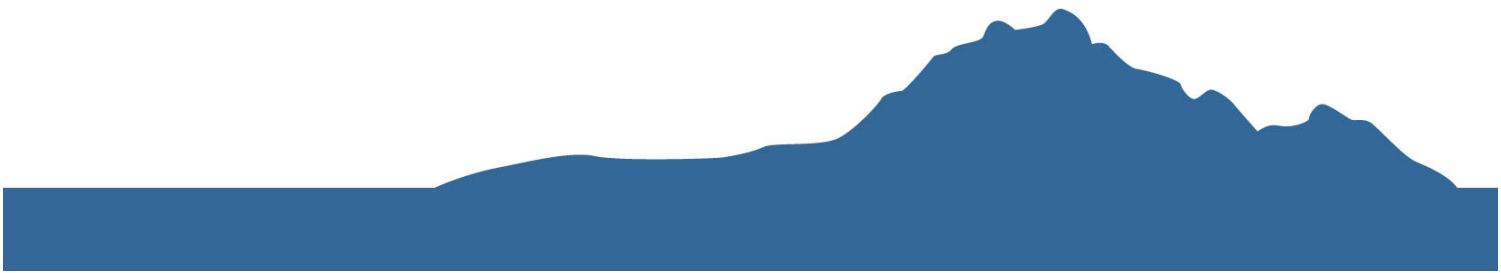




# Agenda Ordinary Council Meeting

15 December 2020



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## CERTIFICATION

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"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 10<sup>th</sup> day of December 2020.

Warren Groves  
**GENERAL MANAGER**

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# Flinders Council Ordinary Meeting - Agenda

## Tuesday 15 December 2020

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<b>Venue</b>	Flinders Arts and Entertainment Centre, Whitemark
<b>Commencing</b>	1:00pm
<b>Attendees – Councillors</b>	Mayor Annie Revie Deputy Mayor David Williams Sharon Blyth Aaron Burke Vanessa Grace Peter Rhodes Rachel Summers
<b>Apologies</b>	Nil
<b>Attendees – Staff</b>	Warren Groves   General Manager Vicki Warden   Executive Assistant

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### 1 Acknowledgment of Country

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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.

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### 2 Confirmation of Minutes

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#### **RECOMMENDATION**

**That the Minutes from the Ordinary Council Meeting held on 17 November 2020 be confirmed.**

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### 3 Public Question Time

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*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.*

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#### **4 Councillor's Questions Without Notice**

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*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.*

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#### **5 Late Agenda Items**

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#### **6 Declaration of Pecuniary Interest**

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*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.*

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#### **7 Conflict of Interest**

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*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.*

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## 8 Policies

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The following Council policies were adopted at the 20 October 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 are deemed approved and can now be considered as adopted:

- Special Committees of Council Policy;
- Furneaux Islands Festival Policy;
- Airport Advertising Policy; and the
- Elected Members' Allowances, Reimbursements and Equipment Policy.

### **RECOMMENDATION**

**That Council notes that the Special Committees of Council Policy, Furneaux Islands Festival Policy, Airport Advertising Policy, and the Elected Members' Allowances, Reimbursements and Equipment Policy are adopted.**

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## 9 Workshops & Information Forums

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File No. COU/0205

### Council Workshop – 17 November 2020

Council held a Workshop on the following subjects:

- Item 1 General Manager Update
- Item 2 Review of Draft Waste Management Strategy
- Item 3 Whitemark Tennis Courts

### Councillors in Attendance

Mayor Annie Revie	Cr Vanessa Grace
Deputy Mayor David Williams	Cr Peter Rhodes
Cr Aaron Burke	Cr Rachel Summers

### Apologies

Cr Sharon Blyth

### Staff and Consultants in Attendance

Warren Groves	General Manager
Jacci Viney	Development Services Coordinator

### Council Workshop – 24 November 2020

Council held a Workshop on the following subjects:

- Item 1 Holloway Park
- Item 2 General Managers Update
- Item 3 Strategic (Town) Planning

### Councillors in Attendance

Mayor Annie Revie	Cr Vanessa Grace
Deputy Mayor David Williams	Cr Peter Rhodes
Cr Sharon Blyth	Cr Rachel Summers

### Apologies

Cr Aaron Burke

### Staff and Consultants in Attendance

Warren Groves	General Manager
Mick Purves	Strategic (Town) Planner
Jacci Viney	Development Services Coordinator
Sammi Gowthorp	Community Development and Council Engagement Officer (Item 1)

### Council Workshop – 1 December 2020

Council held a Workshop on the following subjects:

- Item 1 General Manager Update
- Item 2 Visit Northern Tasmania Memorandum of Understanding
- Item 3 Strategic Plan Review
- Item 4 Tasmania Fire Service
- Item 5 Employee Recruitment and Selection Policy and Procedure
- Item 6 Local Government Association of Tasmania General Meeting
- Item 7 Councillor Portfolios

- Item 8 February Workshop

**Councillors in Attendance**

Mayor Annie Revie	Cr Vanessa Grace
Deputy Mayor David Williams	Cr Peter Rhodes
Cr Sharon Blyth	Cr Rachel Summers

**Apologies**

Cr Aaron Burke

**Staff and Consultants in Attendance**

Warren Groves	General Manager
Vicki Warden	Executive Officer
Richard Harley	Airport Operations Officer (Item 1)
Donald Withers	Airport Reporting Officer (Item 1)
Sammi Gowthorp	Community Development and Council Engagement Officer (Items 1 - 3)
Rick Mahnken	Acting District Officer North-East   Tasmania Fire Service (Item 4) (via Zoom)
Jacci Viney	Development Services Coordinator (Item 8)

**RECOMMENDATION**

**That the Council Workshops held on 17 and 24 November and 1 December 2020 be noted.**



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## 10 Publications/Reports Tabled for Council Information

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### 11 Reports to be Received

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#### 11.1 Lady Barron Hall and Recreational Special Committee

<b>File Reference</b>	CSV/0403
<b>Annexure</b>	11.1.1 Lady Barron Hall and Recreational Special Committee meeting 17 November 2020 Unconfirmed Minutes

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

The unconfirmed minutes of the Lady Barron Hall and Recreational Special Committee meeting held Wednesday, 17 November 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 Lady Barron Hall and Recreational Special Committee meeting held 17 November 2020 be noted.**

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### 12 Councillors' Reports

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None received.

## 13 Mayor's Report

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Mayor Annie Revie
<b>File Reference</b>	COU/0600
<b>Annexures</b>	Nil

### APPOINTMENTS

DATE	DIARY ACTIVITY
11/11	Emergency Management discussion
12/11	Meeting with Community members, Warren Groves and Jacci Viney
12/11	Meeting with State Emergency Service regarding their shed and administration
16/11	Funeral of community member
17/11	Council Ordinary Meeting and Workshop
18/11	Administration and webinar Local Government Association of Tasmania and Brand Tasmania
19/11	Administration
24/11	Workshop
24/11	Community Focus Group regarding Waste Management
25/11	Meeting with community members, Warren Groves, Jacci Viney and architect
25/11	Meeting with Warren Groves and Northern Tasmania Development Corporation Annual General Meeting via Zoom meeting
26/11	Meeting with Warren Groves
30/11	Administration
1/12	Workshop
3/12	Tasmania Talks radio interview
3/12	ABC interview for radio
3/12	Interview Examiner
2/12	Administration, meeting with Vicki Warden and Warren Groves regarding Council Annual General Meeting
6/12	Administration

### CORRESPONDENCE IN

DATE	FROM	SUBJECT
10/11	Jemila Rushton	Campaign Abolish Nuclear Weapons
12/11	Felix Ellis Member for Braddon	Bass Strait Islands Group
1/12	Chris Griffin Visit Northern Tasmania	Year End Send Off
1/12	Flinders Island Business Incorporation	Brand Workshop
2/12	Peter McConnell	Request for storage
2/12	Hon Mark Coulton Member of Parliament	Black Spot Program
2/12	Visit Northern Tasmania	Tourism Talk
3/12	Northern Tasmania Development Corporation	Annual Report and letter
4/12	Seaside Scavenge	Update

4/12	Australian Local Government Association	Newsletter
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**CORRESPONDENCE OUT**

DATE	TO	SUBJECT
18/11	Denise Hook and 8 others	Invitation to Focus Group meeting
25/11	Premier Peter Gutwein	Shipping Special Committee thank you
25/11	Minister Michael Ferguson	Shipping Special Committee thank you
25/11	Mark Cooper Tas Ports	Shipping Special Committee thank you
2/12	Peter McConnell	Community Shed request for storage
6/12	Anthony Donald Tas Ports	Shipping Special Committee thank you
6/12	Steve Casey	Shipping Special Committee thank you

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That the Mayor's report be received.**

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## 14 Development Services and Planning Applications

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### 14.1 Development Application Report

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Jacci Viney   Development Services Coordinator
<b>File Reference</b>	PLN/0105
<b>Annexures</b>	14.1.1 Planner's Information Report – November 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 14.1.1, Planner's Information Report – November 2020, provided by West Tamar Council.

#### **VOTING REQUIREMENTS**

Simple Majority

#### **RECOMMENDATION**

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

## 14.2 TasFire – “in principle” support for relocation of Emita and Lady Barron fire stations

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Development Services Coordinator
<b>File Reference</b>	CSV/0400
<b>Annexures</b>	Nil

### INTRODUCTION

Council has been approached by TasFire Service regarding their strategic asset management planning for the Island. The Emita and Lady Barron fire sheds have been identified as requiring replacement. New sheds for each location should ideally consist of 2-3 bays and incorporate a training facility. TasFire workshopped this proposal with Councillors at the 1 December 2020 workshop and seeks “in principle” support to develop plans to establish a fire station incorporating a training facility, at the Furneaux (Emita) Recreation Ground, and Holloway Park, Lady Barron.

### PREVIOUS COUNCIL CONSIDERATION

Nil

### PREVIOUS COUNCIL DISCUSSION

1 December 2020 Workshop

### OFFICER’S REPORT

A development proposal has not been submitted to Council at this stage as TasFire seeks “in principle” support to allow the projects to progress.

A fire station is defined as being a ‘civic building/centre’ under the *Flinders Planning Scheme 2000* which is a prohibited use in the Environmental Management and Recreation Zone covering the Furneaux Recreation Ground. This will create some time delays, as a development application can not be accepted under the current arrangement for the Emita site. TasFire has advised they are assessing alternatives to accommodate this issue and understand that this will change with the inception of a new planning scheme.

The Lady Barron site is zoned as Public Purpose and Rural which can allow for applications to be submitted for ‘civic building/centre’ use.

Although it has been identified that the current planning scheme may present some issues with submissions of development applications for this proposal, it is still recommended that Council provides “in principle” support to TasFire so that they can progress the projects for Flinders Island.

### STATUTORY REQUIREMENT

Nil

### POLICY/STRATEGIC IMPLICATIONS

Strategic, Efficient and Effective Organisation - Ensure Council meets its statutory obligations and manages corporate and community risk - Flinders Planning Scheme.

### BUDGET AND FINANCIAL IMPLICATIONS

“In principle” support only at this stage.

**RISK/LIABILITY**

Risk that Flinders Island may be excluded from the strategic asset management plan of TasFire if support from Council is not provided.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council provides “in principle” support for TasFire Service to develop plans to establish a fire station incorporating a training facility, at the Furneaux (Emita) Recreation Ground and at Holloway Park, Lady Barron.**

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## **15 Works and Services**

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### **15.1 Works and Services Manager's Report – December 2020**

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Brian Barnewall   Works and Services Manager
<b>File Reference</b>	WOR/3000
<b>Annexures</b>	15.1.1 Works and Services Report - December 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. Council Officers welcome feedback from Councillors on the content and format of the report.

#### **VOTING REQUIREMENTS**

Simple Majority

#### **RECOMMENDATION**

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

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## 16 Notice of Motions

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### 16.1 Notice of Motion – Lady Barron Hall and Recreational Special Committee - Terms of Reference

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Councillor Sharon Blyth
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	AME/0503
<b>Annexures</b>	16.1.1 DRAFT Lady Barron Hall and Recreational Special Committee Terms of Reference

#### NOTICE OF MOTION

That the Terms of Reference recommended by the Lady Barron Hall and Recreational Special Committee be adopted by Council.

#### COUNCILLOR'S REPORT

On 17 November 2020, the Lady Barron Hall and Recreational Special Committee met.

At the meeting, Committee members discussed the relevance and purpose of the Committee and agreed that the Committee is still required.

Members of the Committee believed that Terms of Reference had been agreed in the past, however it was decided that working with the old and the Special Committee Terms of Reference that Mayor Annie Revie had sent to me earlier would take a little time and it was agreed that Carol Cox and Fran Bryson would meet and discuss the new Terms of Reference in more detail at a later date.

I now present to Council, Terms of Reference, as agreed to by the members of the Committee.

Presented herewith for approval.

#### PREVIOUS COUNCIL CONSIDERATION

100.04.2012	19 April 2012
205.10.2020	20 October 2020

#### PREVIOUS COUNCIL DISCUSSION

Nil

#### OFFICER'S REPORT

Section 24 of the *Local Government Act 1993* provides the power to establish, on such terms and for such purposes as it thinks fit, special committees.

At the 20 October 2020 ordinary meeting of Council, the Special Committees of Council Policy and Procedure were adopted. It is the Policy of Council that the non-negotiable procedures, as detailed in the Special Committees of Council Procedure, will be included in the Terms of Reference of all Special Committees. The Policy also allows for Special Committees to identify further Terms of Reference if required, which must be approved by Council.

The Lady Barron Hall and Recreational Special Committee has been operating for many years with the membership already well established and operating effectively. This motion does not seek to change this arrangement. The Committee has reviewed the non-negotiable Terms of



Reference and made proposed changes (Annexure 16.1.1 in red text) to reflect the Committee's specific circumstances and operations. It is noted that the minutes of the committee meeting, considered previously in this agenda, do not appear to contain a recommendation from the committee in regard to the adoption of proposed changes to the Terms of Reference.

The changes to the Terms of Reference appear suitable for the Committee's current responsibilities and activities, other than point "5.3 Any use of Committee funds is at the discretion of the Committee." This is an issue for further discussion. Where assets are being purchased, it is recommended that prior agreement with Council be sought to ensure safety and quality standards are met and that Council accepts on-going responsibility for the asset.

#### **STATUTORY REQUIREMENTS**

*Local Government Act 1993*

Local Government (Meeting Procedures) Regulations 2015

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

Strategic, Efficient and Effective Organisation - Ensure Council meets its statutory obligations and manages corporate and community risk.

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

As per Officer's Report on point 5.3.

#### **RISK/LIABILITY**

As per Officer's Report on point 5.3.

#### **VOTING REQUIREMENTS**

Simple Majority

#### **MOTION**

**Moved: CR S Blyth**

**That the Terms of Reference recommended by the Lady Barron Hall and Recreational Special Committee be adopted by Council.**

## 16.2 Notice of Motion – Lease of WG Holloway Memorial Park building to Furneaux Maritime History Association Inc.

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Cr Sharon Blyth
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	AME/0704
<b>Annexures</b>	Nil

### NOTICE OF MOTION

That the Flinders Council approves the use of the kitchen and adjoining room (with the roller doors) at the WG Holloway Memorial Park building, by the Furneaux Maritime History Association Inc. (FMHA), for the purposes of housing an ongoing maritime history display for a period of three years (with the option of a further three years), subject to the following conditions:

- That the FMHA enters into a lease for this purpose, comparable to that Council has with the Furneaux Museum;
- That the FMHA works in conjunction with the Lapidary Club to share the building cooperatively;
- That the FMHA pays an annual rent, comparable with that paid by the Furneaux Museum;
- That the FMHA is responsible for maintaining the condition of the interior at no cost to the Council;
- That the FMHA may undertake non-permanent alterations/installations as required to function effectively;
- That the FMHA returns the building to its original state at the end of the lease period, if required by the Council;
- That the Council is responsible for the building / external maintenance;
- That the FMHA is responsible for operating costs, e.g. power and water;
- That the FMHA works cooperatively with the Council to resolve any future issues that may arise over the course of the lease period; and
- That the FMHA vacate the building within 24 hours if an emergency arises on the Island and the building is needed by emergency services as a staging area.

### COUNCILLOR'S REPORT

The FMHA was incorporated in November 2012 under the *Associations Incorporation Act 1964* with Incorporation Number IA11242. Its office is C/- Gwen Bailey, Lady Barron 7255. The FMHA has been considering options for displaying Flinders Island maritime artefacts in the township of Lady Barron for quite a few years.

Gwen's husband, Don (now deceased), was a driving force and supporter of developing a maritime display in the Lady Barron region of the Furneaux Group. Don understood the significance of the region from a cultural and economic perspective within early European settlement in Australia. He encouraged a group of individuals to involve themselves in seeking to present to the community matters, especially of a maritime nature, to ensure the history did not become lost.

The Collection Policy of FMHA records the Statement of Purpose as being:

*“The purpose of the Furneaux Maritime History Association Incorporated is to promote an awareness of the historical and economic importance of the Furneaux Group in Bass Strait in the history of Australia from a maritime perspective. To do this the association will acquire, preserve and display maritime artefacts relevant to the area of the Furneaux Group from the time of European settlement and prior to that time.”*

FMHA has made a request to the Council to be given a lease on the building at WG Holloway Park in which it proposes to house items in a maritime display. The objective of the FMHA is to use the site to build up the number of exhibits for display. While occupying WG Holloway Park, FMHA would seek to identify and procure access to a small block of land elsewhere in Lady Barron on which it would construct a building to permanently house the display.

The primary reasons the Council has been asked to allow the use of the building at Holloway Park are:

- To start gathering and presenting items for display;
- To support requests by FMHA for funds for creating further displays and acquiring its own premises; and
- To record local maritime history while the Community still has members who can provide historical information.

There are many reasons to develop a maritime display at Lady Barron. Lady Barron is central to much of the maritime activity in the Furneaux Group. There are upwards of 200 shipwrecks in the Furneaux Group. The story needs to be told about these. Kent Bay on the southern coast of Cape Barren Island was the first place settled on the Australian mainland by Europeans after settlement at Sydney, following the grounding of the “*Sydney Cove*” on Preservation Island in 1797. The region was the first in Australia to have become financially successful (through the harvesting of seals) which contributed to independence of the new colony. The Indigenous population, located at The Corner on Cape Barren Island, developed a set of boat building and boat handling skills; that aspect of maritime history needs to be displayed and documented.

Central to the displays by FMHA is the figurehead of the “*Farsund*”, a vessel which went aground, about 10 kms from Lady Barron, on shoals off Vansittart Island in 1912. The remains of the vessel are still visible.

One important reason for establishing the display is that people with knowledge of maritime affairs are dying out. Their knowledge needs to be documented with some urgency.

The intention is to present artefacts by way of informative static and interactive displays. There will also be audio-visual presentations on maritime and related activities in the region.

The target audience is locals, adult and especially school age children, and visitors to the Community. As an example of the involvement of children, the Association held a display of artefacts relating to the “*Farsund*” and invited school children to write essays as if they were crewmembers of the vessel. Those essays received considerable attention by the attendees. Over 400 people attended the display which only went for 2 days. This number provides ample evidence that there is a significant level of interest in the Community and it is that interest which the Association intends to harness.

I commend Furneaux Maritime History Association Incorporated for undertaking this project and seek the support of the Council in passing the motion.

## **PREVIOUS COUNCIL CONSIDERATION**

Nil

## **PREVIOUS COUNCIL DISCUSSION**

3 November 2019 Workshop  
10 November 2020 Workshop  
24 November 2020 onsite meeting at Holloway Park  
1 December 2020 Workshop

## **OFFICER'S REPORT**

Due to the increase in projected campervan visitation numbers from mainland Tasmania, Council's Community Development Officer flagged the idea of a camping ground/rest area at Holloway Park with Council at the 3 November workshop. The idea encompassed the use of the large area for the parking of campervans but also the use of the kitchen and ablution facilities. As other ideas for use of the site were being discussed, including interest expressed by the Furneaux Maritime History Association Inc., the 25 November workshop commenced at the Holloway Park site. A number of interested parties attended, including representatives from the Lady Barron Hall and Recreational Special Committee of Council and the Furneaux Maritime History Association Inc., so that each party had the opportunity to voice their perspective.

At the 1 December workshop, Councillors also heard from TasFire regarding their interest in using Holloway Park as an emergency staging area for fire events and for the possible future development of a fire station on the site (as per the previous agenda item). Councillors discussed the number of interests in the Holloway Park site and options that would allow for multiple uses to be established and co-exist on the site.

New uses on the site, such as camping ground/rest area, emergency staging area and a fire station, would require planning approval, however, the proposed use of the space by the Furneaux Maritime History Association would not. It was acknowledged at the December workshop that there are some land tenure issues that need to be addressed prior to any development applications being submitted. Therefore, the Furneaux Maritime History Association could set up their historical display in the currently unused kitchen, and adjoining area, until planning issues are resolved and details of the other uses are known.

An agreement with the Furneaux Maritime History Association to use the kitchen and adjoining area for a 3 year period (with the option of a further three years) may be overly restrictive in terms of a commitment from Council, given the potential requirements of other options for use of the facility that are currently being explored by Council. A shorter term lease of between six to twelve months may be more appropriate in these circumstances while Council further investigates options to best utilise the site for the maximum community benefit.

## **STATUTORY REQUIREMENTS**

*Local Government Act 1993*

## **POLICY/STRATEGIC IMPLICATIONS**

Nil

## **BUDGET AND FINANCIAL IMPLICATIONS**

Nil

## **RISK/LIABILITY**

Council's insurance will only cover council activities within the building. Therefore, the Association will require their own insurance to cover public liability and items on display.

#### **VOTING REQUIREMENTS**

Simple Majority

#### **MOTION**

**Moved: Cr S Blyth**

**That the Flinders Council approves the use of the kitchen and adjoining room (with the roller doors) at the W G Holloway Memorial Park building, by the Furneaux Maritime History Association Inc. (FMHA), for the purposes of housing an ongoing maritime history display for a period of three years (with the option of a further three years), subject to the following conditions:**

- **That the FMHA enters into a lease for this purpose, comparable to that Council has with the Furneaux Museum;**
- **That the FMHA works in conjunction with the Lapidary Club to share the building cooperatively;**
- **That the FMHA pays an annual rent, comparable with that paid by the Furneaux Museum;**
- **That the FMHA is responsible for maintaining the condition of the interior at no cost to the Council;**
- **That the FMHA may undertake non-permanent alterations/installations as required to function effectively;**
- **That the FMHA returns the building to its original state at the end of the lease period, if required by the Council;**
- **That the Council is responsible for the building / external maintenance;**
- **That the FMHA is responsible for operating costs, e.g. power and water;**
- **That the FMHA works cooperatively with the Council to resolve any future issues that may arise over the course of the lease period; and**
- **That the FMHA vacate the building within 24 hours if an emergency arises on the Island and the building is needed by emergency services as a staging area.**

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## 17 Governance

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### 17.1 Flinders Island Marine Access and Safe Harbour Project – Public Tender Exemption and Early Contractor Involvement

<b>Action</b>	<b>Decision</b>
<b>Proponent Officer</b>	Council Officer Warren Groves
<b>File Reference</b>	COM/0402, ASM/0200
<b>Annexures</b>	17.1.1 Early Contractor Involvement Evaluation Report (For Elected Members only)

#### INTRODUCTION

Council is progressing the grant application for the federal funding for the Flinders Island Marine Access and Safe Harbour Project (FIMASH). The application requires works, such as detailed drawings, permits, licences, approvals and environmental studies, to be completed to a tender ready stage (shovel ready). The marine environment is not core council business and Flinders Council does not have the in-house expertise to prepare the grant application, therefore must engage suitably qualified contractors/consultants to undertake this work.

As the value of this initial work is estimated to be greater than \$100,000, the *Local Government Act 1993* provides that, subject to specific exemptions, Council must invite a public tender for the contract. In this case, it is believed that a public tender would not achieve a satisfactory result and an exemption is sought. An Early Contractor Involvement (ECI) process is recommended as an appropriate alternate procurement method.

In the event that Council agrees to exempt the public tender process, a suitable contractor to undertake the Early Contractor Involvement work has been identified.

#### 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
194.09.2020	29 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
27 October 2020	Council Workshop

## **OFFICER'S REPORT**

Flinders Council has been working towards submitting the grant application for the Federal Government funding to construct stage one of the FIMASH project since 2019. The progress of the grant application was delayed for some months whilst TasPorts, at the request of State Minister for Infrastructure, the Hon Michael Ferguson, proposed an alternative model situated at the Lady Barron Port.

In September, when Council formally considered the TasPorts proposal, Council listened to the concerns expressed by the Community and deferred the decision. After further community input and discussions with the Hon Bridget Archer MP, Member for Parliament for Bass, Council held a special meeting of Council on 29 September 2020. At the special meeting, Council resolved motion no. 194.09.2020 to continue with the application for Federal Government funding to construct stage one of the original Flinders Island Marine Access and Safe Harbour project, being a breakwater (and additional associated structures, as funding allows) at the originally identified site at Lady Barron.

Since that time, work to progress the grant application has recommenced. Council sought, and was allocated, a specific grants body project liaison officer for this project. Council also applied for, and was granted, an extension to the timeframe for the submission of the grant application until 30 June 2021. This was necessary as the application entails works, such as detailed drawings, permits, licences, approvals and environmental studies, to be completed to a tender ready stage (shovel ready), prior to submission of the funding application. As the marine environment is not core council business and Council does not have the expertise in-house to prepare the application, it is necessary to engage suitably qualified contractors/consultants to undertake the work.

Due to the value of this work being estimated to be greater than \$100,000, the *Local Government Act 1993* requires that, subject to specific exemptions, Council must invite a public tender for the contract. Regulation 27 of the Local Government (General) Regulations 2015 allows for exemptions to this requirement, if it is believed a satisfactory result would not be achieved by inviting tenders.

In May 2020, Flinders Council issued a request for expressions of interest (EOI) for the FIMASH Project to eight Tasmanian-based civil construction companies recognised as having the necessary experience and capability (quarries, civil construction, and specifically maritime civil infrastructure) to deliver the FIMASH Project. Two substantial expressions of interest, indicating interest and capacity to complete the project, were received as a result. The low number of EOI is believed to be a product of the remoteness of Flinders Island; the significant

government funding currently on offer for large scale COVID-19 recovery projects; and the limited number of suitable contractors in Tasmania.

Given the initial EOI process resulted in only two interested contractors, it is believed that a public tender would not elicit additional interested contractors, therefore an exemption is sought from Council. An accepted alternative procurement method is the Early Contractor Involvement (ECI) process which would enable Council to select one of the two interested contractors, who have the required capacity, capability and familiarity with the project, to progress Council to the grant submission stage.

In the interests of timesaving, given the previous delays in the project and significant community interest, Council Officers have consulted with the two identified contractors to confirm their interest in continuing with the project under an ECI process. Both contractors confirmed their interest and submitted ECI proposals for consideration.

The two ECI submissions were evaluated and one company scored higher based on the quality of their submission, and their willingness to work collaboratively with Flinders Council and the Community to deliver the FIMASH Project. The review of the submissions noted the following:

- Both proponents provided submissions that complied with the ECI requirements, but Contractor 1 was a superior presentation;
- Both proponents stated they were familiar with the ECI process but noted that Contractor 1 appeared to have more experience and included an Early Contract Involvement Project Planning Management Policy in their submission;
- Both proponents propose to use Burbury Consulting as the design engineer for the project;
- Contractor 2 presented a proposal from Marine Solutions to undertake marine studies. This work may not be required (discretionary activity);
- While not explicit, it is likely that Burbury Consulting will provide all design and planning services on behalf of Contractor 2;
- Contractor 1 proposed an additional consultant and provided a proposal from Integrated Land Management and Planning to provide planning services and with new quarry assessment experience;
- Both proponents completed the schedule of rates tables and provided some fixed price elements. From a comparison perspective only the fixed price elements for the design and planning components were assessed;
- Both proponents provided provisional sum items with Contractor 2, a list, and Contractor 1, a sum total. Under ECI, actual components (requirements) covered by provisional sums will be explored through the ECI workshop process;
- Both proponents hold third party certification for safety, quality, and environment reflected in the knowledge and presentation of their integrated management systems;
- Both proponents have experience in delivering maritime structures and including breakwaters; and
- In consideration of risk, both proponents have been deemed low risk based on capability and experience in delivering maritime based civil construction projects.



If Council agrees to exempt the public tender process, it is recommended that Contractor 1 be invited to participate in the Early Contractor Involvement to deliver the works required for the grant application.

#### **STATUTORY REQUIREMENT**

*Local Government Act 1993*

Flinders Council Code of Tenders and Contracts

#### **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**

An ECI process had been identified as the most cost-effective method to preparing the works required for the grant application.

#### **RISK/LIABILITY**

The Early Contractor Involvement proposal process will provide Council with a level of comfort that delivering the works required for the grant application will present a low-risk proposition.

#### **VOTING REQUIREMENTS**

Absolute Majority

#### **RECOMMENDATION**

- 1. That Council approves an exemption from public tender procurement for the works required up to the submission of the Flinders Island Marine Access and Safe Harbour Project grant application, as a satisfactory result is not expected to be achieved due to the unavailability of competitive or reliable tenderers, as established by the Expression of Interest process previously undertaken by Council.**
- 2. That Council awards the Early Contractor Involvement contract for the delivery of works required, up to the submission of the Flinders Island Marine Access and Safe Harbour Project grant application, to Contractor 1.**

## 17.2 Exemption from Pecuniary Interest for Committee Members

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	COU/0600
<b>Annexures</b>	Nil

### INTRODUCTION

Flinders Council currently has a number of special committees that were established to allow communication, discussion and community input into decision-making on specific areas or activities of community and Council importance.

Special Committees include community members who are often nominated for membership due to their expertise in an activity and their involvement in the activity could be perceived as a pecuniary interest. Under the *Local Government Act 1993* councils are able to provide exemption for community committee members for a period of 12 months.

### PREVIOUS COUNCIL DISCUSSION

326.12.2016	15 December 2016
297.12.2017	14 December 2017
344.12.2018	18 December 2018
328.12.2019	17 December 2019

### PREVIOUS COUNCIL CONSIDERATION

Council Workshop	1 December 2016
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### OFFICER'S REPORT

The membership of all Special Committees also includes community members who are often nominated for membership due to their expertise in a business, community group or activity specifically related to the Special Committee. Under the *Local Government Act 1993*, this expertise could be perceived as a potential pecuniary interest in which case the committee member would not be entitled to vote on matters being dealt with by the Committee.

Section 52(3) of Part 5 of the *Local Government Act 1993* enables a council to exempt community members who are Special Committee members from pecuniary interest for a period of 12 months if the community member has a potential pecuniary interest in a matter only because of being appointed as a member due to expertise arising from direct involvement in an activity that gives rise to that potential pecuniary interest.

Providing community members on Special Committees with exemption from pecuniary interest supports their right to vote on matters being dealt with that might otherwise appear as though an interest should be declared.

Council resolved to grant exemption from pecuniary interest for Special Committee community members for a period of 12 months at the December 2019 council meeting and it is again time to consider this matter.

### STATUTORY REQUIREMENT

*Local Government Act 1993*

Local Government (Meeting Procedures) Regulations 2015

**POLICY/STRATEGIC IMPLICATIONS**

No Policy exists on this matter

**BUDGET AND FINANCIAL IMPLICATIONS**

Nil

**RISK/LIABILITY**

Low

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

- 1. That Council agrees to grant exemption from pecuniary interest to the community members appointed to all of its Special Committees for a period of 12 months, from December 2020 to December 2021.**
- 2. That Council again considers the pecuniary interest of community members on its Special Committees at the December 2021 Ordinary Meeting of Council.**

### **17.3 2020 Complaints Received Report**

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	GOV/1001
<b>Annexures</b>	17.3.1 2020 Complaints Received Register

#### **INTRODUCTION**

Council has a Customer Service Charter that specifies a procedure for dealing with written complaints received. Section 339F(5) of the *Local Government Act 1993* requires the General Manager to provide the Council with a report, at least once a year, of the number and nature of such complaints received.

#### **PREVIOUS COUNCIL CONSIDERATION**

The report is presented on an annual basis.

#### **OFFICER'S REPORT**

Council's Customer Service Charter defines a complaint as "an expression of dissatisfaction with a level or quality of service or product offered or provided, or an appeal for action." Complaints must be made in writing and addressed to the attention of the General Manager.

Annexure 17.4.1 details the written complaints received by the General Manager throughout the 2020 calendar year, along with the action taken to resolve the issue, where possible.

#### **VOTING REQUIREMENTS**

Simple Majority

#### **RECOMMENDATION**

**That the report on complaints received during 2020 be noted.**

## 17.4 Flinders Council 2021-2031 Strategic Plan

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	FIN/0100
<b>Annexures</b>	17.4.1 DRAFT Flinders Council 2021-2031 Strategic Plan

### INTRODUCTION

Section 66 of the *Local Government Act 1993* requires Council to prepare a Strategic Plan for the municipal area in respect of at least a ten year period.

Flinders Council's previous Strategic Plan has lapsed and a new plan is required.

### PREVIOUS COUNCIL CONSIDERATION

Nil

### PREVIOUS COUNCIL DISCUSSION

11 February 2020	Council Workshop
10 March 2020	Council Workshop
24 March 2020	Council Workshop
5 May 2020	Council Workshop
12 May 2020	Council Workshop
19 May 2020	Council Workshop
2 June 2020	Council Workshop
9 June 2020	Council Workshop
23 June 2020	Council Workshop
30 June 2020	Council Workshop
14 July 2020	Council Workshop
4 August 2020	Council Workshop
8 September 2020	Council Workshop
6 October 2020	Council Workshop
10 November 2020	Council Workshop
1 December 2020	Council Workshop

### OFFICER'S REPORT

Over the course of the 2020 calendar year, Council has worked together with the Community to develop a document representative of their goals and aspirations for our Municipality over the next ten years. I have been particularly pleased with the high levels of input and engagement from the Community as well as staff and Councillors alike. This has no doubt been an additional benefit of Council's decision to conduct the strategic process internally without the high costs and potential lack of real connectedness associated with an external consultant.

An additional benefit has been the significant increase of, and variety of methods used, to engage with and feed back information received by Council, to the Community, during this process.

In preparing the Draft Strategic Plan, Council considered opportunities, challenges and future directions required to sustain the organisation and the Community we serve. Informed by detailed economic, social and community-based information on Flinders, regional Australia more generally and trends in regional development theory and practice, the draft Strategic Plan sets a vision for the future delivery of services and the advocacy and support Council can provide the communities of the islands.

In July 2020, Council released an initial framework for the Strategic Plan in the form of a survey for community and stakeholder input. Feedback received via the survey and face-to-face discussions at locations across the Island, was incorporated into the Draft 1 Flinders Council Strategic Plan. Draft 1 was then made available for public comment from 15 October to 2 November 2020. All feedback received was incorporated into the final draft of the Flinders Council Strategic Plan, under consideration today.

I commend the Flinders Council 2021-2031 Strategic Plan for Council consideration.

#### **STATUTORY REQUIREMENT**

*Local Government Act 1993*

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

Strategic, Efficient and Effective Organisation - Ensure Council meets its statutory obligations and manages corporate and community risk - All legislative and regulatory compliance related to Council activities met. AP 2021 - 4 Complete the 2020-30 Flinders Council Strategic Plan, and the Long-term Financial and Asset Management Plans and Policies.

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

The Strategic Plan informs the organisational direction of the Council as a whole and is the lead document to direct the development of the Annual Plan and subsequent budget allocations to tasks and action.

#### **RISK/LIABILITY**

Nil

#### **VOTING REQUIREMENTS**

Simple Majority

#### **RECOMMENDATION**

**That Council adopts the Flinders Council 2021-2031 Strategic Plan.**

## 17.5 Quarterly Report on the Northern Tasmania Development Corporation Ltd.

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	COU/0305
<b>Annexures</b>	17.5.1 Northern Tasmania Development Corporation's Quarterly Progress Report July to September 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 17.5.1, NTDC's Quarterly Progress Report provided to all member councils, incorporates the update for the quarter July to September 2020.

### PREVIOUS COUNCIL CONSIDERATION

This is the first quarter formal report for financial year 2020/2021 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 July to September 2020.

The report summarises progress undertaken for the quarter with NTDC making positive progress. There are no financial viability issues raised or adverse developments. It is pleasing to note the picture of Trousers Point on the front page of this report.

**STATUTORY REQUIREMENT**

*Local Government Act 1993*

**POLICY/STRATEGIC IMPLICATIONS**

Strategic, Efficient and Effective Organisation - Remain actively engaged with internal and external stakeholders providing regional leadership - The Furneaux Islands' unique circumstances, isolated community and specific financial needs are understood by key external stakeholders.

**RISK/LIABILITY**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council notes the Northern Tasmania Development Corporation Quarterly Progress Report July to September 2020.**



## **17.6 Councillor Resolution Report**

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	GOV/0300
<b>Annexures</b>	17.6.1 Councillor Resolution Report December 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 17.6.1 – Councillor Resolution Report December 2020.

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

**That the Councillor Resolution Report December 2020 be noted.**

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## 18 Closed Council

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### 18.1 Closed Council Item – Extension of State Government COVID-19 Initiative Trial

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager

#### **REASON FOR CLOSED COUNCIL**

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

#### **VOTING REQUIREMENTS**

Absolute Majority

#### **RECOMMENDATION**

**That Council moves into Closed Council.**

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**Meeting Closed**

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