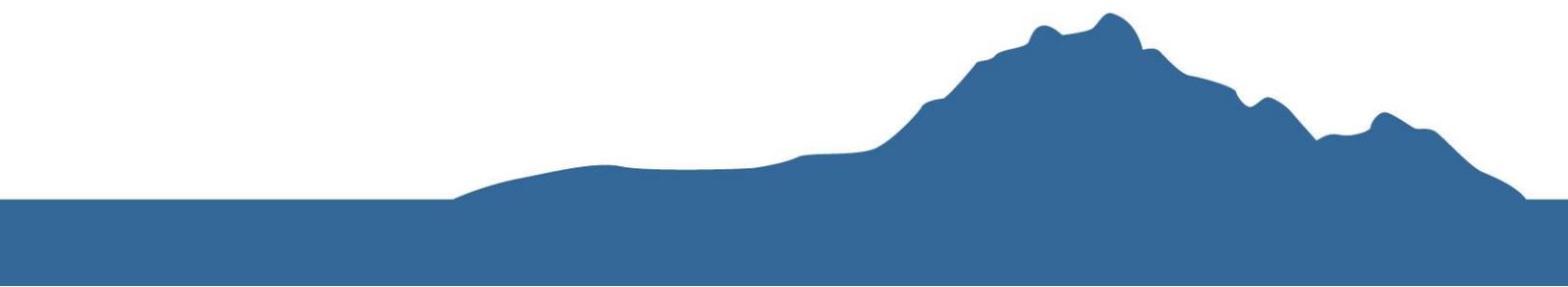




Agenda Special Council Meeting

19 May 2020



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 14th day of May 2020.



Warren Groves
GENERAL MANAGER

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Flinders Council Special Meeting - Agenda

Tuesday 19 May 2020

Venue Flinders Arts and Entertainment Centre, Whitemark
Commencing 9.30am

Attendees - Councillors Deputy Mayor David Williams
Vanessa Grace
Peter Rhodes
Rachel Summers
Mayor Annie Revie
Sharon Blyth
Aaron Burke

Apologies Nil

Attendees - Staff Warren Groves | General Manager
Vicki Warden | Executive Officer (minute taker)

1 Acknowledgment of Country

The Mayor will begin by acknowledging the Traditional Owners of the land on which we meet today, the palawa people of the trawulwai Nation, and recognise their continuing connection to the land, waters and culture of this island, and pay respects to Elders past, present and emerging.

2 Declaration of Pecuniary Interest

In accordance with Regulation 8 of the Local Government (Meeting Procedures) Regulations 2015, Councillors are required to declare any pecuniary interest that they, or any of their close associates, may have in any matter appearing on the agenda, or any supplementary item to the agenda, before any discussion on that matter.

3 Conflict of Interest

In accordance with the Part 2, paragraph 6 of the Local Government (Model Code of Conduct) Order 2016, Councillors are required to declare any conflict of interest, be in actual, perceived or potential, that they may have regarding any matter appearing on the agenda, or any supplementary item to the agenda before any discussion on that matter commences.

4 Notice of Motion

4.1 Notice of Motion - Process to Gauge the Level of Community Support for the Safe Harbour Project

Action	Decision
Proponent	Mayor Annie Revie
Officer	Warren Groves General Manager
File Reference	COM/0402, ASM/0200
Annexures	Nil

NOTICE OF MOTION

That Council suspends the operation of Regulation 22 of the Local Government (Meeting Procedures) Regulations 2015, in accordance with Regulation 22 (9), to consider an appropriate process for ascertaining the level of community support for the construction of a breakwater at Lady Barron.

COUNCILLOR'S REPORT

Background to Safe Harbour Project

The Safe Harbour project was initially scoped in September 2017 to include a Breakwater, Marina and a Boat Ramp, to be located at Lady Barron. This became a Flinders Council Priority Project, and in March 2019, the Federal Government announced a funding commitment of \$4.8 million to Flinders Council for the Flinders Island Marine Access and Safe Harbour Project.

Simultaneous Separate Airport Funding

In March 2019, the Federal Government also awarded separate funding of \$1.8 million to Flinders Council for the Flinders Island Airport Runway Upgrade Project. This amount was a 50% government contribution towards the total cost of \$3.6 million.

Council Review of the above Projects and Government-offered Funding

Flinders Council reviewed the Safe Harbour Project, and the Airport Upgrade project, in May 2019. Three things became clear:

- Council could not afford to pay for 50% of the Airport Upgrade, being \$1.8 million;
- Council could not afford to own the Safe Harbour Project as originally designed, including a Marina; and
- It was not financially feasible for this small Council to construct and operate a Marina. Council could only consider a down-sized project that centred on a breakwater, with additional structures, if affordable.

Review of Strategy

Council reviewed its strategy and worked with various stakeholders to determine what was feasible. As a result, in October 2019, Council formally applied to the Federal Government as follows:

- To utilise \$1.8 million of the Flinders Island Marine Access and Safe Harbour Project funding commitment of \$4.8 million to fund the balance of the Airport Runway Upgrade Project; and
- To use the remaining \$3 million of the above funding commitment to build a down-sized breakwater.

Government Approval of the Application

In January 2020, the Federal Government approved the application and adjusted the grants to reflect:

- \$3.6 million for the Airport Upgrade – 100% funded; and
- A commitment of \$3 million for the Safe Harbour Breakwater.

This was a significant achievement, and Council is grateful to the Federal Ministers for enabling the reallocation of funding. This has allowed Council to upgrade the Whitemark Airport without future liabilities of loans to repay. It has also given Council the opportunity to apply for funding to build a breakwater structure for the safety of local and visiting vessels, in a range of weather conditions.

Significant Community Interest

The original Safe Harbour concept stemmed from a section of the Flinders Community in 2011. The proponents of the concept have had a high level of commitment to the project and progressed it over a period of 6 years. Flinders Council became involved and commissioned Burbury Consulting Pty Ltd to scope a feasibility study and concept plan, which was completed in 2017.

In 2019 a petition, with 70 signatures, was presented to Council requesting that no Council rates revenue be used to support the Safe Harbour Project.

Application for the \$3 Million Federal Grant

As referred to above, the Federal Government has committed \$3 million to Council to enable an amended project. In order to access this funding, Council has to make a formal grant application. The application has to provide evidence of the following:

- Community consultation and support for the project;
- Potential economic benefits to be gained from the project;
- Potential Community/Social benefits and outcomes from the project; and
- Market research that demonstrates the potential success of this project.

Council is Committed to Seeking Evidence of Community Consultation and Support in an Unbiased Manner

Council wishes to consult with the Furneaux communities in an unbiased manner. To this end, Council consulted with the Tasmanian Electoral Commission (TEC) as to whether their conducting an electoral poll would be the most objective methodology. The TEC has advised against this methodology for a number of reasons (see below) and suggests that Council conducts a community survey, based on an electoral poll methodology.

TEC Advice Against a TEC-Conducted Electoral Poll

TEC has advised against a formal electoral poll for the following reasons:

1. A formal electoral poll would cost approximately \$5,000. This is a large sum of money.
2. This amount of money is particularly large for a council that is experiencing a challenging financial position.
3. Council's financial situation has been described as high-risk since the beginning of mid- 2018. The State Government has made clear that it expects all councils, including Flinders, to provide a COVID-19 Recovery Package to their communities. Government is asserting that this is a time when councils should be considering extraordinary measures in order to provide for recovery from this pandemic. Government has also made it clear that it will only support councils in the form of loans – grants are out of the question. It was announced by the Premier in the last few days that Government is expecting a half-billion-dollar deficit by the end of this financial year, followed by a two-billion-dollar deficit by the end of the next financial year. This whole situation has resulted in Flinders Council's financial situation worsening. This council, along with three other Tasmanian councils, is not in the situation of being able to afford loan repayment. It could be said that Council will be back-to-basics when it comes to service provision – roads, rates, rubbish, hard work and innovative thinking.

4. The TEC spokesperson believes that for a council, with an already high-risk financial situation, to spend \$5000 on an electoral poll, that it could conduct itself, could be challenged as an irresponsible use of ratepayer funds.
5. The evidence of community support is required only for the funding application. Council only needs to provide, in the funding application, evidence that it has conducted a survey in a fair and reasonable manner, as well as the outcome of that survey. Council does not have to make a judgement on the survey outcome – that is the role of the federal grant body.
6. Council's commitment to seeking the level of community support in an unbiased manner is highly commendable. However, Council is simply expected to do its very best in this regard: design a methodology that is fair and reasonable.
7. TEC **suggests** that Council does the following:
 - a. Communicates to the Community that a survey will be conducted in a particular period in order to formally apply for the \$3 million funding grant;
 - b. Strongly encourages the Community to participate in the survey;
 - c. Prepares a statement that outlines the potential benefits of the project;
 - d. Prepares a statement that outlines Council potential risks regarding the project;
 - e. Checks the above for any signs of bias;
 - f. Provides a simple question: e.g. You have read the statements that indicate the potential benefits and risks of this project. Do you support the design and construction of a breakwater at Lady Barron?
 - g. Sends the survey to all people on both the Tasmanian Electoral Roll for the Furneaux Municipality, as well as to people on the General Manager's Roll.
 - h. Devises a fair and reasonable process for receiving and counting votes for yes and for no and makes the outcome public.

PREVIOUS COUNCIL CONSIDERATION

57.02.2011	17 February 2011
120.04.2011	21 April 2011
128.04.2011	21 April 2011 Closed Council
598.07.2013	18 July 2013
232.09.2017	21 September 2017
300.12.2017	14 December 2017
292.10.2018	11 October 2018
33.02.2019	19 February 2019
76.03.2019	19 March 2019
77.03.2019	19 March 2019
88.03.2019	28 March 2019
117 & 118.04.2019	16 April 2019
250.09.2019	17 September 2019
58.3.2020	24 March 2020

PREVIOUS COUNCIL DISCUSSION

Council Workshop 6 July 2017
 Council Workshop 31 August 2017
 Council Workshop 28 March 2019
 Council Workshop 28 June 2019
 Council Workshop 11 September 2019
 Council Workshop 25 February 2020

OFFICER'S REPORT

The Councillor's report provides the necessary background and information for Council to make a decision.

STATUTORY REQUIREMENTS

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS

Access and Connectivity - Maintain or better the standard of sea access to the Islands - Economic viability of developing an all-weather recreational and leisure-vessel harbour investigated. AP1920-17 Work with the State Government to facilitate the Flinders Island Marine Access and Safe Harbour Project.

BUDGET AND FINANCIAL IMPLICATIONS

If Council pursued the TEC-managed electoral poll option, this would cost an estimated \$5,000, excluding officer time. The survey option proposed by the TEC would cost approximately \$3,500, excluding officer time. Either option could be reimbursed through a successful awarding of the grant application.

RISK/LIABILITY

Nil

VOTING REQUIREMENTS

Simple Majority

MOTION

Mayor Annie Revie

That Council suspends the operation of Regulation 22 of the Local Government (Meeting Procedures) Regulations 2015, in accordance with Regulation 22 (9), to consider an appropriate process for ascertaining the level of community support for the construction of a breakwater at Lady Barron.

5 Governance

5.1 Council Re-assessment of Its Existing Preventative Measures in Response to the COVID-19 Threat to the Community

Action	Decision
Proponent	Council Officer
Officer	Warren Groves General Manager
File Reference	CSV/0400
Annexures	5.1.1 Premier's Roadmap to Recovery

INTRODUCTION

The Federal, State and Local Government Coronavirus (COVID-19) global pandemic response has been well documented over the past few months. There appears to be a largely Australia-wide trend, commencing in early May, to reconsider restrictions, as long periods of social isolation and economic constraints have compounded, and there have been demonstrable reductions in outbreaks and even periods of no recorded cases in a number of States and Territories.

Notwithstanding any current and future reductions in federal and state restrictions, until a vaccine is developed, the best public health advice remains ensuring personal hygiene, social distancing and self-isolation as the most effective methods of containing the spread of COVID-19.

PREVIOUS COUNCIL CONSIDERATION

57.3.2020 24 March 2020

PREVIOUS COUNCIL DISCUSSION

Nil

OFFICER'S REPORT

At the Council Meeting of 24 March 2020, Councillors unanimously voted to implement a suite of Council-owned facility closures until further notice, in line with largely federal public health-based restrictions. The facilities closed, per motion 57.3.2020, included:

- Emita and Lady Barron Halls and Furneaux Arts and Entertainment Centre;
- Killiecrankie, Lady Barron Port, Whitemark Foreshore, and Yellow Beach public toilets;
- Whitemark Gym and Lady Barron Fitness Facility;
- Strait Works Art Gallery;
- Furneaux Museum;
- Holloway Park; and
- Whitemark Showground Buildings.

On Friday 8 May 2020, Premier Gutwein introduced a plan of staged restriction rollbacks in his 'Roadmap to Recovery' (the roadmap) (Annexure 5.1.1) commencing on Monday 11 May 2020. These rollbacks include national parks and reserves, open to residents for exercise within 30km of their home, as well as increasing numbers allowed to attend funerals, aged care facilities and some Tasmanian educational facilities.

As per the roadmap, and subject to health advice, from 18 May 2020 gatherings are able to increase to 10 for a number of areas such as household visits (maximum 5 visitors to

household), weddings, sport and recreation, hospitality, travel and quarantine. Of particular relevance to this item is advice that gatherings of up to 10 are allowed for community and local government facilities (whilst maintaining existing social distancing measures).

Council has been working closely with local health and emergency service stakeholders in relation to COVID-19, through the Municipal Emergency Management Committee (MEMC), the executive of the MEMC and the Airport COVID-19 Committee, to ensure the health and safety of the Community.

There are currently no known instances of COVID-19 within the Furneaux group of islands. Isolation, hygiene and social distancing are demonstrably our communities' best defences against COVID-19, short of a vaccine being developed. It is clear that federal and state governments are now grappling with the precarious balance between ensuring measures to prevent the spread of COVID-19 and stimulating the financial, economic and health benefits of greater social interaction and activity.

In line with the state roadmap, Council may now consider opening some, or all, of its previously closed facilities.

STATUTORY REQUIREMENT

Local Government Act 1993

Emergency Management Act 2006

POLICY/STRATEGIC IMPLICATIONS

Nil

BUDGET AND FINANCIAL IMPLICATIONS

Nil

RISK/LIABILITY

Low

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council suspends the operation of Regulation 22 of the Local Government (Meeting Procedures) Regulations 2015, in accordance with Regulation 22 (9), to discuss re-assessment of its existing preventative measures in response to the COVID-19 threat to the Community.

Meeting Closed
