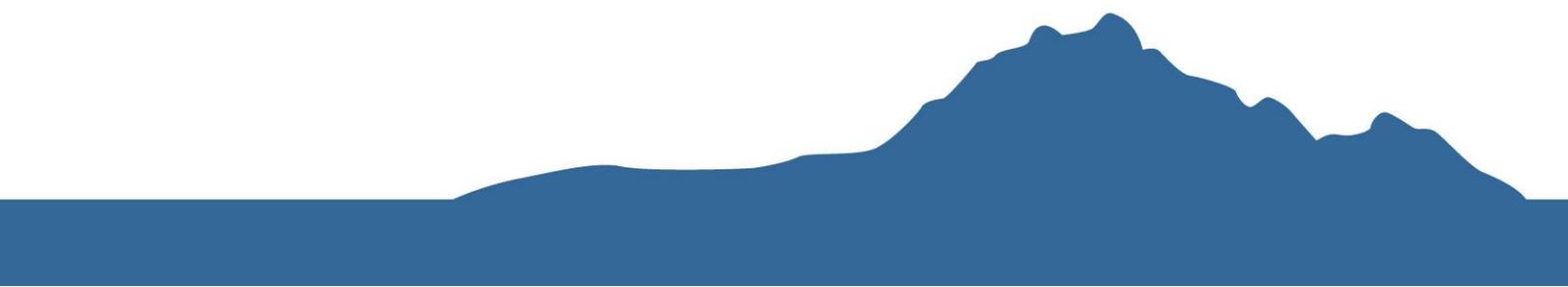




Agenda Special Council Meeting

29 September 2020



CERTIFICATION

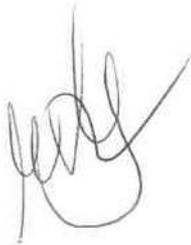
"I certify that with respect to all advice, information or recommendation provided to Council with this agenda:

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 25th day of September 2020.



Warren Groves
GENERAL MANAGER

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Flinders Council Special Meeting - Agenda

Tuesday 29 September 2020

| | |
|--------------------------------|--|
| Venue | Flinders Arts and Entertainment Centre, Whitemark |
| Commencing | 11.00am |
| Attendees – Councillors | Mayor Annie Revie Deputy Mayor David Williams Sharon Blyth Aaron Burke Vanessa Grace Rachel Summers |
| Apologies | Peter Rhodes |
| 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. 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 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 – 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

1. That Council rescinds motion number 183.09.2020:

“That Council defers making a decision on the Safe Harbour so that the recent community concerns can be worked through with the State Government and TasPorts and that Council organises meetings with key stakeholders as a matter of priority to seek the best outcome possible for the Community.”;

2. That Council continues with the application for Federal Government funding of \$3 million to construct stage one of the original Flinders Island Marine Access and Safe Harbour Project, being a breakwater (and additional associated structures, if money allows) at the originally identified site at Lady Barron; and

3. That Council continues to advocate for external management and control of the infrastructure.

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 in the form of a breakwater and additional associated structures, if money allows. 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 invited from several Tasmanian-based civil construction companies. Two substantial submissions, indicating their interest and capacity to complete the project, were received as a result.

The Board of the Flinders Island Business Incorporated (FIBI) 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. Council placed a halt on progressing the grant application until the State Government’s response to FIBI’s request was received. An extension to the grant application deadline was sought and received until December 2020.

As a direct result of FIBI’s submission, TasPorts, at the request of State Minister for Infrastructure, the Hon Michael Ferguson, proposed an alternative model situated at the Lady Barron Port. The TasPorts option appeared to provide the best way forward for an appropriate Safe Harbour to benefit the Flinders Community, as well as Tasmanian and interstate mariners, whilst enabling the Flinders Council to remain financially responsible and solvent.

At the 22 September council meeting, Council considered whether to approve the TasPorts proposal. In response to the meeting agenda item, several community members expressed their concerns. The Community’s shared concerns were varied but can be broadly summarised as follows:

- The safety of such a structure within the Port;
- The possible added risk of having recreational vessels sharing the Port with freight vessels;
- The loading and unloading of livestock close to recreational vessels and the public;
- The noise, smells and dust of a working Port;
- The safety of the boat ramp to boat users unless it is sufficiently sheltered;
- The adequacy of the depth of water for keel boats; and
- The need to discuss plans fully with other Port users.

Council listened to the concerns of the Community and passed the following motion no. 183.09.2020, at the September meeting:

“That Council defers making a decision on the Safe Harbour so that the recent community concerns can be worked through with the State Government and TasPorts and that Council organises meetings with key stakeholders as a matter of priority to seek the best outcome possible for the Community.”

Since that time, Council has met with the Hon Bridget Archer MP, Member for Parliament for Bass. Safe Harbour was discussed in detail, including that further extensions to the timeframe for the grant application would be highly unlikely to be granted past December 2020.

Given the timeframe for the funding application, and the significant community concerns surrounding the TasPorts proposal, it seems prudent that Council rejects the TasPorts proposal and thereafter, expedites the formal application for the \$3 million Federal Government grant. The application will focus on the concept of a stage one of the original FIMASH project, being a breakwater (and additional associated structures, if money allows) at the original site at Lady Barron.

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 |
| 183.09.2020 | 22 September 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 |
| 24 September 2020 | Meeting with the Hon Bridget Archer MP |

OFFICER'S REPORT

The first part of the motion will overturn motion number 183.09.2020. Although the State Government and TasPorts have been advised of the Community's recent concerns, these have not been worked through in detail. Council has taken no action regarding organising meetings with key stakeholders.

If the motion in its entirety is resolved in the affirmative, Council will be agreeing to:

- not accept the TasPorts' proposal;
- not work through recent community concerns with the State Government and TasPorts;
- not organise meetings with key stakeholders to seek the best outcome possible for the Community, relative to the TasPorts proposal;
- restart the process that was put on hold to apply for \$3 million funding, in order to construct stage one of the original FIMASH project, being a breakwater (and additional associated structures if money allows) at the original Lady Barron site; and
- continue to advocate for external management and control of the infrastructure.

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

The return to the \$3 million breakwater-based project continues to concern Council with respect to the potential financial implications of the ownership and management of the proposed infrastructure. To address this issue, Council will continue to advocate for external management and control of the infrastructure.

RISK/LIABILITY

The risk of project cost overruns has been previously identified and Council will continue to implement strategies to mitigate this issue.

VOTING REQUIREMENTS

Absolute Majority

MOTION

Mayor A Revie

1. That Council rescinds motion number 183.09.2020:

“That Council defers making a decision on the Safe Harbour so that the recent community concerns can be worked through with the State Government and TasPorts and that Council organises meetings with key stakeholders as a matter of priority to seek the best outcome possible for the Community.”;

- 2. That Council continues with the application for Federal Government funding of \$3 million to construct stage one of the original Flinders Island Marine Access and Safe Harbour project, being a breakwater (and additional associated structures, if money allows) at the originally identified site at Lady Barron; and**
- 3. That Council continues to advocate for external management and control of the infrastructure.**

Meeting Closed
