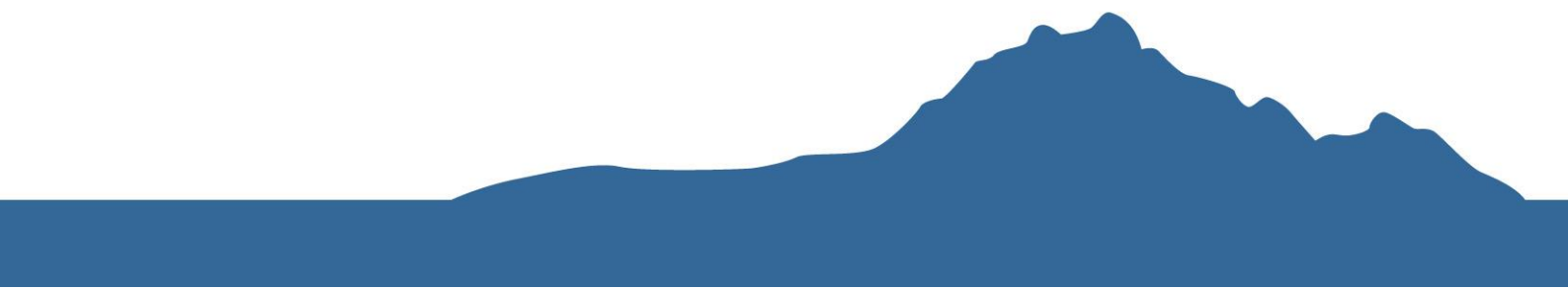




Confirmed Minutes  
Ordinary Council Meeting  
21<sup>st</sup> May 2015



# FLINDERS COUNCIL ORDINARY MEETING

## CONFIRMED MINUTES

**DATE:** Thursday 21<sup>st</sup> May 2015  
**VENUE:** Flinders Island Aboriginal Association Inc.  
West St, Lady Barron  
**COMMENCING:** 1.00 pm

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### PRESENT

Acting Mayor Marc Cobham  
Cr Chris Rhodes  
Cr Peter Rhodes  
Cr David Williams  
Cr Gerald Willis

### APOLOGIES

Mayor Carol Cox  
Cr Ken Stockton

### STAFF IN ATTENDANCE

Raoul Harper - General Manager  
Kelly Blundstone - Finance Officer/Reception

### CONFIRMATION OF MINUTES

**134.05.2015 Moved:** Cr Peter Rhodes **Seconded:** Cr Gerald Willis  
That the Minutes from the Ordinary Council Meeting held on the 30<sup>th</sup> April 2015 be confirmed.

### CARRIED UNANIMOUSLY (5-0)

**For:** Acting Mayor Marc Cobham; Cr Chris Rhodes; Cr Peter Rhodes; Cr David Williams and Cr Gerald Willis.

### PUBLIC QUESTION TIME

#### Question 1: Cr Gerald Willis on behalf of Gordon Rorison

I ask on behalf of Mr Gordon Rorison , resident of Gunter Street, Lady Barron, "Will the Council accept my thanks for grading Gunter Street?"

#### Acting Mayor's Response

Yes Thank you and I will pass it on to the Works and Services team.

### LATE AGENDA ITEMS

Nil

**DECLARATION OF PECUNIARY INTEREST**

Nil

**LEAVE OF ABSENCE**

Nil

**PETITIONS**

Nil

## WORKSHOPS & INFORMATION FORUMS

File No: COU/0205

### Council Workshop held on 7<sup>th</sup> May 2015

Council held a Workshop on the following subjects:

- Item 1: Strategic Plan
- Item 2: Strategic Plan – community consultation
- Item 3: Review to Tasmania's Emergency Management Arrangements
- Item 4: Presentation by Westpac re: Banking arrangements (Angela Miller) *Ms Miller was unable to attend.*
- Item 5: NTD Regional Futures paper
- Item 5: Community Grants & Gunn Bequest
- Item 6: Black water update
- Item 7: Integrity Commission “Speak Up” Campaign
- Item 8: Budget Workshop dates and format.
- Item 9: Telecommunications
- Item 10: Review of Staff Code of Conduct
- Item 11: Shipping Container maintenance

#### Councillors Present:

Mayor Carol Cox, Deputy Mayor Marc Cobham, Cr Peter Rhodes, Cr Ken Stockton, Cr David Williams, Cr Gerald Willis

#### Apologies:

Cr Chris Rhodes

#### Staff and Consultants Present:

Raoul Harper (General Manager), Sophie Pitchford (Corporate Services Manager), Jacci Viney (Development Services Coordinator -Item 6 only) and Brian Barnewall (Works and Services Manager – Item 6 only).

*As workshops and information sessions are for information and discussion purposes only, no decisions are made or foreshadowed at these proceedings.*

#### VOTING REQUIREMENTS:

Simple Majority

#### RECOMMENDATION:

That the Council Workshop held on 7<sup>th</sup> May 2015 be noted.

#### DECISION:

**135.05.2015 Moved:** Cr Gerald Willis **Seconded:** Cr David Williams

That the Council Workshop held on 7<sup>th</sup> May 2015 be noted.

**CARRIED UNANIMOUSLY (5-0)**

**For:** Acting Mayor Marc Cobham; Cr Chris Rhodes; Cr Peter Rhodes; Cr David Williams and Cr Gerald Willis.

**PUBLIC MEETINGS**

Nil

## **COUNCILLORS' QUESTIONS ON NOTICE**

### **Question 1: Gerald Willis**

I ask the General Manager on behalf of Mrs. Lyn Wilson, does the Council have any intention of installing two flagpoles next to the newly created ANZAC memorial in Whitemark and an extra flagpole at the Emita cenotaph so that the New Zealand flag can be flown alongside the Australian flag on occasions which commemorate those who served from both countries in Gallipoli, especially because without the inclusion of the letters "NZ" there would be no ANZAC and if not, why not?

### **Response from General Manager**

The General Manager implements the decisions of Council. To date Council have not requested the installation of flag poles at the new Whitemark memorial or an extra flag pole at the Emita Cenotaph. Council could consider it as part of its budget deliberations for the 2015/2016 financial year.

### **VOTING REQUIREMENTS:**

Simple Majority

### **RECOMMENDATION:**

That the Councillor's Questions on Notice be noted.

### **DECISION:**

**136.05.2015 Moved:** Cr Gerald Willis **Seconded:** Cr David Williams

That the Councillor's Questions on Notice be noted.

### **CARRIED UNANIMOUSLY (5-0)**

**For:** Acting Mayor Marc Cobham; Cr Chris Rhodes; Cr Peter Rhodes; Cr David Williams and Cr Gerald Willis.

## **COUNCILLOR'S QUESTIONS WITHOUT NOTICE**

Nil

## **PUBLICATIONS/REPORTS TABLED FOR COUNCIL INFORMATION**

### **Northern Tasmania Regional Futures Plan**

**File No:** COU/0305

**Annexure 1:** *Northern Tasmania Regional Futures Plan: Directions Paper*

### **OFFICER'S REPORT (Raoul Harper, General Manager):**

That the publication provided by Northern Tasmania Development (NTD) be noted.

### **DECISION:**

**137.05.2015 Moved:** Cr Peter Rhodes **Seconded:** Cr Gerald Willis

That the publication provided by Northern Tasmania Development (NTD) be noted.

**CARRIED UNANIMOUSLY (5-0)**

**For:** Acting Mayor Marc Cobham; Cr Chris Rhodes; Cr Peter Rhodes; Cr David Williams and Cr Gerald Willis.

## COUNCILLORS' REPORTS

Report from Councillor Gerald Willis as the Flinders Council Representative on TasWater

File No: COU/0312

### CORRESPONDENCE IN:

DATE	SUBJECT
28 April 2015	Email from Ailsa Sypkes, General Manager Legal and Governance, with draft minutes of a meeting of owners' representatives on 22 April 2015.
28 April 2015	Email from Ailsa Sypkes, General Manager Legal and Governance, advising that a meeting of owners' representatives scheduled for 14 May has been cancelled and that a new meeting will be scheduled prior to 31 July 2015.
28 April 2015	Email from Ailsa Sypkes, General Manager Legal and Governance, with an attached proposed media release from Tony Foster, Chief Representative of the Owners' Representatives, under the heading: <b>Councils keen to work with State Government on water and sewerage.</b>
28 April 2015	Email from Ailsa Sypkes, General Manager Legal and Governance, requested by Tony Foster, Chief Representative of the Owners' Representatives which includes information in relation to the forecast distributions for FY2015/15. <i>[I think that should be FY2015/16].</i>
28 April 2015	Emails between Ailsa Sypkes, General Manager Legal and Governance, and Gerry Willis advising that the press release advised for 28 April incorrectly showed total assets of "around \$0.2 billion", when, as identified by Mayor Carol Cox, the figure should be "around \$2 billion".
28 April 2015	Email from Ailsa Sypkes, General Manager Legal and Governance, with an attached letter from Tony Foster, Chief Representative, to Hon. Peter Gutwein MP.
11 May 2015	Email from Ailsa Sypkes, General Manager Legal and Governance, with an attached report titled Taswater Quarterly Report to Owners' Representatives – Progress Update to 31 March 2015.

### VOTING REQUIREMENTS:

Simple Majority

### RECOMMENDATION:

That the report be received.



**DECISION:**

**138.05.2015 Moved:** Cr David Williams      **Seconded:** Cr Chris Rhodes

That the report be received.

**CARRIED UNANIMOUSLY (5-0)**

**For:** Acting Mayor Marc Cobham; Cr Chris Rhodes; Cr Peter Rhodes; Cr David Williams and Cr Gerald Willis.

## MAYOR'S REPORT:

<b>ACTION</b>	<b>Information</b>
<b>PROPONENT</b>	Mayor, C Cox
<b>FILE REFERENCE</b>	COU/0600
<b>ASSOCIATED PAPERS</b>	<i>N//</i>

## REPORT:

### APPOINTMENTS:

22/4/15	Deputy Leader of the Labor Party, Michelle O'Byrne MP – Re vet position
24/4/15	Lady Barron Hall Special Committee meeting
24/4/15	Pop Up Stencil Art Exhibition. – (School Holiday Program Art Work)
25/4/15	Dawn Service
25/4/15	ANZAC March & Service
25/4/15	BBQ with Cape Barren Island residents attending ANZAC Service
28/4/15	Lady Barron Hall Special Committee meeting
29/4/15	Meeting with Angela Miller, Regional General Manager Tasmania RETAIL & BUSINESS BANKING, Westpac
29/4/15	Meeting with Monica Dadson from The Examiner Newspaper
30/4/15	Project Management Framework Presentation
30/4/15	Council meeting
1/5/15	Meeting with Port & Coastal Representatives
4/5/15	Funeral Mrs. Ruth Walsh
4/5/15	John Kirwan, RFDS CEO meeting
7/5/15	All day Workshop
8/5/15	MEMC Meeting

### Vet Position

Michelle O'Byrne MP rang, having been made aware of the vet situation on the Island by concerned community members. Michelle advised the Labor Party would in principal, be supportive of actions taken by the government to support a practicing vet service on the Island.

Craig Elliot, of Biosecurity Tasmania, is planning a visit to the Island and to meet with Councillors in June.

### Banking

Westpac are reconsidering their presence on the Island, having made the decision as a company to close all their agencies. Angela Miller, was meant to meet with Councillors on the 7<sup>th</sup> May, however was unable to travel due to illness. Another date is yet to be arranged.

**CORRESPONDENCE IN:**

<b>DATE</b>	<b>WHO</b>	<b>SUBJECT</b>
23/04/15	J Clifford	Copy of letter to Australia Post
24/04/15	TasWater	Update on TasWater Treatment plant developments
27/04/15	Heart Foundation	Entries open 2015 Heart Foundation Local Government Awards
27/04/15	Multicultural Council of Tasmania	Unity Campaign
27/04/15	Albert van Zetten, Mayor of Launceston	Invite to 125 <sup>th</sup> Anniversary of the University of Tasmania (apology sent)
27/04/15	A Nobbs, Oceania Economic Development Corporation	Update on Australia Small Island Forum (ASIF) September 2015
27/04/15	V Epstein	Information relating to the Agenda Item on the Island vet position
27/04/15	Natural Resource Management North	Autumn Newsletter
27/04/15	D Le Marchant. NTD	Forwarding - Letter from Dorset Council requesting presentation on value of NTD
27/04/15	C Griffin, TNT	TNT Tourism Bulletin
27/04/15	Mayor, Glenorchy Council	Local Government reform
27/04/15	L Klumpp, Biosecurity Tasmania	Re future of biosecurity on the Bass Strait Islands and Council contact point
27/04/15	Heart Foundation	2015 Heart Foundation Local Government Awards now open
27/04/15	Multicultural Council of Tasmania	Unity Campaign
27/04/5	R Dallas	Information relating to the Agenda Item on the Island vet position
28/4/15	TasWater	May meeting cancelled, next prior to 31 July
29/04/15	Chris Griffin	Heads up re Industry Advisory - Invitation to attend a T21 Directions Forum
29/04/15	Craig Elliott Director, Biosecurity Operations	Vet position

	Biosecurity Tasmania Department of Primary Industries, Parks, Water and Environment	
29/04/15	Office of the Secretary, Department of Education	Department of Education – Good teaching resources
30/04/15	Steve Whiteley, CEO Forestry Tasmania.	Government response to Forestry Tasmania review
30/04/15	Artistic Director, Ten Days on the Island	Wrap up of this year's event
1/05/15	Minister for State Growth, Matthew Groom, MP	State Population Growth Strategy invitation for Council delegate to participate
01/05/15	Minister for State Growth, Matthew Groom MP.	Request for Delegate to development of State Population Strategy
4/05/15	Katrena Stephensen, LGAT	Regional Innovation survey
5/05/15	John Kirwan, CEO RFDS	Report on benefits of greater investment in preventative health. Productivity Commission Research Paper – Efficiency in Health April 2015
5/05/15	John Kirwan , CEO RFDS	Transition to work information
5/05/15	Sallese Gibson, ABC News	Introduction
6/05/15	West Coast Council	West Coast Community Plan (2015) Engagement
6/05/15	Guy Barnett, Parliamentary Secretary to the Premier	26 <sup>th</sup> National Volunteer week 11-17 <sup>th</sup> May – Give Happy - Live Happy
6/05/15	LGAT	Papers and Presentations from April 30 <sup>th</sup> meeting on Amalgamation available
6/05/15	Premiers Office	Invite to industry discussion on the future of on Tourism 21 -the State Tourism Strategy.
07/05/15	Parliamentary	National Volunteer Week 11-17 May

	Secretary to the Premier	
07/05/15	Her Excellency Professor the Honourable Kate Warner	Invite to Reception to mark the Birthday of her Majesty The Queen - 4/5/15
11/05/15	TasWater	Quarterly Report to Owners Representatives - Progress Update to 31 March 2015
11/05/15	Flinders Island Aboriginal Association Inc.	Advice and invite June long weekend Fun Run.
11/05/15	P Nugent	Expression of appreciation for sealing on Palana Road.
		Email wifi at airport.
12/05/15	S Douglas, Planning & Environment Manager, Launceston Airport	Response to query about review of Disability Access Facilitation Plan for Launceston Airport
13/05/15	TasWater	Notice of General Meeting on the 28 <sup>th</sup> July
13/05/15	Katrena Stephenson, LGAT	Federal Budget Information from ALGA
13/05/15	Minister for State growth, The Hon Matthew Groom MP	Invitation to informal discussion exploring ways in which the government, stakeholders and the community can grow Tasmania's population
12/05/15	Stephen Douglas, Launceston Airport	Response re Disability Access Facilitation Plan for Launceston Airport
06/05/15	Premier	Invitation to meeting to discuss the future of Tourism 21 – The State Tourism Strategy - 8/5

#### CORRESPONDENCE OUT:

DATE	WHO	SUBJECT
24/04/15	J Johnston, Tasports	Re 2015-16 livestock wharfage/levy discussions with primary producers
28/04/15	Carol Crute	Thank you for knitted poppy for ANZAC Day
28/04/15	V Epstein	Thank you for information on Vet Position
28/04/15	R Dallas	Thank you for information on Vet Position
07/05/15	Inquirer	Copy of Aquaculture Study Flinders 2001
07/05/15	Angela Miller,	Query as to new visit date

	Westpac	
12/05/15	Angela Miller, Westpac	Query re confirmation of Island visit suggested for this week
12/05/15	P Hodgen, General Manager, Launceston Airport	Re access issues to the Sharp Airlines Terminal
12/05/15	S Douglas, Planning & Environment Manager, Launceston Airport	Re review of Disability Access Facilitation Plan for Launceston Airport
11/05/15	Flinders Island Aboriginal Association Inc.	Re Invite to Fun Run

#### **VOTING REQUIREMENTS:**

Simple Majority

#### **RECOMMENDATION:**

That the Mayor's report be received.

#### **DECISION:**

**139.05.2015 Moved:** Cr Peter Rhodes **Seconded:** Cr Gerald Willis

That the Mayor's report be received.

**CARRIED UNANIMOUSLY (5-0)**

**For:** Acting Mayor Marc Cobham; Cr Chris Rhodes; Cr Peter Rhodes; Cr David Williams and Cr Gerald Willis.

## A. DEVELOPMENT SERVICES

### Item A1: Building Approvals Policy – to be rescinded

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Development Services Coordinator, Jacci Viney
<b>FILE REFERENCE</b>	REA/0101, ADM/0900
<b>ASSOCIATED PAPERS</b>	<i>Annexure 2: Building Approvals Policy</i>

#### **INTRODUCTION:**

Council's Policy Manual is an important document of Council as it provides direction to Staff, Management and Councillors. Council has a policy that states that policies should be reviewed at least every two (2) years.

#### **PREVIOUS COUNCIL CONSIDERATION:**

Adopted	11 <sup>th</sup> August 2005	475.08.05
Amended	23 <sup>rd</sup> September 2010	278.09.10
Reviewed	26 <sup>th</sup> March 2015	73.03.2015

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

The Building Approvals Policy has been in place since 2005 and reviewed once since it was first adopted. All procedures of this nature must be followed in strict accordance with the *Building Act (Tas) 2000* and Building Regulation 2014. This Policy serves no purpose and cannot be reflected upon to provide guidance to officers of Council when dealing with matters as outlined in the Policy.

Council resolved to rescind the Building Approvals Policy and allowed it to lay on the table for 28 days for public comment. No submissions were received during the public consultation period.

#### **STATUTORY REQUIREMENT:**

Nil

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

3.0 Land use, Development and Building

#### **RISK/LIABILITY:**

There is a risk that the Policy will contravene a practice outlined in the *Building Act 2000* and may be utilised instead of legislated proceedings.

#### **VOTING REQUIREMENTS:**

Simple Majority

#### **OFFICER'S RECOMMENDATION:**

That Council rescinds the Building Approvals Policy.

**DECISION:**

**140.05.2015 Moved:** Cr D Williams      **Seconded:** Cr Gerald Willis

That Council rescinds the Building Approvals Policy

**CARRIED UNANIMOUSLY (5-0)**

**For:** Acting Mayor Marc Cobham; Cr Chris Rhodes; Cr Peter Rhodes; Cr David Williams and Cr Gerald Willis.



## B. NOTICE OF MOTIONS

### Item B1: Notice of Motion - Names of Representors

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Councillor Gerald Willis
<b>OFFICER</b>	General Manager, Raoul Harper
<b>FILE REFERENCE</b>	DSV/0200
<b>ASSOCIATED PAPERS</b>	<i>Nil</i>

#### **NOTICE OF MOTION:**

That from the closure of this meeting any future representation received under the terms of any section of the *Land Use Planning and Approvals Act 1993* will only be included in any agenda of the Flinders Council with full disclosure of the name of the person making the representation and, furthermore, if a representation is made by an agent, then the agent shall disclose the name of the person for whom the agent is acting and, furthermore, any representation shall not be redacted in any manner prior to consideration by the Council nor will any representation be considered unless the name of the person ultimately making the representation is disclosed.

#### **COUNCILLOR'S REPORT:**

Under the terms of section 9(1)(3)(b) of the *Land Use Planning and Approvals Act 1993* representations may be made in relation to an application for a permit in accordance with section 57(5). There is no reference to any requirement that representations made under section 57(5) should or should not be disclosed.

Those sections are reproduced here. Some sub-sections which have minimal or less relevance have been removed.

That the Act makes no reference to disclosing identities of those who make representations in relation to planning applications means that Councils are free to determine the way in which representations are disclosed.

The practise of disclosing the identities of those individuals who make representations to the council in relation to planning applications is one which ensures full transparency in relation to all parties who wish to make public statements about planning applications. If a person is going to make a representation then, in the opinion of this Councillor, that person should have their name fully disclosed; if not then the representation should not be heard.

It is the Council administration which has decided not to disclose the names of those making representations, not the Elected Members. There is no policy which decrees that names of those making representations should not be made.

The requirement that all the names of those making representations be disclosed means that the Elected Members can form their own opinions on the relevance of the representations. It also means that individuals making representations do so in the full knowledge that there will be no anonymity in their representation.

In many cases where representations have been made it is possible for a reader of the representation to determine that person's identity from the content. This motion, if passed, would ensure the identities of all those who make representations are disclosed.

## EXTRACT FROM LAND USE AND PLANNING APPROVALS ACT 1993

### ***9. Notice of application for permit***

**(1)** For the purposes of [section 57\(3\)](#) of the Act, notice by a planning authority of an application for a permit is to be-

**(a)** advertised in a daily newspaper circulating generally in the area relevant to the application; and

**(b)** displayed at the planning authority's office; and

**(c)** given to the owners and occupiers of all properties adjoining the land that is the subject of the application; and

**(d)** displayed on the land that is the subject of the application-

**(i)** in a size not less than A4; and

**(ii)** as near as possible to each public boundary.

**(3)** A notice under [subregulation\(1\)](#) is to-

**(b)** advise that representations in relation to the application may be made in accordance with [section 57\(5\)](#) of the Act; and

**(c)** explain how those representations may be made.

### ***57. Applications for discretionary permits***

**(3)** Unless the planning authority requires the applicant to give notice, the authority must give notice, as prescribed, of an application for a permit.

**(5)** Any person may make representations relating to the application during the period of 14 days commencing on the date on which notice of the application is given under [subsection \(3\)](#) or such further period not exceeding 14 days as the planning authority may allow.

**(5AA)** If the time period specified in [subsection\(5\)](#) includes any days on which the office of the planning authority is closed during normal business hours in

*that part of the State where the land subject to the application for a permit is situated, that period is to be extended by the number of those days.*

#### **PREVIOUS COUNCIL CONSIDERATION:**

Nil

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

Flinders Council has no formal policy directive in relation to the printing (or not) of a representor's name in relation to the planning process under the *Land Use Planning and Approvals Act 1993* (the Act). The Act is silent on the matter and the printing of such information is a matter of Council policy or procedure. In the absence of any formal directive, staff do not print the names of representors.

Under the requirements of the Act, case law has consistently determined that a representation must include:

- the identity of the representor (this is not stated in the act, but a clear requirement of the obligations for notification of a decision);
- a clear identification of the subject application; and
- a clear representation that they object or support the proposal.

Provided these matters are included within the representation, it is valid and must be considered in determination of the subject application. There is no requirement specifically for the name of the representor to be included in any public documentation or agenda.

There is no requirement for the representor to have any clear involvement, relationship or anything else with any other parties in the process. There is nothing in the Act that prevents an agent acting for an interested or affected party.

Including a representor's identity in the agenda document is a matter of Council policy. Many Councils include the representor's name, but redact personal or contact details. This is quite a sensible approach. As stated earlier in this report, Flinders Council has no formal policy on the matter but in my time as General Manager, and previous to this as I understand it; Council has not included the names of representors in agenda items. If the elected members are of the mind that the inclusion of a person's name is important then there is no specific impediment to this occurring, a decision of Council and a directive to the General Manager from Council to deliver such is simply required.

That said, the identity of the representor is a separate issue to its consideration against the particular application. The Resource Management and Planning Appeals Tribunal have consistently determined that the identity (or proximity for that matter) of a representor is not a valid consideration when determining the representation against a particular application. I would caution Councillors

to consider this when formulating their opinions.

For these reasons, Council cannot determine that representations made through an agent *will not be heard* if they do not fully disclose the name of the person who commissioned the representation. This is not a relevant test under the Act for making a representation. Any attempt by Council to implement such a practice would ultimately result in an application being determined without considering representations that were valid at law. In that case:

- the Council would not have made a valid decision on the application;
- the application would be undetermined, and ultimately exceed the statutory time for determination (42 days for discretionary applications); and
- Council would ultimately be liable for the costs of all parties and the Tribunal for determination of the application, and potentially for any party who subsequently relied on that 'purported' decision and incurred costs or damages as a result (in my opinion).

The proposal outlined in the notice of motion is sound, except for the requirement for an agent to provide their client's name and details in order to have the representation heard.

Normally, this is an operational matter that would be addressed through policies or procedures. Inclusion of a representor's name (and redaction of contact details for that matter) is consistent with Flinders Council's adopted Personal Information Protection Policy, clauses 4.1.3, 4.1.5 and 4.2.1. Given this policy, the motion could be addressed through a revision of the relevant internal procedure whereby the General Manager can direct staff to include the names (but not the contact details) of representors in planning related agenda items.

#### **STATUTORY REQUIREMENTS:**

*Local Government Act 1993*

*Land Use Planning and Approvals Act 1993*

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

3. Land use, Development and Building - A productive system of land and building development that promotes investment and activity while protecting people and the environmental characteristics of the Flinders Municipal area.

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

Nil

#### **RISK/LIABILITY:**

The motion as written if adopted in full would expose Council to significant risk of non-compliance with the Act.

The proposal to print the names of representors is sound so long as the requirement for an agent to provide their client's name and details in order to have the representation heard is removed. If such a change was made no specific legal risk exists with Council supporting such an approach.

It could be argued that in a small community allowing a representor a level of public anonymity by not printing their name encourages and supports engagement with the planning process that is free of potential bias, harassment and/ or fear of reprisals for voicing an opinion. A risk may exist that representors will be less willing to voice their opinion if their names are to be made public. A further risk that Councillors could be exposed to is a claim of actual bias or apprehended bias if they know the representor and they have had previous dealings with them. As a counterpoint, those who take the time and invest in making an application to Council for consideration may feel the process is not transparent if representors names are not included in the public documents. Council needs to balance these risks and provide a formal directive to staff.

#### **VOTING REQUIREMENTS:**

Simple Majority

#### **OFFICER'S RECOMMENDATION:**

The Flinders Council resolves that representation received under the terms of the *Land Use Planning and Approvals Act 1993* will be included in the agenda of the Flinders Council with full disclosure of the name of the person making the representation.

#### **DECISION:**

**141.05.2015 Moved:** Cr Gerald Willis **Seconded:** Cr Peter Rhodes

The Flinders Council resolves that representation received under the terms of the *Land Use Planning and Approvals Act 1993* will be included in the agenda of the Flinders Council with full disclosure of the name of the person making the representation.

**CARRIED (3-2)**

**For:** Cr Gerald Willis; Cr Chris Rhodes and Cr Peter Rhodes

**Against:** Acting Mayor Marc Cobham and Cr David Williams

**Item B2: Notice of Motion - Furneaux Community Health Special Committee Representative**

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Councillor Gerald Willis
<b>OFFICER</b>	General Manager, Raoul Harper
<b>FILE REFERENCE</b>	CSV/0912
<b>ASSOCIATED PAPERS</b>	<i>Nil</i>

**NOTICE OF MOTION:**

That Council appoints Youdit Deane to the Furneaux Community Health Special Committee.

**COUNCILLOR'S REPORT:**

The Furneaux Community Health Special Committee ("the Committee") has been constituted under section 24 of the *Local Government Act 1993*. Current members were appointed by the Council at its meetings in November and December 2014.

The Terms of Reference state the principal role of the Committee is to be a conduit for health based concerns of the Community. To this end, Committee members have been selected with the objective of providing the Committee with as wide a representation of the community as possible. One member has traditionally been selected from the Flinders Island District High School ("the School") fraternity. This has been done because the School has involvement with most of the children of school age in the Community and also their parents. The school represents a significant number of members of the Community.

The school representative has been Jan Schibrowski, who was also the school Principal. However, Jan has resigned from the school position and, as a consequence, has also resigned from the Committee.

Following a request to Nicole Jones, Acting Principal, the Committee has been advised that Youdit Deane, a teacher at the school, is willing to be appointed to the Committee to represent the school.

Youdit is keen to join the Committee and it is my opinion that she would be a worthwhile participant in the business of the Committee.

I have no hesitation in commending Youdit Deane as a member of the Furneaux Health Community Special Committee and recommend the Notice of Motion to all Councillors.

**PREVIOUS COUNCIL CONSIDERATION:**

Nil

**OFFICER'S REPORT:**

The motion is supported.

**STATUTORY REQUIREMENTS:**

*Local Government Act 1993*

**POLICY/STRATEGIC IMPLICATIONS:**

4.0 Community Safety, Engagement and Enterprise - Through positive Council-Community partnerships, enhance people's security, inclusion and well-being.

**BUDGET AND FINANCIAL IMPLICATIONS:**

None

**RISK/LIABILITY:**

None

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

That Council appoints Youdit Deane to the Furneaux Community Health Special Committee.

**DECISION:**

**142.05.2015 Moved:** Cr Gerald Willis **Seconded:** Cr David Williams

That Council appoints Youdit Deane to the Furneaux Community Health Special Committee.

**CARRIED UNANIMOUSLY (5-0)**

**For:** Acting Mayor Marc Cobham; Cr Chris Rhodes; Cr Peter Rhodes; Cr David Williams and Cr Gerald Willis.

**Item: B3 Notice of Motion - Audit Panel**

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Councillor Gerald Willis
<b>OFFICER</b>	General Manager, Raoul Harper
<b>FILE REFERENCE</b>	FIN/0401
<b>ASSOCIATED PAPERS</b>	<i>Ni/</i>

**NOTICE OF MOTION:**

1) That Flinders Council resolves to change the name of the Flinders Council Audit and Finance Special Committee to the Flinders Council Audit Panel.

2) That Flinders Council authorise Ms Diana Droog and Mr John Dick to attend a workshop on Audit Panels being hosted by Local Government Association Tasmania to be held on 7 July 2015 in Launceston and reimburse expenses associated with attending the seminar.

**COUNCILLOR'S REPORT:**

The Tasmanian Government has amended the *Local Government Act 1993* (the Act) and introduced the concept of Audit Panels. Audit Panels, which are special committees of Councils as were Audit and Finance Committees traditionally set up, have a greater range of responsibilities than the committees they replace. Indeed, Flinders Council considered the extra responsibilities to be so onerous and costly that it lobbied the Minister for Local Government to be granted an exemption from complying with all aspects of the new regime. Unfortunately, no exemption has been forthcoming.

The functions of an Audit Panel are no longer restricted to financial matters; the function now includes a review of council performance with respect to corporate governance, legislative and policy compliance, risk management and internal control and decision-making.

The membership of the Audit Panel consists of Mr John Dick, chairman and Ms Diana Droog, both Community representatives, together with Councillors Stockton and Willis.

Given the broad range of responsibilities that now fall onto Audit Panels, the Local Government Association of Tasmania (LGAT) has organised seminars, one to be in Launceston on 7 July. The forums are in partnership between LGAT and Governance Institute of Australia (Tasmanian branch). It is considered that all members of Audit Panels will have a period of learning and adapting to the new requirements. The seminar proposed would provide a good introduction to the new era.

The anticipated cost for the two panel members to attend is in the order of \$600 which would include airfares, land travel and seminar attendance fees. As the seminar is to be held in the next financial year, it is expected that these costs



would fall into budget allocated to the operation of the Audit Panel, although such a determination has yet to be made.

The motion is recommended to Councillors for approval.

#### **PREVIOUS COUNCIL CONSIDERATION:**

Nil

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

The current name of the Committee in question is the Flinders Council Audit and Finance Special Committee. As a matter of compliance with the *Local Government Act 1993* this should be changed by a resolution of Council to the Flinders Council Audit Panel.

As stated by Cr Willis, an Audit Panel has very specific functions under the *Local Government Act 1993*.

The Panel includes an independent Chair and community member. Council should support the training and development of these individuals in the requirements and functions of Audit Panels.

Training for all members of the Panel would be highly valuable. It is critical that the Panel deliver value and drive improvement for Council as a whole. To do this the ability to understand roles, responsibilities and set agreed work plans and reporting processes are vital.

The workshop to be held by LGAT will assist members improve their understanding of the roles required and an allocation to support their attendance and the ongoing operations of the Audit Panel should be made in the 2015/2016 Budget.

#### **STATUTORY REQUIREMENTS:**

*Local Government Act 1993*

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

5. Corporate Governance and Intergovernmental Relations - decisions are professionally and transparently made, communicated and implemented to achieve defined outcomes in the interest of the community.

5.1 Support the capacity and productivity of our organisation and a culture of professionalism, compliance, innovation and service.

5.1.3 Achieve a sustainable balance of income, investment and recurrent expenditure.

5.1.3.8 Maintain an Audit Panel as outlined in the Ministerial Orders.

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

Council is required to support the activities of the Audit Committee and as such a budget allocation in the 2015/2016 financial year is required. The level of this allocation is to be decided by Council at the 2015/2016 budget deliberations.

The Motion at hand if supported will see expenditure incurred in the new financial year and as such no budget variation is required.

#### **RISK/LIABILITY:**

Failure to ensure that the members of the Audit Committee have the appropriate skills, experience and qualifications to undertake the legislated tasks required could expose Council to significant risk. As both the Chair and the community member appointed have no specific, current or formal qualifications as Auditors but have been selected for their broad business skills and experience in financially related fields, providing ongoing training may mitigate the risk that the actions and activity of the Audit Committee do not comply with the requirements of the Act.

#### **VOTING REQUIREMENTS:**

Simple Majority

#### **OFFICER'S RECOMMENDATION:**

1) That Flinders Council resolves to change the name of the Flinders Council Audit and Finance Special Committee to the Flinders Council Audit Panel.

2) That Flinders Council authorise and arrange the booking, travel and accommodation required to support Ms Diana Droog and Mr John Dick to attend a workshop on Audit Panels being hosted by Local Government Association Tasmania to be held on 7 July 2015 in Launceston. That Flinders Council as part of the 2015/2016 Budget process allocate an agreed amount of funding to support the functions of the Audit Panel in discharging their duties under the *Local Government Act 1993*.

#### **DECISION:**

**143.05.2015 Moved:** Cr Gerald Willis **Seconded:** Cr Chris Rhodes

1) That Flinders Council resolves to change the name of the Flinders Council Audit and Finance Special Committee to the Flinders Council Audit Panel.

2) That Flinders Council authorise and arrange the booking, travel and accommodation required to support Ms Diana Droog and Mr John Dick to attend a workshop on Audit Panels being hosted by Local Government Association Tasmania to be held on 7 July 2015 in Launceston. That Flinders Council as part of the 2015/2016 Budget process allocate an agreed amount of funding to support the functions of the Audit Panel in discharging their duties under the *Local Government Act 1993*.

### **CARRIED UNANIMOUSLY (5-0)**

**For:** Acting Mayor Marc Cobham; Cr Chris Rhodes; Cr Peter Rhodes; Cr David Williams and Cr Gerald Willis.

## C. CORPORATE SERVICES

### Item C1: Waiver of Fees Policy

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Corporate Services Manager, Sophie Pitchford
<b>FILE REFERENCE</b>	FIN/0701, ADM/0900
<b>ASSOCIATED PAPERS</b>	<i>Annexure 3: DRAFT Waiver of Fees Policy</i>

#### **INTRODUCTION:**

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

#### **PREVIOUS COUNCIL CONSIDERATION:**

85.03.2015 26<sup>th</sup> March 2015

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

The Waiver of Fees Policy has been developed to guide the General Manager by providing a framework for the consistent and equitable assessment of all requests for the reduction or waiver of Council Fees and Charges for the use of facilities and/or services provided by Council.

Council resolved to adopt the Waiver of Fees Policy and allowed it to lay on the table for 28 days for public comment. No submissions were received during the public consultation period.

#### **STATUTORY REQUIREMENT:**

Nil

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

5.0 Corporate, Governance and Intergovernmental Relations

#### **RISK/LIABILITY:**

By adopting this policy and ensuring that Management, Staff and Councillors are aware of and follow this policy will help to reduce Council's exposure to risk in this area.

#### **VOTING REQUIREMENTS:**

Simple Majority

#### **OFFICER'S RECOMMENDATION:**

That Council adopts the Waiver of Fees Policy.

**DECISION:**

**144.05.2015 Moved:** Cr Gerald Willis **Seconded:** Cr David Williams

That Council adopts the Waiver of Fees Policy.

**CARRIED UNANIMOUSLY (5-0)**

**For:** Acting Mayor Marc Cobham; Cr Chris Rhodes; Cr Peter Rhodes; Cr David Williams and Cr Gerald Willis.

**Item C2: Variation to the 2014/15 Budget Review**

<b>ACTION</b>	<b>Information</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Corporate Services Manager, Sophie Pitchford
<b>FILE REFERENCE</b>	FIN/0701
<b>ASSOCIATED PAPERS</b>	<i>Annexure 4: Capital Works Program Budget</i>

**INTRODUCTION:**

Council has identified that the Public Toilets at Lady Barron need to be replaced as the amenities in existence are past their use by date and problematic.

Council has a budget allocation in the 2014-15 Capital Works Program Budget for Public Toilet upgrades; however the allocation does not include the Lady Barron upgrade.

**PREVIOUS COUNCIL CONSIDERATION:**

Nil

**OFFICER'S REPORT:**

The Lady Barron toilet amenity block is an integral part of the functioning of the Port along with the use of other public facilities located in the hub of the township. The current toilets are extremely old and are no longer functional.

Council is currently purchasing three other units for Killiecrankie, Yellow Beach and the Whitemark Foreshore. By purchasing a fourth unit at the same time, Council will make a substantial saving of approximately 15 percent.

Council should be aware that the intention with these projects will be to group purchase and /or procure all of the waste water systems, the construction of the units the plumbing works and commissioning collectively to also drive further savings.

Soil testing, site selection and refinement of the scope of works for each site are now well advanced and once the units are purchased staff will move quickly towards submitting development applications for the projects with Whitemark and Killiecrankie being the first to be submitted for consideration.

**STATUTORY REQUIREMENT:**

*Local Government Act 1993*

*Environmental Management Pollutions Control Act 1993*

**POLICY/STRATEGIC IMPLICATIONS:**

1.2 Infrastructure

**BUDGET AND FINANCIAL IMPLICATIONS:**

To bulk purchase the units will deliver a discount on individual purchases.

**RISK/LIABILITY:**

To not carry out the works may prevent an environmental and public nuisance.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

The Council approves a budget variation request to the 2014/15 Capital Works Program Budget to allow for the reallocation of \$38,000 from the budget line items identified in the annexure, for the purchase of a fourth unit for the replacement of the Lady Barron Public Toilets.

**DECISION:**

**145.05.2015 Moved:** Cr Gerald Willis    **Seconded:** Cr Peter Rhodes  
That Council suspends standing orders under sect 22(9).

**CARRIED UNANIMOUSLY (5-0)**

**For:** Acting Mayor Marc Cobham; Cr Chris Rhodes; Cr Peter Rhodes; Cr David Williams and Cr Gerald Willis.

*Standing Orders were suspended at 1:37pm*

**146.05.2015 Moved:** Cr David Williams    **Seconded:** Cr Chris Rhodes  
That Council resumes standing orders.

**CARRIED UNANIMOUSLY (5-0)**

**For:** Acting Mayor Marc Cobham; Cr Chris Rhodes; Cr Peter Rhodes; Cr David Williams and Cr Gerald Willis.

*Standing Orders were resumed at 1:48pm*

**147.05.2015 Moved:** Cr David Williams    **Seconded:** Cr Chris Rhodes  
The Council approves a budget variation request to the 2014/15 Capital Works Program Budget to allow for the reallocation of \$38,000 from the budget line items identified in the annexure, for the purchase of a fourth unit for the replacement of the Lady Barron Public Toilets.

**CARRIED UNANIMOUSLY (5-0)**

**For:** Acting Mayor Marc Cobham; Cr Chris Rhodes; Cr Peter Rhodes; Cr David Williams and Cr Gerald Willis.

**Item C3: Variation to the 2014/15 Budget Review**

<b>ACTION</b>	<b>Information</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Corporate Services Manager, Sophie Pitchford & Works and Services Manager, Brian Barnewall
<b>FILE REFERENCE</b>	FIN/0702
<b>ASSOCIATED PAPERS</b>	<i>Annexure 5: Capital Works Program Budget</i>

**INTRODUCTION:**

A reallocation of existing unspent funds from the Capital Works budget is required to complete the purchase of the Bitumen Sprayer Truck and two automated spreader boxes.

**PREVIOUS COUNCIL CONSIDERATION:**

2014/2015 Budget Workshops  
2014/2015 Budget Estimate  
2014/2015 Annual Plan  
Closed Council 18<sup>th</sup> December 2014

**OFFICER'S REPORT:**

Council has previously approved the purchase of a new or near new Bitumen Sprayer Truck and two automated spreader boxes. Investigations since then have not found any suitable near-new trucks for sale. There are only three engineering companies that assemble sprayer trucks in Australia that Council has been able to find. We have now obtained a firm quote from Matthew Brothers Engineering and the price is slightly higher than first expected however they are well respected and have high quality products. Therefore an additional allocation of \$30,000 will be needed to complete the purchase and allow for freight.

Council has a very large resealing program over the next three years with works including Department of State Growth and the Airport runway totaling over 230,000 square metres. It is projected that Council undertaking this work, as opposed to outside contractors will deliver sufficient saving within the program to pay back the capital purchase costs.

**STATUTORY REQUIREMENT:**

*Local Government Act 1993*

**POLICY/STRATEGIC IMPLICATIONS:**

2.0 Infrastructure - Efficient and reliable infrastructure that supports and protects production, services and lifestyle.

2.2 Optimise infrastructure to support existing settlements and enhance sustainable development opportunities and remove impediments to growth.



2.2.1 Identify, research, design and implement key infrastructure projects and programs to meet the economic and environmental needs of Council and the community.

2.2.1.11 Reconstruct and seal the equivalent of 1 kilometre of Palana Road and reseal 11 kilometres of bitumen road.

2.4.2.1 Continue to review road resealing program and procedures to identify possible savings through new technologies and delivery systems.

**BUDGET AND FINANCIAL IMPLICATIONS:**

An additional \$30,000 will need to be reallocated from within the Capital Works budget to purchase the new Bitumen Sprayer Truck and two new automated Aggregate Spreader boxes.

**RISK/LIABILITY:**

Council's Roads to Recovery Funding and Resealing Program could potentially be impacted by further delays and high contractor prices.

**VOTING REQUIREMENTS:**

Absolute Majority

**OFFICER'S RECOMMENDATION:**

That Council reallocates \$30,000 from the Capital Budget as per Annexure 5 to finance the purchase of a new Bitumen Sprayer Truck and two new Automated Aggregate Spreader Boxes

**DECISION:**

**148.05.2015 Moved:** Cr David Williams      **Seconded:** Cr Peter Rhodes

That Council reallocates \$30,000 from the Capital Budget as per Annexure 5 to finance the purchase of a new Bitumen Sprayer Truck and two new Automated Aggregate Spreader Boxes

**CARRIED UNANIMOUSLY (5-0)**

**For:** Acting Mayor Marc Cobham; Cr Chris Rhodes; Cr Peter Rhodes; Cr David Williams and Cr Gerald Willis.

## D. GOVERNANCE

### Item D1: Personal Information Protection Policy

<b>ACTION</b>	<b>Decision</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	General Manager, Raoul Harper
<b>FILE REFERENCE</b>	ADM/0900
<b>ASSOCIATED PAPERS</b>	<i>Annexure 6: DRAFT Personal Information Protection Policy</i>

#### **INTRODUCTION:**

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

#### **PREVIOUS COUNCIL CONSIDERATION:**

19<sup>th</sup> February 2015 Council Meeting  
12<sup>th</sup> March 2015 Councillor Workshop  
26<sup>th</sup> March 2015 83.03.2015

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

Flinders Council collects and uses personal information about individuals to enable it to carry out its functions under the *Local Government Act 1993* and other legislation and regulations. As a personal information custodian, Flinders Council is required under the *Personal Information Protection Act 2004* to document Council's policy on management of personal information and to make that document available to any person who requests it. This policy has been developed in response to that legislative requirement.

Council resolved to adopt the Personal Information Protection Policy and allowed it to lay on the table for 28 days for public comment. No submissions were received during the public consultation period.

#### **STATUTORY REQUIREMENT:**

*Local Government Act 1993*  
*Personal Information Protection Act 2004*

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

5.0 Corporate, Governance and Intergovernmental Relations

**RISK/LIABILITY:**

By adopting this policy and ensuring that Management, Staff and Councillors are aware of and follow this policy will help to reduce Council's exposure to risk in this area.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

That Council adopts the Personal Information Protection Policy.

**DECISION:**

**149.05.2015 Moved:** Cr Peter Rhodes **Seconded:** Cr David Williams

That Council adopts the Personal Information Protection Policy.

**CARRIED UNANIMOUSLY (5-0)**

**For:** Acting Mayor Marc Cobham; Cr Chris Rhodes; Cr Peter Rhodes; Cr David Williams and Cr Gerald Willis.















