



Agenda Ordinary Council Meeting

22 September 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 17th day of September 2020.



Warren Groves
GENERAL MANAGER

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Flinders Council Ordinary Meeting - Agenda

Tuesday 22 September 2020

Venue	Flinders Arts and Entertainment Centre, Whitemark
Commencing	9.30am
Attendees – Councillors	Mayor Annie Revie Deputy Mayor David Williams Sharon Blyth Aaron Burke Vanessa Grace Rachel Summers Peter Rhodes
Apologies	
Attendees – Staff	Warren Groves General Manager Brian Barnewall Works & Services 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. She will recognise their continuing connection to the land, waters and culture of this island, and pay respects to Elders past, present and emerging.

2 Confirmation of Minutes

RECOMMENDATION

That the Minutes from the Ordinary and Closed Council Meetings held 25 August 2020 and the Minutes from the Special and Closed Council Meetings held on 8 September 2020 be confirmed.

3 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.*

4 Responses to Public Questions

25 August 2020 Meeting

Question 1 – Lyndon Evans

Would the Council please consider moving the speed limit signs at the northern entrance/exit of Lady Barron, in order to provide greater safety to the increasing number of children in the area?

Mayor Response:

The Lady Barron Rd is owned by the Department of State Growth and an application to them is required in order to change a speed limit sign. Council has previously unsuccessfully applied to the Department of State Growth to change a speed limit sign on a State-owned road on behalf of a resident. Council will discuss the matter and if Councillors deem this application appropriate, Council Officers will make an application to the Department of State Growth.

Question 2 – Robert Holloway

Could Council please give a degree of urgency to the grading of Vinegar Hill Road, coordinating with Telstra as appropriate?

Mayor Response:

Unfortunately, Vinegar Hill Rd is not a Council-owned road. The Council road finishes approximately 30 metres past the Holloway Park boundary on Barr St. However, Council does intend to improve its rideability when the appropriate machinery and personnel are in the area. There are currently other higher priority roads that require maintenance before a non-Council-owned asset. This request is the subject of Flinders Council Service Request No. 015/2019 and has been scheduled for attention as described on a priority basis.

Question 3 – Ronald Wise

Is Council aware that the roadsides north of Whitemark airport and neighbouring properties, including the airport, have been aerial sprayed with herbicide, illegally and in contravention of the rules which permit that activity to occur, which has resulted in male she oaks (*Alocas.verticillata*), blue gums (*E.globulus*) and the listed vulnerable species of swamp gum (*E.ovata*) dying or permanently poisoned?

Mayor Response:

Council has been made aware of an incident of aerial based overspray and its potential impact on the roadside vegetation, as described. This matter has been reported to the Program Manager of Agvet Chemicals, Registrar of Chemical Products, Biosecurity Tasmania. The complaint has been accepted by Biosecurity, who has undertaken to investigate this matter. As roadside managers, post-investigation, Council will take responsibility for the safety of the road and will monitor and address any issues the trees present to the roadside and road users.

RECOMMENDATION

That the responses to the public question from the 25 August 2020 Council Meeting be noted.

5 Councillors' Questions on Notice

None received.

6 Councillors' Questions Without Notice

Regulation 29 of the Local Government (Meeting Procedures) Regulations 2015 specifies that in putting a Question Without Notice a Councillor must not offer an argument or opinion, draw any inference or make any imputations except so far as may be necessary to explain the question. The Chairperson must not permit any debate of a Question without Notice or its answer.

7 Late Agenda Items

8 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.

9 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.

10 Policies

The following Council policies were endorsed at the 28 July 2020 Ordinary Council Meeting and no submissions were received throughout the 28 day public consultation period. As per the requirements of the Flinders Council Policy Manual Policy, the following policies can now be adopted:

- Enforcement Policy and Procedure;
- Flinders Council Policy Manual Policy;
- Corporate Credit Card Policy; and
- Rates and Charges Policy.

The Investment Policy and Customer Service Charter Policy were rescinded at the 28 July 2020 Ordinary Council Meeting and no submissions were received throughout the 28 day public consultation period. As per the requirements of the Flinders Council Policy Manual Policy, these policies are now rescinded.

RECOMMENDATION

That Council adopts the Enforcement Policy and Procedure, Flinders Council Policy Manual Policy, Corporate Credit Card Policy, Rates and Charges Policy and rescinds the Investment Policy and Customer Service Charter Policy.

11 Workshops & Information Forums

File No. COU/0205

Council Workshop – 25 August 2020

Council held a Workshop on the following subjects:

- Item 1 General Manager's Report
- Item 2 Council's Risk Appetite
- Item 3 Cape Barren Island Airport Rates
- Item 4 ASPIRE Platform

Councillors in Attendance

Mayor Annie Revie	Cr Aaron Burke
Deputy Mayor David Williams	Cr Vanessa Grace
Cr Sharon Blyth	Cr Rachel Summers

Apologies

Cr Peter Rhodes

Staff and Consultants in Attendance

Warren Groves	General Manager
Vicki Warden	Executive Officer
Heidi Marshall	Finance Organisational Performance Manager (Item 2)
Denise Gardner	Cape Barren Island Aboriginal Association Incorporated (Item 3)
Graeme Gardner	Aboriginal Land Council Tasmania (Item 3)
Annette Peardon	Cape Barren Island Aboriginal Association Incorporated (Item 3)
Jacci Viney	Development Services Coordinator (Item 4)
Sammi Gowthorp	Community Development Officer (Item 4)

Council Workshop – 26 August 2020

Council held a Workshop on the following subjects:

- Item 1 Control mechanisms of Visually Sensitive provisions in the new Planning Scheme, Rural Living Zone and Enterprise Suitability

Councillors in Attendance

Mayor Annie Revie	Cr Vanessa Grace
Deputy Mayor David Williams	Cr Rachel Summers

Apologies

Cr Sharon Blyth	Cr Peter Rhodes
Cr Aaron Burke	

Staff and Consultants in Attendance

Warren Groves	General Manager
Jacci Viney	Development Services Coordinator
Mick Purves	Consultant Strategic (Town) Planner

Council Workshop – 27 August 2020

Council held a Workshop on the following subjects:

- Item 1 Strategic (Town) Planning Bus Trip
- Item 2 Strategic (Town) Planning Workshop

Councillors in Attendance

Mayor Annie Revie
Deputy Mayor David Williams
Cr Aaron Burke

Cr Vanessa Grace
Cr Rachel Summers

Apologies

Cr Sharon Blyth
Cr Peter Rhodes

Staff and Consultants in Attendance

Warren Groves General Manager
Jacci Viney Development Services Coordinator
Mick Purves Consultant Strategic (Town) Planner

Council Workshop – 1 September 2020

Council held a Workshop on the following subjects:

- Item 1 Reconciliation Tasmania
- Item 2 Airport Cost/Benefit Analysis
- Item 3 Sharp Airlines
- Item 4 Airport Update

Councillors in Attendance

Mayor Annie Revie
Cr Sharon Blyth

Cr Vanessa Grace
Cr Rachel Summers

Apologies

Deputy Mayor David Williams
Cr Aaron Burke

Cr Peter Rhodes

Staff and Consultants in Attendance

Warren Groves General Manager
Vicki Warden Executive Officer
Sammi Gowthorp Community Development Officer & Council Engagement (Item 1)
Bill Lawson Co-Chair Reconciliation Tasmania (Item 1)
Mark Redmond CEO Reconciliation Tasmania (Item 1)
Karen Smart Reconciliation Tasmania Board Member (Item 1)
Heidi Marshall Finance Organisational Performance Manager (Items 2 - 4)
Brian Barnewall Works & Service Manager (Item 4)
Richard Harley Airport Operations Manager (Item 4)

Council Workshop – 8 September 2020

Council held a Workshop on the following subjects:

- Item 1 General Manager's Report
- Item 2 Strategic Plan

Councillors in Attendance

Mayor Annie Revie
Deputy Mayor David Williams
Cr Sharon Blyth

Cr Vanessa Grace
Cr Aaron Burke
Cr Rachel Summers

Not in Attendance

Cr Peter Rhodes

Apologies

Nil

Staff and Consultants in Attendance

Warren Groves General Manager

Vicki Warden Executive Officer

Sammi Gowthorp Community Development & Council Engagement Officer (Item 2)

RECOMMENDATION

That the Council Workshops held 25, 26 and 27 August and 1 and 8 September 2020 be noted.

12 Publications/Reports Tabled for Council Information

13 Reports to be Received

13.1 Furneaux Group Shipping Special Committee

File Reference COM/0403

Annexure 13.1.1 Furneaux Group Shipping Special Committee Meeting 19 August 2020 Unconfirmed Minutes

OFFICER'S REPORT (Warren Groves, General Manager):

The unconfirmed minutes of the Furneaux Group Shipping Special Committee Meeting held Wednesday, 19 August 2020 have been provided for consideration. The minutes outline what the Committee has been working on to date and can now be noted by Council.

RECOMMENDATION

That the unconfirmed minutes of the Furneaux Group Shipping Special Committee Meeting held 19 August 2020 be noted.

13.2 Whitemark Community Gym Special Committee

File Reference CDV/0702

Annexures 13.2.1 Whitemark Community Gym Special Committee Meeting 10 August 2020 Unconfirmed Minutes
13.2.2 Whitemark Community Gym Special Committee Meeting 27 August 2020 Unconfirmed Minutes

OFFICER'S REPORT (Warren Groves, General Manager):

The unconfirmed minutes of the Whitemark Community Gym Special Committee meetings held Monday, 10 and 27 August 2020 have been provided for consideration. The minutes outline what the Committee has been working on to date and can now be noted by Council.

RECOMMENDATION

That the unconfirmed minutes of the Whitemark Community Gym Special Committee meeting held 10 and 27 August 2020 be noted.

14 Mayor's Report

Action	Information
Proponent	Mayor A Revie
File Reference	COU/0600
Annexures	Nil

APPOINTMENTS

DATE	DIARY ACTIVITY
20/8	Meeting Emita Hall Tasmania Fire Service and State Emergency Service
22/8	Councillors' community engagement sausage sizzle at Emita Hall
24/8	Administration
25/8	Ordinary Council Meeting and Council Workshop
26/8	Council Workshop
27/8	Council Workshop
28/8	Administration
1/9	Council Workshop
2/9	Meeting with Bill Lawson from Reconciliation Tasmania and Radio Interview
3/9	Meeting with Warren Groves General Manager
4/9	Catch-up Warren Groves General Manager
7/9	Administration
8/9	Council Special Meeting and Council Workshop
9/9	Administration and appointment with community member
10/9	Administration
13/9	Administration
15/9	Waste Team Meeting
17/9	Radio Tasmania Talks

CORRESPONDENCE IN

DATE	FROM	SUBJECT
18/8	Minister Mark Shelton	Letter regarding Tasmanian Councils Local Government Association Review
19/8	Mark Barker, Northern Tasmanian Development Corporation (NTDC)	Flinders Council and Northern Tasmanian Development Corporation working together
27/8	Local Government Association Tasmania (LGAT)	Regarding webinar 16 September
27/8	Mhairi Revie , State Emergency Service (SES)	Bushfire Information Booklet
28/8	Hon Michael McCormack MP	Support for COVID-19 hit Agricultural Field Days
28/8	Australian Local Government Association (ALGA)	Newsletter
31/8	Russell Hunter	Regarding Animal Welfare
31/8	Premier Peter Gutwein	Letter regarding domestic violence
1/9	Federal Government	Financial Assistance Grant program payment
2/9	Community member	Patient Travel Assistance
2/9	TasWater	Corporate Plan
3/9	TasWater	Notice of Meeting on 24 September 2020
4/9	ALGA	Newsletter
5/9	Michael Grimshaw	Planning decisions

7/9	NTDC	Special Members' meeting
7/9	Gerard Willis	Development Application 2019/027
9/9	Minister Bridget Archer	Telstra launch
9/9	Launceston Airport	Appointment of new Chief Executive Officer
10/9	Minister Rebecca White	Vision for Bass
10/9	TasWater	Papers for meeting on 24 September
11/9	ALGA	Newsletter

CORRESPONDENCE OUT

DATE	TO	SUBJECT
9/9	Minister Sarah Courtney	Patient Travel Assistance Scheme
10/9	Gerard Willis	Regarding Development Application 2019/027
17/9	R Holloway	Public question response - Vinegar Hill Road
17/9	R Wise	Public question response - Roadside trees
17/9	L Evans	Public question response - Speed limit signage
In the last month there have been quite a few emails out some of a confidential nature, a simple thank you, or inconsequential.		

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Mayor's report be received.

15 Development Services and Planning Applications

15.1 Development Application Report

Action	Information
Proponent	Council Officer
Officer	Jacci Viney Development Services Coordinator
File Reference	PLN/0105
Annexures	15.1.1 Planner's Information Report – August 2020

INTRODUCTION

This report provides Councillors with an overview of the applications for the current period as per motion 249.09.2015, passed at the 24 September 2015 Council Meeting when Council requested monthly data from the West Tamar Council planning consultancy service.

Permitted applications are assessed under section 58 of the *Land Use Planning and Approvals Act 1993* (the Act) and are not advertised. If applications classified as Permitted meet all development and use standards, they must be granted a permit, with or without conditions.

Discretionary applications are assessed under section 57 of the Act and are exhibited for a two-week period during which submissions may be received from the public. If a submission is received, the planner's report for that application is considered by Council. Discretionary applications where no submissions are received, as well as applications with a Permitted pathway, are approved under delegation to the General Manager.

The numbering of applications relates to the electronic filing system. Numbers are allocated to Planning (DA), Building (BA) and Plumbing (PA) applications as they are received. This may mean that planning numbers are not sequential, if for example, a development requires a building application but is exempt from a planning application.

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 15.1.1, Planner's Information Report – August 2020, provided by West Tamar Council.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Planner's Information Report – August 2020 be received.

16 Works and Services

16.1 Works & Services Manager's Report – September 2020

Action	Information
Proponent	Council Officer
Officer	Brian Barnewall Works and Services Manager
File Reference	WOR/3000
Annexures	16.1.1 Works and Services Report - September 2020

INTRODUCTION

The purpose of this report is to provide Councillors with an update of monthly activities undertaken by the Works and Services Department.

OFFICER'S REPORT

This report will be provided on a monthly basis at the request of Council.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Works and Services Report – September 2020 be received and accepted by Council.

17 Notice of Motions

17.1 Notice of Motion – Reconsideration of Closed Council Agenda Item Confidentiality Requirement

Action	Decision
Proponent	Mayor Annie Revie
Officer	Warren Groves General Manager
File Reference	DA02019/027
Annexures	Nil

NOTICE OF MOTION

That the following part of Motion 163.8.2020, passed at the Closed Meeting of Council on 25 August 2020, be rescinded:

“That agenda item 18.1 Resolution of Appeal - Development Application 2019/027 for the dwelling on Lot 4, Pot Boil Road, White Beach, CT 153145/4 that discussions held and the motions passed remain confidential...”;

And that Council reconsiders the confidentiality requirement for this agenda item.

COUNCILLOR’S REPORT

In September 2019, planning recommendation (DA027/2019) was submitted to Council, with the recommendation being for approval. The building was considerably above the maximum height. Council refused approval under the following clause of the Flinders Local Planning Scheme:

“5.8.4 (a) The maximum height of buildings is 8.0 metres unless it can be satisfactorily demonstrated that a higher structure is required for operations, topographical or other justified purposes.”

Council did not believe that there was an identified, justified purpose for the height of the proposed building. The applicant made an appeal to the Planning Tribunal, offering justification that the height was necessary because:

- The proposed building was off grid; and
- The above regulation height was required to operate the proposed wind and solar devices.

Council was against approving the building and sought legal opinions.

Further discussion regarding the legal advice took place at later meetings. These meetings were deemed to be closed meetings, for that reason. Such a reason is valid under regulation 15(2) (i) of the *Local Government (Meeting Procedures) Regulations 2015*:

“Matters relating to actual or possible litigation taken, or to be taken, by or involving the council or an employee of the council.”

In recent days, there has been significant community commentary on social media regarding the decision to address this matter in closed meeting, even though the decision was permitted according to the regulations.

At a recent workshop, Councillors discussed the matter. I am now of the belief that the Community has the right to know the underlying reasons for Council’s decision.

PREVIOUS COUNCIL CONSIDERATION

140.7.2020 28 July 2020 (closed council)
162 and 163.8.2020 25 August 2020 (closed council)

PREVIOUS COUNCIL DISCUSSION

14 July 2020 Council Workshop
18 August 2020 Council Workshop
8 September 2020 Council Workshop

OFFICER'S REPORT

Given the level of community interest in this matter and the importance of transparency in decision making, I believe this matter is best determined by Councillors, after due consideration of the relative merits of confidentiality and transparency in these circumstances.

STATUTORY REQUIREMENTS

Local Government (Meeting) Regulations 2015

POLICY/STRATEGIC IMPLICATIONS

Nil

BUDGET AND FINANCIAL IMPLICATIONS

Nil

RISK/LIABILITY

Nil

VOTING REQUIREMENTS

Absolute Majority

MOTION

Moved: Mayor Annie Revie

That the following part of Motion 163.8.2020, passed at the Closed Meeting of Council on 25 August 2020, be rescinded:

“That agenda item 18.1 Resolution of Appeal - Development Application 2019/027 for the dwelling on Lot 4, Pot Boil Road, White Beach, CT 153145/4 that discussions held and the motions passed remain confidential...”;

And that Council reconsiders the confidentiality requirement for this agenda item.

17.2 Notice of Motion – Safe Harbour Project - TasPorts Proposal

Action	Decision
Proponent	Mayor Annie Revie
Officer	Warren Groves General Manager
File Reference	COM/0402, ASM/0200
Annexures	17.2.1 Letter from Minister Ferguson 16 September 2020 17.2.2 Letter from the Hon. Michael McCormack 19 December 2019 17.2.3 TasPorts Safe Harbour Project Proposal

NOTICE OF MOTION

1. That Council rescinds the remaining portion of motion number 250.09.2019:

“That Council:

- 1. Rescinds parts 1 & 2 of Motion 88.03.2019 (to reject Council ownership of the Safe Harbour) and agrees to the Council ownership and responsibility for the Safe Harbour site and proposed breakwater and boat ramp, subject to the determination of a sustainable, low-risk, management model that addresses Council’s maintenance and depreciation concerns.*
- 2. Creates and supports a Project Advisory Group (Management Committee), with appropriate Terms of Reference and membership to oversee, monitor and advise the management of the project, that reports to the Council on a regular basis regarding project implementation”;*

2. That Council approves the TasPorts Safe Harbour proposal, as per (Annexure 17.2.3) and confirmed in the letter from the Hon Michael Ferguson, received 16 September 2020 (Annexure 17.2.1). The outcome of the approval will mean that:

- Council will apply for a Federal Government Community Development Grant, as outlined in a letter from the Hon Michael McCormack, Deputy Prime Minister dated 19 December 2019 (Annexure 17.2.2); and
- Council will work with TasPorts in bringing the project to fruition.

COUNCILLOR’S REPORT

The Flinders Island Marine Access and Safe Harbour Project (FIMASH) was the second item on the Flinders Council Priority Projects List, updated late 2018. In the lead-up to the Federal Election in 2019, then Senator for Tasmania, Steve Martin, announced that the FIMASH project would be funded \$4.8 million. He also announced at that time that Flinders would receive \$1.8 million from the Federal Government as half of the cost of upgrading the main runway at Whitemark Airport. The two grants were not enough to complete either project. As the Airport provides vital access to the Island, it was considered the priority.

Council successfully applied to the Federal Government to have \$1.8 million of the original FIMASH grant transferred to the airport upgrade, so that this necessary project could be completed without financial stress to Council. The airport runway was upgraded in February 2020, leaving \$3 million to build a modified Safe Harbour. Council must make a successful, formal application to the Federal Government Community Development Grant program in order to access this funding.

Flinders Council is the smallest in Tasmania and has a very small rate income. In addition, Council’s Long-Term Financial Management and Asset Management Plans demonstrate that Council’s ability to fund major projects would put Council’s financial status at high risk.

Nonetheless, Council engaged in the process leading up to formal application for the grant of \$3 million:

- A community survey showed that approximately 58% of the community wanted the modified Safe Harbour Project to proceed; and
- Expressions of Interest for the design and building of a modified Safe Harbour were sent out and two were received as a result.

The Board of the Flinders Island Business Incorporated submitted a report to the State Government which stated, “that Flinders Council is not well placed to deliver, own, manage, or operate FIMASH”, and requested that the State Government take over the project. As a direct result of this submission, TasPorts, at the request of State Minister for Infrastructure, the Hon Michael Ferguson, proposed an alternative model situated in the port of Lady Barron (Annexure 17.2.3).

The proposed model is directly in line with everything that Council seeks from the project. It uses the current structure of the Port instead of a rock breakwater. If / when this proposal comes to fruition, it will provide Flinders Island with many benefits, including:

- A safe harbour, owned, maintained and operated by TasPorts, and without the possibility of additional financial risks to Council;
- Economic, business and social benefits that will support the Island’s economy;
- Safe berths for visiting and local vessels;
- Marine access to Flinders Island and the rest of the Furneaux Islands Group;
- Toilets, fresh water, parking, lighting and security;
- A boat ramp in the shelter of the Port;
- Improved access and egress for trucks bringing freight, including cattle, to and from the port;
- An improved surface for the port pavement;
- Wave attenuation structure; and
- Potential for future extension.

As proposer of this motion, I assert that the TasPorts option provides the best way forward for an appropriate Safe Harbour to benefit the Flinders Community, as well as Tasmanian and interstate mariners. In conclusion, the TasPorts model will enable the Flinders Council to remain financially responsible and solvent.

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. 04.2019	16 April 2019
118.04.2019	16 April 2019
250.09.2019	17 September 2019
58.3.2020	24 March 2020
93.5.2020	19 May 2020
135.7.2020	28 July 2020

PREVIOUS COUNCIL DISCUSSION

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	Council Workshop
12 May 2020	Council Workshop
7 July 2020	Council Workshop
6 August 2020	Council Workshop
25 August 2020	Council Workshop

OFFICER'S REPORT

The first part of the motion proposed by Mayor Revie will overturn motion number 250.09.2019 in its entirety.

The motion to be rescinded, motion 250.09.2019, directed Council to rescind parts of motion 88.03.2019 and to agree to take on ownership and responsibility for the Safe Harbour Project. Council had completed these actions and the Councillor's Report above clearly details all actions taken to date in relation to this motion. Motion 250.09.2019 also directed Council to create a Project Advisory Group. No action has been taken to date on this part of the motion.

If the second part of Mayor Revie's proposed motion is resolved in the affirmative, Council will be agreeing to:

- No longer taking ownership and responsibility for the Safe Harbour site, inclusive of the breakwater and boat ramp;
- No longer creating and supporting a Project Advisory Group (Management Committee);
- Approve the TasPorts Safe Harbour proposal;
- Continue with the Federal Government Community Development Grant application to fund the project; and
- Work with TasPorts to bring the project to fruition.

Given the current financial and resource constraints of Council, the TasPorts proposal represents a potentially mutually beneficial opportunity for achieving Council's aims whilst securing a significant marine asset for the Furneaux Islands and Tasmania.

STATUTORY REQUIREMENTS

Local Government Act 1993

Local Government (General) Regulations 2015

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

This proposal sees TasPorts assisting with the funding application, project managing, constructing, owning and managing the completed infrastructure. The budget and financial risks are therefore significantly mitigated by the expertise of TasPorts during the project phase and their ownership of the infrastructure, along with its attendant operational, maintenance and capital costs, once built.

RISK/LIABILITY

The risks and liabilities associated with this project are also significantly mitigated by TasPorts' management of the project and resultant ownership of the infrastructure.

VOTING REQUIREMENTS

Absolute Majority

MOTION

Moved: Mayor Annie Revie

1. That Council rescinds the remaining portion of motion number 250.09.2019:

“That Council:

- 1. Rescinds parts 1 & 2 of Motion 88.03.2019 (to reject Council ownership of the Safe Harbour) and agrees to the Council ownership and responsibility for the Safe Harbour site and proposed breakwater and boat ramp, subject to the determination of a sustainable, low-risk, management model that addresses Council's maintenance and depreciation concerns.*
- 2. Creates and supports a Project Advisory Group (Management Committee), with appropriate Terms of Reference and membership to oversee, monitor and advise the management of the project, that reports to the Council on a regular basis regarding project implementation”;*

2. That Council approves the TasPorts Safe Harbour proposal, as per (Annexure 17.2.3) and confirmed in the letter from the Hon Michael Ferguson, received 16 September 2020 (Annexure 17.2.1). The outcome of the approval will mean that:

- Council will apply for a Federal Government Community Development Grant, as outlined in a letter from the Hon Michael McCormack, Deputy Prime Minister dated 19 December 2019 (Annexure 17.2.2); and
- Council will work with TasPorts in bringing the project to fruition.

18 Governance

18.1 Quarterly Report on the Northern Tasmania Development Corporation Ltd.

Action	Information
Proponent	Council Officer
Officer	Warren Groves General Manager
File Reference	COU/0305
Annexures	18.1.1 Northern Tasmania Development Corporation's Quarterly Progress Report April to June 2020

INTRODUCTION

As permitted under Section 21 (c), Enterprise Powers of the *Local Government Act 1993*, Flinders Council become a member of the Northern Tasmania Development Corporation LTD (NTDC) on 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 18.1.1, NTDC's Quarterly Progress Report provided to all member councils, incorporates the update for the quarter April to June 2020.

PREVIOUS COUNCIL CONSIDERATION

This is the final formal report for financial year 2019/2020 provided to all member Councils from NDTC.

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.*

NTDC provided the Quarterly Progress Report to member councils and asked that it be tabled as the update for the quarter April to June 2020.

Council recently undertook significant engagement with NTDC in relation to their strategic direction and plans and how that translated to Flinders Council. At the conclusion of that engagement, Council resolved to continue their membership of NTDC for a period of three

years. The Quarterly Progress Report summarises activities undertaken for the quarter with NTDC making positive progress. There are no financial viability issues or adverse developments. Whilst a reasonable proportion of the focus is concentrated in mainland Northern Tasmania, the focus on the Furneaux Group has developed in line with current expectations.

STATUTORY REQUIREMENT

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS

Nil

RISK/LIABILITY

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council notes the Northern Tasmania Development Corporation Quarterly Progress Report April to June 2020.

18.2 Policies to be Reviewed – Uniform Policy, Flying of Flags at Council Property Policy and Employee Outside Work Activities Policy

Action	Information
Proponent	Council Officer
Officer	Warren Groves General Manager
File Reference	PUB/0800
Annexures	18.2.1 Existing Uniform Policy 18.2.2 Draft Uniform Policy 18.2.3 Existing Flying of Flags at Council Property Policy 18.2.4 Draft Flying of Flags at Council Property Policy 18.2.5 Existing Employee Outside Work Activities Policy 18.2.6 Draft Employee External Employment Policy

INTRODUCTION:

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

PREVIOUS COUNCIL CONSIDERATION

The review dates for the policies are listed at the beginning of each policy (refer Annexures).

PREVIOUS COUNCIL DISCUSSION

Nil

OFFICER'S REPORT

Council has a policy that states that policies should be reviewed every four years. Council is in the process of reviewing the Policy Manual in its entirety in order to ensure all policies are relevant, up-to-date, and as concise and readable as possible. As policies are reviewed, they are being reformatted to a new policy template. Existing policies have been provided as Annexures for comparison purposes with draft policies.

Uniform Policy

Council Officers have reviewed this policy and minor changes to the wording were affected to improve clarity of intent and readability. Additions to the policy have been made in section 4.1 (c), (e) and (g) for council consideration.

Flying of Flags at Council Property Policy

Council Officers have reviewed this policy and have only one change to recommend.

Employee Outside Work Activities Policy

Council Officers have reviewed and rewritten much of this policy to improve clarity of intent and readability. Changes and additions have been made to all sections of the Policy including the title, which has been changed to the Employee External Employment Policy.

STATUTORY REQUIREMENT

Local Government Act 1993

RISK/LIABILITY

Adoption of these policies and ensuring that Management, Staff and Councillors are aware of and follow these policies will help to reduce Council's exposure to risk in these areas.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council approves the Uniform Policy, Flying of Flags at Council Property Policy and the Employee External Employment Policy and allows them to lay on the table for 28 days for public comment.

18.3 Cape Barren Island Airport – Request to Review Rateable Status

Action	Decision
Proponent	Council Officer
Officer	Warren Groves General Manager
File Reference	FIN/1206
Annexures	Nil

INTRODUCTION

In 2005, the State Government handed all Crown Land on Cape Barren Island to the Aboriginal Land Council of Tasmania (ALCT). Prior to then, and for a period following the handover, the Department of State Growth paid for the rates applicable to the airport and airstrip. In 2017, the Department of State Growth determined that it should not have been responsible for payment of these rates from 2005. As ownership of the airport was held by ALCT, Council then sought payment of rates from them.

PREVIOUS COUNCIL CONSIDERATION

Nil

PREVIOUS COUNCIL DISCUSSION

25 August 2020 Council Workshop

OFFICER'S REPORT

ALCT wrote to Council's then General Manager in 2018, requesting Cape Barren Island airstrip rates be remitted. This request was not supported by the General Manager at that time.

In 2020, ALCT initiated a further request for consideration of this matter, including written, telephone discussion and an in-person presentation to Councillors at the 25 August workshop, along with senior representatives of the Cape Barren Island Aboriginal Association Incorporated (CBIAAI).

The basis of these representations is that the land in question is Aboriginal land, that operates principally to provide access to an Aboriginal community and levies no fees or charges to any user to do so. It has been further asserted by ALCT and confirmed by The Office of Aboriginal Affairs (OAA), that the land in question is the only Aboriginal land in Tasmania that has rates levied against it by a Council. The legislative basis of this application is found at sections 87 and 129 of the *Local Government Act 1993*.

"Section 87. Exemption from rates

- (1) *All land is rateable except that the following are exempt from general and separate rates, averaged area rates, and any rate collected under section 88 or 97 ...*
(da) *Aboriginal land, within the meaning of the Aboriginal Lands Act 1995, which is used principally for Aboriginal cultural purposes"*

"Section 129. Remission of rates

- (1) *A ratepayer may apply to the council for remission of all or part of any rates paid or payable by the ratepayer or any penalty imposed or interest charged under section 128 .*
(2) *An application is to be –*
(a) *made in writing; and*
(b) *lodged with the general manager.*
(3) *A council, by absolute majority, may grant a remission of all or part of any rates, penalty or interest paid or payable by the ratepayer.*

- (4) *A council, by absolute majority, may grant a remission of any rates, penalty or interest paid or payable by a class of ratepayers.*
- (5) *The general manager is to keep a record of the details of any remission granted under this section."*

I consider this to be a reasonable request and, as per section 129 (3), a council, by absolute majority, may grant a remission of all or part of any rates, payable by the ratepayer.

STATUTORY REQUIREMENT

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS

Rates and Charges Policy

BUDGET AND FINANCIAL IMPLICATIONS

Council levied annual rates of \$1,214.33 against the Cape Barren Island Airport for the 2020/21 financial year.

RISK/LIABILITY

Low

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council agrees to grant a remission of all rates payable on the Cape Barren Island Airstrip, PID 6431557, from the 2020/21 financial year onwards.

18.4 Councillor Resolution Report

Action	Information
Proponent	Council Officer
Officer	Warren Groves General Manager
File Reference	GOV/0300
Annexures	18.4.1 Councillor Resolution Report September 2020

INTRODUCTION

The Councillor Resolution Report identifies resolutions passed by elected members and the actions taken to implement the decisions.

PREVIOUS COUNCIL CONSIDERATION

The Report is presented on a monthly basis.

OFFICER'S REPORT

Please read Annexure 18.4.1 – Councillor Resolution Report September 2020.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Councillor Resolution Report September 2020 be noted.

19 CLOSED COUNCIL

19.1 Closed Council Item – Volunteer of the Year Award

Action	Information
Proponent	Council Officer
Officer	Warren Groves General Manager

PREVIOUS COUNCIL CONSIDERATION

Considered annually

REASON FOR CLOSED COUNCIL

19.2 is **CONFIDENTIAL** in accordance with Section 15(2) (g) of the *Local Government (Meeting Procedures) Regulations 2015*.

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council moves into Closed Council.

Meeting Closed
