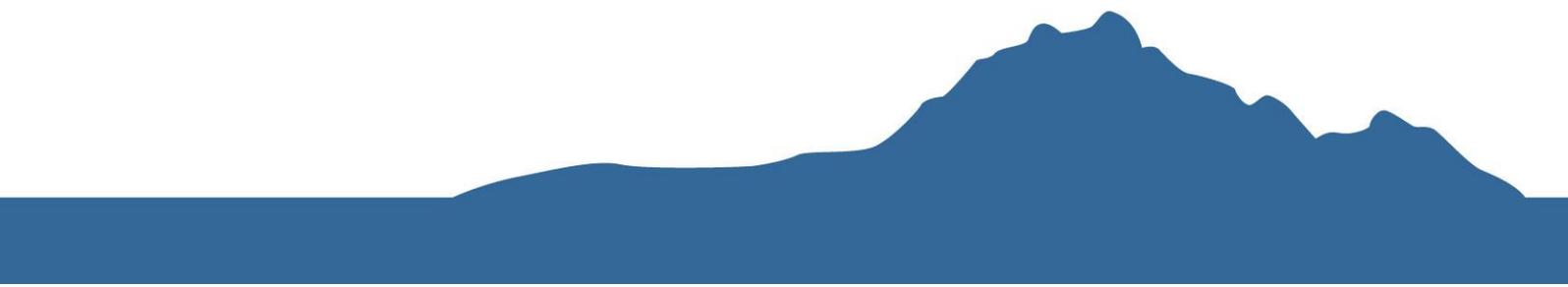




Agenda

Ordinary Council Meeting

22 November 2022



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 November 2022



Warren Groves
GENERAL MANAGER

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FLINDERS COUNCIL ORDINARY MEETING – AGENDA

TUESDAY 22 November 2022

Venue Flinders Island Arts and Entertainment Centre
Commencing 5 pm

Attendees – Councillors Mayor Rachel Summers
Deputy Mayor Vanessa Grace
Councillor Garry Blenkhorn
Councillor Aaron Burke
Councillor Carol Cox
Councillor Peter Rhodes

Attendees- Staff Warren Groves | General Manager
Kyra Newman | Executive Assistant (minute taker)
Vicki Warden | Executive Officer
Chris Wilson | Infrastructure Manager

1. ACKNOWLEDGEMENT 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. WELCOME TO NEW COUNCILLORS

Action	Decision
Proponent	Council Officer
Officer	Warren Groves General Manager
File Reference	COU/0102
Annexures	2.1 Certificate of Election – Flinders Council 2.2 Councillors' Declarations of Office

OFFICER'S REPORT

Following the 2022 Local Government elections, the Certificate of Election for the 2022-2026 Flinders Council has been received and is hereby tabled as Annexure 2.1.

In accordance with the provisions of Section 321 of the *Local Government Act 1993*, the General Manager confirms that six of the seven Councillors completed the Declaration of Office at an event on 2 November 2022 and solemnly declared to:

- a) Faithfully carry out the functions and exercise the powers vested in them by virtue of that office to the best of their ability and in accordance with the law;
- b) Comply with the Council's code of conduct;
- c) Engage in ongoing professional development; and
- d) Abide by the principles of good governance.

The seventh councillor, Ken Stockton, is currently overseas, expected to return 26 November. On his return he will complete the Declaration of Office to become a Councillor.

Newly elected Councillors are provided the opportunity to restate their Declaration of Office, address Council to outline their goals and aspirations for their term ahead and to thank their supporters.

OFFICER'S RECOMMENDATION:

1. That the Certificate of Election be received.
2. That the completed Declarations of Office for Mayor Rachel Summers, Deputy Mayor Vanessa Grace, Councillor Garry Blenkhorn, Councillor Aaron Burke, Councillor Carol Cox, and Councillor Peter Rhodes be received.
3. That newly elected Councillors be provided an opportunity to restate their Declaration of Office, address Council to outline their goals and aspirations for their term ahead and to thank their supporters, if so desired.

3. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes from the Ordinary and Closed Council Meetings held 18 October 2022 be confirmed.

4. PUBLIC QUESTION TIME

In accordance with Section 31 (1) of the Local Government (Meeting Procedures) Regulations 2015 and the Flinders Council Public Question Time – Council Meeting Procedure, the following are to be adhered to at public question time.

Public Question Time is permitted 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 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 required.*
- 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.*

5. COUNCILLORS' QUESTIONS ON NOTICE

Question 1. Cr Peter Rhodes on behalf of Linda Nicol

Given several years have passed since the issue of camper vans on the Island has been discussed it would appear that the Island is still not seeing a contribution from these visitors which would go towards improving facilities at camping sites. Please can Council inform the community when they expect to introduce a permit system to regulate numbers of visitors at campsites as well as where they stay and for how long?

General Manager's Response:

I understand that this suggestion was previously workshopped by Council in March of 2018. There is currently no mechanism to levy fees for activities such as a camping permit system in the absence of enabling Council By-Laws. The related question of Council's appetite for a system of By-Laws and/or a permit system for camping is a matter for Councillor consideration.

Question 2. Cr Peter Rhodes on behalf of Linda Nicol

In light of Council's commitment to transparency, can Council workshops be made open to the general public who have a genuine interest in topics of discussion?

General Manager's Response:

I am advised that Council has previously held open workshops but since moved to closed workshops. I can find limited reference to and no guidance on the conducting of workshops within the Local Government (Meeting Procedures) Regulations 2015, nor is there a Council policy on this matter. As Council has no legislative or policy guidance on how it should conduct workshops, further Councillor consideration and a formal decision would be required.

Question 3. Cr Peter Rhodes on behalf of Linda Nicol

Can councillors confirm how they intend to deal with access to information and how the use of such information could be seen as a conflict of interest and used by a council member to further their own business interests? For example, could a conflict of interest perceived or otherwise exist if a mayor or councillor works within a government organisation thereby having unfair access to sensitive information? Access of which may result in decisions that are biased and not necessarily in the best interest of the community at large.

General Manager Response:

There are a number of ways that confidentiality and conflicts of interest are dealt with across Council and government organisations.

Councillors are bound by the Code of Conduct which details amongst other things, rules around decision making, conflicts of interest that are not pecuniary, use of office, use of resources and use of information. Each Councillor declares they will comply with Council's Code of Conduct when they sign their Declaration of Office. The Code of Conduct for Elected Members policy is reviewed and adopted in the first few months of each new Council's term (<https://www.flinders.tas.gov.au/code-of-conduct>).

Councillors are also required to complete a Declaration of Related Party Transactions and Consent Form each year declaring any entities that they or close family members have sole or joint control over, and the nature of likely transactions with Council.

I am advised that employees of a government organisation are governed by very strict rules around confidentiality and the use of information, including regular training and signing of confidentiality agreements. I am further advised that prior to undertaking other roles, State Government employees must complete a Conflict of Interest form which is assessed by senior management within the organisation before being approved or declined. I am also advised that at least three employees from state government organisations nominated in this most recent Local Government election, and a number of elected members have continued their roles within the State Service during their Council terms.

In conclusion, it is worthy of note that Council consists of seven individual Councillors. Each Councillor is entitled to their say and their vote on each matter. Councillors are bound as elected members to act in the best interest of the Community at all times (*Local Government Act 1993, Part 3*):

"Division 2, 20. Functions and powers

- (1) In addition to any functions of a council in this or any other Act, a council has the following functions:*
- (a) to provide for the health, safety and welfare of the community;*
 - (b) to represent and promote the interests of the community;*
 - (c) to provide for the peace, order and good government of the municipal area.*

Division 3, 28. Functions of councillors

- (1) A councillor, in the capacity of an individual councillor, has the following functions:
- (a) to represent the community;
 - (b) to act in the best interests of the community;
 - (c) to facilitate communication by the council with the community;
 - (d) to participate in the activities of the council;
 - (e) to undertake duties and responsibilities as authorised by the council.”

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 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 Flinders Council Policy and Procedure Framework, Public Open Space Policy and Asset Disposal Policy were approved for adoption and the Aviation Policy was approved for rescission at the 20 September 2022 Ordinary Council Meeting. No submissions were received throughout the 28 day public consultation period. As per the requirements of the previous Flinders Council Policy Manual Policy, the Flinders Council Policy and Procedure Framework, Public Open Space Policy and Asset Disposal Policy can now be adopted, and the Airport Policy rescinded.

RECOMMENDATION

That the Flinders Council Policy and Procedure Framework, Public Open Space Policy and Asset Disposal Policy be adopted and the Airport Policy be rescinded.

11. WORKSHOPS & INFORMATION FORUMS

File No. COU/0205

Council Workshop – 8 November 2022

Council held a workshop on the following subjects:

- Item 1 Overview Council Organisation
- Item 2 Childcare Services
- Item 3 Councillor SharePoint
- Item 4 Code of Conduct and Confidentiality
- Item 5 General Manager Update
- Item 6 Preparation for November Council Meeting
- Item 7 Local Government Association of Tasmania Professional Development
- Item 8 Next Workshop

Attendees - Councillors	In-Attendance
Mayor Rachel Summers	Yes
Deputy Mayor Vanessa Grace	Yes
Councillor Aaron Burke	Apology
Councillor Carol Cox	Yes
Councillor Gary Blenkhorn	Yes
Councillor Peter Rhodes	No

Attendees - Staff and Consultants

Warren Groves	General Manager
Chris Wilson	Infrastructure and Airport Manager
Vicki Warden	Executive Officer
Jacci Smith	Development Services Coordinator (Item 1)
Jade Boyes	Corporate Services Coordinator (Item 1)
Sammi Gowthorp	Community Services Coordinator (Item 1)
Sebastian Tuttle	Thrive Group (Item 2)
Regina Thompson	Thrive Group (Item 2)
Kyra Newman	Executive Assistant (Items 1 – 5)

RECOMMENDATION

That the Council Workshop held on 8 November 2022 be noted.

12. PUBLICATIONS/REPORTS TABLED FOR COUNCIL INFORMATION

13. REPORTS TO BE RECEIVED

13.1 LADY BARRON HALL AND RECREATION SPECIAL COMMITTEE

File Reference AME/0503

Annexure 13.1.1 Lady Barron Hall and Recreation Special Committee General Meeting
31 October 2022 Unconfirmed Minutes
13.1.2 Lady Barron Hall and Recreation Special Committee Annual General
Meeting 31 October 2022 Unconfirmed Minutes

OFFICER'S REPORT (Warren Groves, General Manager)

The unconfirmed minutes of the Lady Barron Hall and Recreation Special Committee General Meeting and the Annual General Meeting held 31 October 2022 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 Recreation Special Committee General and Annual General Meeting held 31 October 2022 be noted.

14. MAYOR'S REPORT

Action	Information
Proponent	Mayor R Summers
File Reference	COU/0600
Annexures	Nil

PAST MAYOR DAVID WILLIAM'S REPORT: 12 October - 1 November 2022

APPOINTMENTS

DATE	ACTIVITY
10/2022	ABC Hobart Interview – Fin Fish Farm

CORRESPONDENCE IN

DATE	FROM	SUBJECT
22/10/2022	D Harris	Furneaux Group Shipping Special Committee

CORRESPONDENCE OUT

DATE	TO	SUBJECT
25/10/2022	P George	Fin Fish Farming in the Furneaux Group
24/10	G Woods – Senior Advisor to J Palmer MP	Fin Fish Farming in the Furneaux Group
19/10	Flinders Boating Special Committee Members	Decision of Council – New members
19/10	A Daw	Appointment to the Flinders Boating Special Committee
19/10	A Donnellan	Appointment to the Flinders Boating Special Committee
19/10	J Nicholls	Appointment to the Flinders Boating Special Committee
19/10	C Wheatley	Appointment to the Flinders Boating Special Committee
21/10	D Harris	Furneaux Group Shipping Special Committee

CURRENT MAYOR RACHEL SUMMER'S REPORT: From 2 November 2022

APPOINTMENTS

DATE	ACTIVITY
26/10/2022	Phone Interview with Nikita McGuire from the Examiner
26,27,28/10	Phone Interview with Rebecca Pridham from the ABC
31/10	Phone call with Mathew Healy - Executive Director of the Office of Local Government - congratulations
1/11	Phone call with Judy Jacques regarding Salmon Farming
4/11	Phone call with Elizabeth Daly the Chair of Thrive Group, regarding the ABC article of childcare on the Island
8/11	Council Workshop
8/11	Brief meeting with representatives from Thrive Group (formerly NCN) regarding childcare concerns
9/11	In-person discussion with Ken Oakenfull regarding Safe Harbour
10/11	Meeting with Richard Broome and Council Staff regarding Waste and Circular Economy

MAIL IN

DATE	FROM	SUBJECT
30/10	Simon Woods MP	Letter of congratulations
31/10	Bridget Archer MP	Letter of congratulations
31/10	Meg Webb MLC	Proposed Evaluation Review of the Introduction of Compulsory Voting for Local Council Elections
4/11	Senator Jonathon Duniham	Letter of congratulations
7/11	Jeremy Rockliff MP	Northern Flood Recovery Advisory Group
10/11	Flinders Island District High School (FIDHS)	2022 Flinders Island District High School Annual Awards

EMAIL

DATE	FROM	SUBJECT
26/10/2022	Dianna Christine	Local Government Learning Development Framework
26/10	Janie Finlay MP	Congratulations (text message)
27/10	Rebecca Pridham ABC	Childcare Issues
27/10	Dion Lester	Congratulations
28/10	Ken Stockton	Apologies for the Declaration of Office Ceremony
31/10	Kurt Joyce/Meg Webb MLC	Proposed Evaluation Review of the Introduction of Compulsory Voting for Local Council Elections
11/04	Elizabeth Daly	Thrive Group - Childcare Issues
11/05	Peter George Neighbours of Fish Farming (NOFF)	Salmon farming
11/07	Premier Jeremy Rockliff	Invitation to join Northern Flood Recovery Advisory Group
11/08	Melissa Partridge	McIntyre Electorate Tour
11/09	Kurt Joyce/Meg Webb MLC	Update - Review of the Introduction of Compulsory Voting for Local Council Elections
11/09	Jackie Harvey	Tasmania Talks Request
11/09	Nickie Birchall/Commissioner for Children and Young People	Invitation to attend Statewide CCYP (Commissioner for Children and Young People) Ambassador Program Event
11/10	Kelly Blundstone FIDHS	Request for support - 2022 Flinders Island District High School Annual Awards
28/10	Fran Bryson	Congratulations
26/10	Dianna Christine	Local Government Learning Development Framework

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the past Mayor and the current Mayor's report be received.

15. DEVELOPMENT SERVICES

15.1 DEVELOPMENT APPLICATION REPORT

Action	Information
Proponent	Council Officer
Officer	Jacci Smith Development Services Coordinator
File Reference	PLN/0105
Annexures	15.1.1 Development Applications Report – October 2022

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. As of July 2020, Flinders Council now generates the data and prepares the Development Application Report monthly.

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, Development Applications Report – October 2022.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Development Applications Report – October 2022 be received.

16. INFRASTRUCTURE

16.1 INFRASTRUCTURE MANAGER'S REPORT – OCTOBER 2022

Action	Information
Proponent	Council Officer
Officer	Chris Wilson Infrastructure Manager
File References	WOR/3000
Annexures	16.1.1 Infrastructure Manager's Report October 2022

INTRODUCTION

The purpose of this report is to provide Councillors with an update of monthly activities undertaken by the Infrastructure department.

OFFICER'S REPORT

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

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Infrastructure Manager's Report – October 2022 be received and accepted by Council.

17. NOTICE OF MOTION

17.1 NOTICE OF MOTION – LADY BARRON HALL AND RECREATION SPECIAL COMMITTEE RECOMMENDATIONS

Action	Decision
Proponent	Cr Carol Cox
Officer	Warren Groves General Manager
File Reference	AME/0503
Annexures	Nil

NOTICE OF MOTION

1. That Frances Henwood be appointed to the Lady Barron Hall and Recreation Special Committee of Flinders Council.
2. That the name of the Lady Barron Hall and Recreation Special Committee be changed to the Lady Barron Special Committee.
3. That the medal awarded to the Lady Barron Sports Club at the 1994 Flinders Island Regatta be offered to the Furneaux Museum.

COUNCILLOR'S REPORT

A background report is given for each motion.

Committee member: In early 2022, at the request of the Lady Barron Hall and Recreation Special Committee (LBH&RSC), the Council advertised for interested persons to apply to fill a vacancy on the committee. Frances was the only applicant. At the meeting of the Special Committee in June 2022, it was recommended that the Council appoint Frances to fill the vacancy. Flinders Council procedures require that Council appoints the members of special committees. I thus request that the appointment of Frances Henwood to the Lady Barron Hall and Recreation Special Committee be supported.

Committee name: At the 2 June 2022 meeting of the LBH&RSC, members voted to change the name to the 'Lady Barron Special Committee'.

The reasoning behind the name change is to make it shorter and simpler to use, both when speaking to people and in written documents.

The name Lady Barron Special Committee fits with the terms of reference of the committee. *"To raise funds, and/or initiate projects, from time to time and as needed, which shall be for the enhancement of the facilities and/or the betterment of the Lady Barron community and visitors to the Town of Lady Barron."*, being part 2 of the "Purpose" of the committee.

The committee is proactive in undertaking events and activities that support the broader Lady Barron community and are not specific to the hall, Holloway Park or the tennis court. Examples are the memorial garden, Christmas lights/decorations, and the proposed development of a weatherproof book exchange cabinet that would be accessible at any time day or night. As per the Terms of Reference, the committee will continue to liaise and/or work with council on its activities.

The change of name would be of convenience to the committee and fits with the terms of reference, thus I ask for council's support on this.

Medal: The committee has discovered in its archival collection, the medal, as described in the photographs below.

The committee considers that the medal should be offered to the Furneaux Museum as it relates to an event in the history of the Furneaux Group. The Furneaux Museum has an acquisitions committee which will consider the offer if it is made.

The committee seeks the approval of council to offer the medal to the museum.



PREVIOUS COUNCIL CONSIDERATION

113.06.2022 14 June 2022 (unconfirmed minutes of Special Committee meeting)

PREVIOUS COUNCIL DISCUSSION

Nil

OFFICER'S REPORT

The three motions as detailed are appropriate, within the scope of the Special Committee Terms of Reference and as a result of Committee deliberations. As such, it is open to Councillors to support each motion in the interests of confirming the applicant for the committee vacancy, revising the Special Committee's name and offering the Lady Barron Sports Club medal to the Furneaux Museum.

STATUTORY REQUIREMENTS

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS

Nil

BUDGET AND FINANCIAL IMPLICATIONS

Nil

RISK/LIABILITY

Nil

VOTING REQUIREMENTS

Simple Majority

MOTION

Cr Carol Cox

- 1. That Frances Henwood be appointed to the Lady Barron Hall and Recreation Special Committee of Flinders Council.**
- 2. That the name of the Lady Barron Hall and Recreation Special Committee be changed to the Lady Barron Special Committee.**
- 3. That the medal awarded to the Lady Barron Sports Club at the 1994 Flinders Island Regatta be offered to the Furneaux Museum.**

17.2 NOTICE OF MOTION – SUCCESSION PLANNING

Action	Decision
Proponent	Mayor Rachel Summers
Officer	Warren Groves General Manager
File Reference	COU/0204
Annexures	Nil

NOTICE OF MOTION

That Council discusses and agrees to a line of succession in the instance where the Mayor and Deputy Mayor are unavailable.

COUNCILLOR'S REPORT

On a number of occasions during the term of the previous Council, both the Mayor and Deputy Mayor were unavailable and another Councillor was required to step into the role. There were even two occasions where a second Councillor was required to act in these roles.

I feel it better to have this agreed in advance rather than waiting for the occasion to arise and having to call a special meeting. I ask Councillors to consider options such as who (one person, or a chain) and duration (12 months, the duration of the current term of Council etc.).

PREVIOUS COUNCIL CONSIDERATION

Nil

PREVIOUS COUNCIL DISCUSSION

Nil

OFFICER'S REPORT

The notion of preparedness in context of this motion is a worthwhile and proactive measure to contribute to the smooth management and administration of Councillor roles, responsibilities and duties. It is a worthy consideration for Councillors given the Municipality's remoteness, limited access to specialised services and the role-based reliance placed on the Mayor and Deputy Mayor positions.

STATUTORY REQUIREMENTS

Nil

POLICY/STRATEGIC IMPLICATIONS

Nil

BUDGET AND FINANCIAL IMPLICATIONS

Nil

RISK/LIABILITY

Nil

VOTING REQUIREMENTS

Simple Majority

MOTION

Cr Rachel Summers

That Council discusses and agrees to a line of succession in the instance where the Mayor and Deputy Mayor are unavailable.

18. GOVERNANCE

18.1 ORDINARY COUNCIL MEETINGS – LOCATION, TIME AND DATES

Action	Decision
Proponent	Council Officer
Officer	Warren Groves General Manager
File Reference	COU/0203
Annexures	Nil

INTRODUCTION

Following each ordinary election, the Council is required to review the times of commencement of Council Meetings. On an annual basis it is also a requirement to determine the times and places of Council Meetings for the following 12-month period.

This report addresses both matters.

PREVIOUS COUNCIL CONSIDERATION

Annually

OFFICER'S REPORT:

In previous years, Council has, at its November meeting, set the locations, dates and times for the next year's meetings.

Location, Time and Day Schedule

For some years, Council Meetings have been held on the third Tuesday of each month commencing at 1.00 pm, although adjustments have been made at times to accommodate local functions and/or commitments of the Mayor and General Manager.

This being the first meeting after an ordinary election, Council must determine the location, day and time of council meetings going forward. Traditionally, Council Meetings have been held at 1.00pm and more recently at 2.00pm. The rationale for this includes the following:

- To eliminate staff overtime and other related costs, such as childcare, for staff who are required to attend meetings;
- To minimise the length of the actual working day and hence potential fatigue for staff and councillors who are required to stay focused and sharp as part of their decision-making function; and
- To maximise time available such that if required, a Workshop with external agencies or politicians can be held prior to the meeting, without making the day arduously long and compromising the decision-making function.

In doing so, Council also looked at the practical realisation that the function of a Council Meeting is to formally look at information and make appropriate decisions after a significant amount of preparatory work and reports were prepared and included in a public agenda. Historically, public attendance at Council Meetings is minimal as in part, the opportunity for the general public to participate, other than by attendance, is limited.

Given Council's current financial position, it is considered that this practice continues.

The day that Council Meetings are held is a matter for Councillors to decide. For many years the meetings have been held on Tuesdays which allows the maximum amount of normal working days for staff to prepare the Council Agenda. Given that Councillors may submit a Notice of Motion as late as 4 days before the meeting, (excluding the day the Agenda is released and the day of the meeting), the timeframe ensures time is available to adequately research all Notices of Motions and to prepare an appropriate Officer's Report. The current practice also gives Councillors the weekend in which to read information.

Meetings on a weekend are not practicable with Monday or Friday also an issue, given their proximity to weekends and the number of public holidays involved. However, Tuesdays would be appropriate from a staff point of view. The individual personal circumstances for each councillor also needs to be considered.

After discussions with Councillors at the 8 November 2022 Council Workshop, a proposed schedule has been prepared based on the meetings being held on the fourth Tuesday of the month at 1.00pm. Forthcoming dates and potential conflicts with public holidays and other events/meetings have been taken into consideration by senior management when preparing the schedule.

In 2021 and 2022, Council resolved to hold Community Based Council Meetings at Lady Barron and Erita, as well as a workshop on Cape Barren Island in 2022. These meetings have not been well attended in the past and costs associated with holding a council meeting in an alternate location outweighing the benefits. As the original decision to hold Community Based Council Meetings in 2021 was for that year only, there is no requirement to continue this practice, unless Council desires to do so.

STATUTORY REQUIREMENT

Local Government Act 1993

Local Government (Meeting Procedures) Regulations 2015

"R6 Times of meetings

- (1) A meeting is not to start before 5:00 p.m. unless otherwise determined by the council by absolute majority or by the council committee by simple majority.*
- (2) After each ordinary election, a council and a council committee are to review the times of commencement of their meetings."*

POLICY/STRATEGIC IMPLICATIONS

4. Good Governance - Effective, efficient and transparent management and operations.
- 4.1 An organisation that provides good governance, effective leadership and high-quality services, within our means.
- 4.1.1 Ensure Council meets its statutory obligations to manage risk, achieve financial sustainability and model good governance.

BUDGET AND FINANCIAL IMPLICATIONS

Minimal impact provided that Council meetings are conducted during normal working hours.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

That Council resolves that meetings of the Council shall be held at the Rose Garden Room of the Flinders Arts and Entertainment Centre, Whitemark commencing at 1.00pm on the following dates:

- **Tuesday 13 December 2022;**
- **Tuesday 24 January 2023;**
- **Tuesday 28 February 2023;**
- **Tuesday 28 March 2023;**
- **Tuesday 18 April 2023;**
- **Tuesday 23 May 2023;**
- **Tuesday 27 June 2023;**
- **Tuesday 25 July 2023;**
- **Tuesday 22 August 2023;**
- **Tuesday 26 September 2023;**
- **Tuesday 24 October 2023;**
- **Tuesday 21 November 2023; and**
- **Tuesday 19 December 2023.**

18.2 REPRESENTATION ON COUNCIL COMMITTEES AND EXTERNAL ORGANISATIONS

Action	Decision
Proponent	Council Officer
Officer	Warren Groves General Manager
File Reference	COU/0600
Annexures	18.2.1 Special Committees of Council Policy 18.2.2 Special Committees of Council Procedure

INTRODUCTION

Flinders Council currently has a raft of Committees that were established to allow communication, discussion and community input into decision-making on specific areas or activities of community and Council importance. Post an election, Council is required to undertake a review of these committees and their representatives to ensure they are still relevant and have adequate Councillor representation to provide for their continued function. In addition, there is an opportunity to review the rationale behind the current arrangements to see if they are still appropriate.

This report outlines the current Council Committee Structure, Membership and Representations, providing an opportunity for Council to review whether the structure and function are still relevant and to appoint new councillor representatives.

PREVIOUS COUNCIL CONSIDERATION

From time-to-time Council reviews its Committee Structure with Council Committees and representation required to be reviewed post each election.

OFFICER'S REPORT

Special Committees

The *Local Government Act 1993* section 28 outlines the roles and functions of Councillors. Councillors are charged with the following:

"28. Functions of councillors

(1) A councillor, in the capacity of an individual councillor, has the following functions:

- (a) to represent the community;*
- (b) to act in the best interests of the community;*
- (c) to facilitate communication by the council with the community;*
- (d) to participate in the activities of the council;*
- (e) to undertake duties and responsibilities as authorised by the council."*

The Act directs that the communication and representation of and with the Community is the function of a Councillor. Transparent decision making, consultation and communication falls directly within the role of a Councillor.

Although not the only way, the use of Special Committees has, in the past, been one vehicle to assist in achieving this outcome.

The *Local Government Act 1993* section 24 states the following:

"24. Special committees

- (1) A council may establish, on such terms and for such purposes as it thinks fit, special committees.*
- (2) A special committee consists of such persons appointed by the council as the council thinks appropriate.*
- (3) The council is to determine the procedures relating to meetings of a special committee.*

Historically post each election, Councillors consider the need and past efforts/use of the Special Committees in place and collectively decide what Special Committees are required. Councillors are then nominated and subsequently selected for inclusion onto these committees. In 2020, Council adopted a Special Committees of Council Policy and a Procedural document that details a standard set of Terms of Reference for all Special Committees (Annexures 18.2.1 and 18.2.2). The Procedure determines that the Chairperson of a Special Committee is a Councillor who is often assisted by other Councillors who desire to be on the specific committee.

The task of managing attendance, developing agendas, taking minutes and then presenting/discussing the recommendations of these committees to Council is the role of Councillors. Staff are more than willing to assist in ensuring the right processes, templates and procedures are followed and often attend meetings in an ex-officio capacity, however that is the limit of their involvement (unless specifically requested to be otherwise and approved by Council). It should also be noted that Special Committees make recommendations to Council for consideration. They in themselves have no direct ability to make decisions that bind Council to any one course of action unless that power to do so has been delegated by the Council.

A Special Committee of Council should, at the very least, have the following:

- A willing and committed Chair who understands the role the committee performs in relation to the community's interests, including the strategies and plans Council already has in place;
- A Chair that can follow the procedures in place for reporting and taking recommendations to Council for consideration;
- Clear and agreed terms of reference for each committee; and
- A transparent approach to the selection of individuals to sit on the committee, their terms of appointment and the manner in which the decisions of the committee inform Council's own decision making and reporting processes.

The previous Council had the following Special Committees functioning at the time of the election. The Councillors involved in the committee structure have been listed along with some general comments on the effectiveness and importance of each committee.:

Special Committee	Comments	Previous Representative
Furneaux Group Aviation Special Committee	The purpose of this Committee is to provide advice to Flinders Council on aviation and other matters, such as infrastructure, relating to the Flinders Island Airport. In theory it provides an important avenue for general aviation issues to be discussed. However, most of the focus of discussions seems to be in relation to the operation of the Airport, which is a Council responsibility and therefore handled separately by Council. Some of the representatives also have a commercial business to run and as such there is limited open dialogue. A review of the function and emphasis would seem appropriate.	Mayor Annie Revie/ Mayor David Williams (Chair) Cr Sharon Blyth Cr Peter Rhodes
Furneaux Group Shipping Special Committee	The purpose of this Committee is to provide advice to Flinders Council on shipping and matters relating to the port and its associated infrastructures. This Committee has special importance to the Island and unlike many other	Mayor Annie Revie/ Mayor David Williams (Chair) Cr Aaron Burke Cr Peter Rhodes

Special Committee	Comments	Previous Representative
	Council Committees, the actual services are not Council's responsibility. The Committee operates well.	
Flinders Boating Special Committee	The purpose of this committee is to provide recommendations to Flinders Council regarding boating matters and associated infrastructure, as they apply to the Municipality. This is a very active Committee with the recent addition of four more community members. The committee is advising Council on the best way to expend grant funding from Marine and Safety Tasmania.	Mayor Annie Revie/ Mayor David Williams (Chair) Cr Aaron Burke Cr Vanessa Grace
Lady Barron Hall and Recreational Special Committee	The purpose of this committee is to act as caretakers of Lady Barron Hall, Holloway Park and the Tennis Courts at Lady Barron, so they may be enjoyed by the local community and visitors alike. This is a very active committee who have been able to secure a multitude of grants to assist in the development of the hall and assist with concerns and requests from Lady Barron community members. At its June 2022 meeting, the committee requested that the committee's name be changed to the Lady Barron Special Committee.	Cr David Williams/ Cr Sharon Blyth (Chair)
Whitemark Community Gym Special Committee	The purpose of this committee is to support, assist and advise in the management and operation of the Whitemark Community Gym. The committee is actively fundraising for the construction of a new gym facility.	Acting Deputy Mayor Rachel Summers (Chair)

Council Committees

The *Local Government Act 1993* section 23 states the following:

"23. Council committees

- (1) A council may establish, on such terms as it thinks fit, council committees to assist it in carrying out its functions under this or any other Act.*
- (2) A council committee consists of councillors appointed by the council and any councillor who fills a vacancy for a meeting at the request of the council committee.*
- (3) A meeting of a council committee is to be conducted in accordance with prescribed procedures."*

The previous Council had the following Council Committee functioning at the time of the election:

Council Committee	Comments	Previous Representative
General Manager's Performance Review Committee	This committee undertakes a review of the performance of the General Manager on an annual basis.	Mayor Annie Revie/ Mayor David Williams (Chair) A/Deputy Mayor Rachel Summers

Legislative Committees

The following Committee is required under legislation and has council representation:

Legislative Committee	Comments	Previous Representative
Municipal Emergency Management Committee	This committee operates under the state <i>Emergency Management Act 2006</i> and represents the Municipality in emergency and disaster planning and recovery. Supports the sustainability and improvement of the local SES volunteer service.	Mayor David Williams (Chair)

Council Representatives on other bodies

Council also has appointed representatives on the external committees and organisations listed below. It is a requirement of council representatives to regularly report to Council on the activities of each committee/organisation.

External Body	Comments	Previous Representative
Flinders Island Business Incorporated	This organisation has been operating in one form or other for 50 years. Council is a member of FIBI and elects a council representative to attend General Committee meetings. Over recent years there has been a stronger relationship with Council, partly as Council and the State Government jointly funded some marketing activities.	Cr Sharon Blyth
Flinders Island District High School School Association	Council has appointed a representative to this committee for many years.	Cr Rachel Summers
Biosecurity Steering Committee	In 2022, Biosecurity Tasmania received funding for a 3-year feral pig control project on Flinders Island and asked for a Council representative on the Steering Committee. This project will be undertaken by The Parks and Wildlife Service, and it will aim to reduce the impact of feral pigs on Tasmania's high-value agricultural and environmental assets on Flinders Island through strategic vertebrate pest management and engagement.	Cr Aaron Burke
TasWater – Shareholder's representative	It is essential that a committed person be appointed as Council's shareholder ownership of TasWater is extremely important. Meetings may be attended in person or remotely. The General Manager has been appointed as the Proxy representative until a councillor is appointed.	Cr P Rhodes Proxy – Warren Groves
Local Government Association of Tasmania	An essential role for the Mayor.	Mayor Annie Revie/ Mayor David Williams Proxy – Deputy Mayor David Williams

External Body	Comments	Previous Representative
Natural Resource Management (NRM) North Association Group A Representation	Several years ago, Council operated a partnership with the NRM North Association. At the time Council was represented on this Association, as was the then Furneaux NRM Steering Committee through Council's NRM Officer. The Steering Committee has since become defunct and the program of delivery of NRM services has significantly altered. However, a Council representative is still required for the Association. There is one only AGM meeting to attend.	Cr Aaron Burke Cr Vanessa Grace

STATUTORY REQUIREMENT

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS

All areas of Council's Strategic Plan.

BUDGET AND FINANCIAL IMPLICATIONS

The Committees do incur staff time and effort and as such expose Council to costs.

RISK/LIABILITY

Councillors' connections with the community they serve are critical to Council's reputation and to avoid risk.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

1. That as per the *Local Government Act 1993 - S24 Special Committees (1)*, Flinders Council maintains (with the existing community-based membership and terms of reference) the following Special Committees of Council:
 - a) Furneaux Group Aviation Special Committee;
 - b) Furneaux Group Shipping Special Committee;
 - c) Flinders Boating Special Committee;
 - d) Lady Barron Hall and Recreation Special Committee; and
 - e) Whitemark Community Gym Special Committee.

2. That nominations be called from around the Council table to fill positions on the five Special Committees, the Municipal Emergency Management Committee, and the General Manager's Performance Review Committee. That once nominations are received, ballots be held (if required) to elect a Chair and representatives for each Committee.

3. That nominations be called from around the table for a representative to each of the following external committees and organisations:
 - (a) Flinders Island Business Incorporated;
 - (b) Flinders Island District High School School Association;
 - (c) Biosecurity Steering Committee;
 - (d) TasWater – Shareholder's Group;
 - (e) Local Government Association of Tasmania; and
 - (f) Natural Resource Management (NRM) North Association Group A.

18.3 OFFICE CLOSURE – CHRISTMAS SEASON 2022 – 2023

Action	Information
Proponent	Council Officer
Officer	Warren Groves General Manager
File Reference	COU/0600
Annexures	Nil

INTRODUCTION

The festive season associated with Christmas and the New Year's celebrations is soon to commence. In the past, Council has closed its offices over the period between Christmas and the New Year as only limited (if any) transactions occur. Staff are available if any emergency situations arise. This is a common practice for Tasmanian Councils.

This report provides a specific update for the 2022 - 2023 Christmas to New Year Period.

PREVIOUS COUNCIL CONSIDERATION

Annually

OFFICER'S REPORT

Public holidays are scheduled on Sunday 25 December (Christmas Day), Monday 26 December 2022 (Boxing Day), Tuesday 27 December 2022 (Christmas Holiday) and Monday 2 January 2023 (New Year's Day).

Council will close its offices for the Christmas and the New Year season from close of business 22 December 2022 to 6 January 2023 inclusive, reopening the office on 9 January 2023. Staff members have expressed a desire to close the Thursday before Christmas to allow for arrangements to be made prior to the holiday season. Arrangements are in place to ensure that appropriate leave and/or accrued rostered days off are taken for Friday 23 December 2022.

The 2019-2023 Enterprise Bargaining Agreement provides the three workdays between the Christmas and New Year public holidays as paid grace days to all ongoing and fixed-term employees that would normally attend on those days. Employees who may be required to attend to duties in this period will have an additional rostered day off or annual leave day added to their balance for each day worked.

Council Staff will, as always, ensure that sufficient visitor information material is available at selected business houses during this period.

STATUTORY REQUIREMENT

2019-2023 Enterprise Bargaining Agreement

POLICY/STRATEGIC IMPLICATIONS

Nil

RISK/LIABILITY

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council notes that the Council Offices will be closed from close of business 22 December 2022 and will reopen on the 9 January 2023.

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 November 2022

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 November 2022.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Councillor Resolution Report October 2022 be noted.

19. CLOSED COUNCIL

19.1 UNSEALED ROAD GRADING SERVICES CONTRACT

19.2 ROAD RESEALING TENDER

Action	Information
Proponent	Council Officer
Officer	Warren Groves General Manager

REASON FOR CLOSED COUNCIL

19.1 and 19.2 are **CONFIDENTIAL** in accordance with Section 15(2)(6) of the *Local Government (Meeting Procedures) Regulations 2015*.

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council moves into Closed Council.

MEETING CLOSED
