmania's Aboriginal people has been an important way to progress reconciliation between Aboriginal and non-Aboriginal Tasmanians. To date, the Tasmanian Government has returned 55,617 hectares of culturally significant Crown land to the Aboriginal community.

A discussion paper, "Improving the Land Return Model in Tasmania" (Annexure 12), has been prepared to support the review consultation process. Council has been invited to provide comments on the Discussion Paper by 20 September 2018.

Further information about the review can be found at www.aboriginalaffairs.tas.gov.au

PREVIOUS COUNCIL CONSIDERATION:

Nil

PREVIOUS COUNCIL DISCUSSION:

Nil

OFFICER'S REPORT:

A summary of the specific Questions listed in the Discussion Paper are detailed as follows:

1. In what ways should the understanding of 'land' in the *Aboriginal Lands Act 1995* as being of 'historic or cultural significance', be expanded? Should the Act refer to health, wellbeing housing and economic outcomes?
2. How could the land return process under Tasmania's *Aboriginal Lands Act 1995* be improved? If the process was to be more independent from Parliament, what form would it take?
3. Should Tasmania have a set of criteria to assess the suitability of land for future return? What should the criteria include? What would a criteria-based approach achieve?
4. Are the current rights and fetters under the *Aboriginal Lands Act 1995* appropriate in the contemporary environment? If not, please suggest alternatives.
5. Should the Act allow for other organisations, aside from the Aboriginal Land Council of Tasmania (ALCT), to have the land they acquire declared as Aboriginal Land? Should this land be bound by the same exemptions and controls as land returned under the Act?

6. Do you think the Act should incorporate the traditional understanding of Aboriginal 'country' as including freshwater and sea country? What benefits would you see as flowing from this kind of change?
7. Does the Tasmanian Act include sufficient provisions for interested Aboriginal groups to participate in the ongoing management of returned land? Please outline what is currently working well and what could be improved.
8. Should organisations responsible for the management of Aboriginal land provide regular reports on the use of this land? To whom should the reports be provided?
9. How could the current ALCT electoral process be improved to enable participation by greater numbers of Aboriginal people?
10. What changes do you suggest to enhance ALCT's governance arrangements under the Act?
11. Are there any other comments that you would like to make with regards to Aboriginal land management and return?

STATUTORY REQUIREMENT:

Aboriginal Lands Act 1995

POLICY/STRATEGIC IMPLICATIONS:

4. Strategic, Efficient and Effective Organisation

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

4.1.2 Cooperative and coordinated delivery of Indigenous community services.

BUDGET AND FINANCIAL IMPLICATIONS:

Nil

RISK/LIABILITY:

Low Risk

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

For Council to decide.

DECISION:

Item D4: Councillor Resolution Report

ACTION	Information
PROPONENT	Council Officer
OFFICER	Bill Boehm, General Manager
FILE REFERENCE	COU/0600
ASSOCIATED PAPERS	<i>Annexure 13: Councillor Resolution Report September 2018</i>

INTRODUCTION:

This report identifies the actions taken and actual costs associated with implementing resolutions passed by elected members up to September 2018.

PREVIOUS COUNCIL CONSIDERATION:

The report is presented on a monthly basis.

OFFICER'S REPORT:

Please read Annexure 13 – Councillor Resolution Report September 2018.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That the Councillor Resolution Report September 2018 be noted.

DECISION:

E. **CLOSED COUNCIL**

Item E1 - E4: **Closed Council Items**

ACTION	Decision
PROPONENT	Council Officer
OFFICER	Bill Boehm, General Manager
FILE REFERENCE	AER/0501, PUB/0800, PER/1500
ASSOCIATED PAPERS	<i>Annexures 14 - 31</i>

PREVIOUS COUNCIL CONSIDERATION:

Item E1: Nil
Item E2: Annually
Item E3: 28 April 2016 Closed Council meeting
16 June 2016 Closed Council meeting
27 June 2016 Closed Council meeting

Item E4: 58.03.2017 23 March 2017
59.03.2018 15 March 2018 (Closed council)
61.03.2018 15 March 2018 (Closed council)
96.05.2018 7 May 2018 (Closed council)
221.08.2018 16 August 2018 (Closed council)

REASON FOR CLOSED COUNCIL:

Item E1, Proposal to Increase Airport Sustainability, is **CONFIDENTIAL** in accordance with Section 15(2) (e) of the Local Government (Meeting Procedures) Regulations 2015.

Item E2, Citizen of the Year Award, is **CONFIDENTIAL** in accordance with Section 15(2) (g) of the Local Government (Meeting Procedures) Regulations 2015.

Item E3, Notice of Motion – Declassification of Closed Council Minutes, and Item E4, Notice of Motion - General Manager’s Performance Review KPIs, are **CONFIDENTIAL** in accordance with Section 15(2) (a) of the Local Government (Meeting Procedures) Regulations 2015.

VOTING REQUIREMENTS

Absolute Majority

OFFICER’S RECOMMENDATION:

That Council moves into Closed Council.

DECISION:

Meeting Closed