



Confirmed Minutes
Ordinary Council Meeting
20th October 2016



FLINDERS COUNCIL ORDINARY MEETING

CONFIRMED MINUTES

DATE: Thursday 20th October 2016
VENUE: Furneaux Arts and Entertainment Centre, Whitemark
COMMENCING: 1.00 pm

PRESENT

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

APOLOGIES

Nil

STAFF IN ATTENDANCE

Sophie Pitchford	- Acting General Manager	1.00 – 5.43pm
Brian Barnewall	- Works and Services Manager	1.00 – 1.44pm
Robyn Cox	- Strategic Planner	1.00 – 1.28pm
Adrian Mythen	- QC ³ Consulting	1.00 – 2.05pm
Jacci Viney	- Development Services Coordinator	1.00 – 1.44pm
Vicki Warden	- Executive Officer	1.00 – 5.43pm

CONFIRMATION OF MINUTES

233.10.2016 Moved: Cr G Willis **Seconded:** Cr D Williams

That the Minutes from the Ordinary Council Meeting and the Closed Council Meeting held on the 22nd September 2016 and the Minutes from the Special Council Meeting and the Closed Council Meeting held on the 6th October 2016 be confirmed.

CARRIED UNANIMOUSLY (7-0)

For: Mayor Carol Cox, Deputy Mayor Marc Cobham, Cr C Rhodes, Cr P Rhodes, Cr K Stockton, Cr David Williams and Cr G Willis.

PUBLIC QUESTION TIME

Question 1: Mary-Anne Roberts and Jude Cazaly

Given the recent actions of sacking the General Manager by the majority of Councillors, are we (members of the community) being led to believe that a greater level of probity is the expected norm of this Council?

Can and will this be reflected in the activities undertaken by the elected body individually and collectively?

Will this extend to the treatment of all employees and committees?

Mayor's Response:

The question was taken on notice.

Question 2: Mary-Anne Roberts and Jude Cazaly

Given the Audit Panel of Flinders Council is Chaired by Mr John Dick, allegedly a known friend and travelling companion of Councillor Stockton and allegedly friend of Councillor Willis (both members of the Audit Panel), can the Mayor confirm the following?

- 1) Councillor Stockton played no role in soliciting a nomination from Mr Dick to apply for the position of independent Chair?
- 2) The Audit Panel has a current work plan that has been approved by Council as required under the Act?
- 3) That the Audit Panel has a meeting schedule that has also been approved by Council?
- 4) That the Audit Panel is in compliance with its meeting schedule and work plan?
- 5) That the Audit Panel is independent and free from bias either perceived or actual?

Could the Mayor describe the objective qualifications that render the Chairperson of the Audit Panel suitable for the role including his most recent work with public agencies and published works?

Mayor's Response:

The question was taken on notice however confirmation was given that a current work plan exists and that the number of meetings per year is compliant.

Question 3: John Holloway

Does Council have documented evidence that "Round-Up" is not appropriate to use around Whitemark Township? The Steamer seems ineffective and inefficient with the result that the grassed areas are looking shabby.

Mayor's Response:

The question was taken on notice.

Question 4: John Holloway

Has the process to transfer Crown Land, or lease Crown Land to Council at the Badger Corner boat ramp site been actioned yet? If not when will this occur?

Mayor's Response:

The question was taken on notice.

Question 5: John Holloway

When will Council commence charging commercial users an additional amount to use the Whitemark Tip?

Mayor's Response:

The question was taken on notice.

**RESPONSE TO PUBLIC QUESTIONS
22nd September 2016 Council Meeting****Question 1: David Grutzner**

The following is an abridged version of the question:

Will the Council now formally and publicly acknowledge the considerable work that Raoul (Harper, former General Manager) has put in on this important breakthrough (of reducing increased costs associated with regulatory changes) for the future growth and financial development of this community?

Mayor's Response:

I thank you for the question and for the consolidating letter and brochures provided.

Whilst only Raoul can confirm how much lobbying was undertaken, Council is both welcoming and wary of the new legislation. Like all changes the devil is in the detail.

Enabling sheds and minor structures to be constructed without a building permit is a positive step forward as often these are the projects on which the permit cost has the most impact.

Moving more permit authorisation and responsibility onto building surveyors, whilst keeping councils as the oversight watchdog, will be an interesting development to watch.

I will continue to give credit where credit is due and Raoul will be recognised in my reports for his work and achievements for Flinders Council.

234.10.2016 Moved: Cr D Williams

Seconded: Cr G Willis

That Council notes the responses to the public questions taken on notice at the 22nd September 2016 Council Meeting.

CARRIED UNANIMOUSLY (7-0)

For: Mayor Carol Cox, Deputy Mayor Marc Cobham, Cr C Rhodes, Cr P Rhodes, Cr K Stockton, Cr David Williams and Cr G Willis.

COUNCILLORS' QUESTIONS ON NOTICE

Question 1: Cr Gerald Willis – Roadside Vegetation

I ask the Acting General Manager if there is a date by which it is intended to mow the verges of Main Road, in particular in the Ranga region, to remove woody regrowth and if so what is that date?

Acting General Manager's Response:

The mowing of the Main Road verges will commence in October. Due to problematic weather conditions, the mowing has been slightly delayed.

Question 2: Cr Gerald Willis – Road to Patriarch Wildlife Sanctuary

I ask the Acting General Manager given the high visitation to the Patriarch Wildlife Sanctuary and its importance as a destination for visitors and residents, would the Council be able to attend to maintenance matters on the access road?

Acting General Manager's Response:

This has been identified in the work schedule, which is completed on a priority basis. Due to other critical maintenance issues, the works have been delayed until this month.

235.10.2016 Moved: Cr G Willis **Seconded:** Cr K Stockton

That Council notes the questions on notice and the responses.

CARRIED UNANIMOUSLY (7-0)

For: Mayor Carol Cox, Deputy Mayor Marc Cobham, Cr C Rhodes, Cr P Rhodes, Cr K Stockton, Cr David Williams and Cr G Willis.

Note: Cr G Willis thanked the Works and Services Department for grading the road to the Patriarch Wildlife Sanctuary.

COUNCILLORS' QUESTIONS WITHOUT NOTICE

Question 1: Chris Rhodes

Could the Mayor update Councillors on the status of the Council funded economic development consultant that was employed on the 1st of September 2015? When can Councillors expect to see a project acquittal and final report?

Mayor's Response:

The Acting General Manager confirmed that no acquittal report was required from the consultant however the Acting General Manager will supply a report to Councillors.

RESPONSE TO COUNCILLORS' QUESTIONS WITHOUT NOTICE

22nd September 2016 Council Meeting

Question 1: Cr G Willis

Will the Mayor provide details of transactions related to property described as Volume 86322, Folio 1 situated at Main Road, Lady Barron from 18 December 2014 until its disposal by Flinders Council?

Mayor's Response:

The Mayor has no information on the land transactions other than that which has been made available to all Councillors in Closed Council in December of 2014 and June of 2015. The Mayor has made a formal request for the relevant information to be provided to Councillors in Closed Council at the October Meeting and the Acting General Manager has agreed.

236.10.2016 Moved: Cr P Rhodes **Seconded:** Cr G Willis

That Council notes the response to Councillor's questions without notice asked at the 22nd September 2016 Council Meeting.

CARRIED UNANIMOUSLY (7-0)

For: Mayor Carol Cox, Deputy Mayor Marc Cobham, Cr C Rhodes, Cr P Rhodes, Cr K Stockton, Cr David Williams and Cr G Willis.

LATE AGENDA ITEMS

Nil

DECLARATION OF PECUNIARY INTEREST

Nil

LEAVE OF ABSENCE

Nil

PETITIONS

Nil

POLICIES

Council policies adopted during the period where no submissions were received throughout the 28 day public consultation period, as per the Flinders Council Policy Manual Policy:

- Dog Management Policy adopted 18th August 2016
- Code of Responsible Dog Ownership adopted 18th August 2016

237.10.2016 Moved: Deputy Mayor M Cobham **Seconded:** Cr P Rhodes

That Council notes that the Dog Management Policy and the Code of Responsible Dog Ownership are now adopted.

CARRIED UNANIMOUSLY (7-0)

For: Mayor Carol Cox, Deputy Mayor Marc Cobham, Cr C Rhodes, Cr P Rhodes, Cr K Stockton, Cr David Williams and Cr G Willis.

WORKSHOPS & INFORMATION FORUMS File No: COU/0205

Council Workshop held on 4th October 2016

Council held a Workshop on the following subjects:

- Item 1: Consideration of applicants to determine first round of interviews for GM position
- Item 2: Interview content and process

Councillors Present:

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

Apologies:

Nil

Staff and Consultants Present:

Jason Vuddamalay - Searchlight Group

Council Workshop held on 6th October 2016

Council held a Workshop on the following subjects:

- Item 1: Tourism Northern Tasmania (TNT)
- Item 2: Solid Waste Disposal Update
- Item 3: Long Term Asset Management Plan
- Item 4: TNT – Memorandum of Understanding with Council
- Item 5: State Budget Submission
- Item 6: Policies for Review

Councillors Present:

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

Apologies:

Nil

Staff and Consultants Present:

Chris Griffin - Tourism Northern Tasmania (Item 1 only)
Michael Grimshaw - Flinders Island Tourism and Business Association (Item 1 only)
Rowena Nicolls - Flinders Island Tourism and Business Association (Item 1 only)
Jo Youl - Flinders Island Tourism and Business Association (Item 1 only)
Brian Barnewall - Works and Services Manager (Item 2 only)
Sophie Pitchford - Acting General Manager

Vicki Warden - Executive Officer (Items 5 and 6 only)

Interviews held on 12th October 2016

Council interviewed three candidates for the General Manager's position.

Councillors Present:

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

Apologies:

Nil

Staff and Consultants Present:

Jason Vuddamalay - Searchlight Group

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 Workshops held on 4th and 6th October 2016 and the interviews held on 12th October be noted.

DECISION:

238.10.2016 Moved: Deputy Mayor M Cobham **Seconded:** Cr P Rhodes
That the Council Workshops held on 4th and 6th October 2016 and the interviews held on 12th October be noted.

CARRIED UNANIMOUSLY (7-0)

For: Mayor Carol Cox, Deputy Mayor Marc Cobham, Cr C Rhodes, Cr P Rhodes, Cr K Stockton, Cr David Williams and Cr G Willis.

PUBLIC MEETINGS

Nil

PUBLICATIONS/REPORTS TABLED FOR COUNCIL INFORMATION

Nil

REPORTS TO BE RECEIVED

Furieux Group Aviation Special Committee

File No: COM/0104

*Annexure 1: Furieux Group Aviation Special Committee 27th September 2016
Unconfirmed Minutes*

OFFICER'S REPORT (Sophie Pitchford, Acting General Manager):

The unconfirmed minutes of the Furieux Group Aviation Special Committee meeting held on Tuesday 27th September 2016 have been provided for consideration. The minutes outline what the Committee has been working on to date and can now be noted by Council.

OFFICER'S RECOMMENDATION

That the unconfirmed minutes of the Furieux Group Aviation Special Committee meeting held on Tuesday 27th September 2016 be noted.

DECISION:

239.10.2016 Moved: Cr K Stockton **Seconded:** Cr G Willis

That the unconfirmed minutes of the Furieux Group Aviation Special Committee meeting held on Tuesday 27th September 2016 be noted.

CARRIED UNANIMOUSLY (7-0)

For: Mayor Carol Cox, Deputy Mayor Marc Cobham, Cr C Rhodes, Cr P Rhodes, Cr K Stockton, Cr David Williams and Cr G Willis.

Furneaux Group Shipping Special Committee

File No: COM/0403

*Annexure 2: Furneaux Group Shipping Special Committee 27th September 2016
Unconfirmed Minutes*

OFFICER'S REPORT (Sophie Pitchford, Acting General Manager):

The unconfirmed minutes of the Furneaux Group Shipping Special Committee meeting held on Tuesday 27th September 2016 have been provided for consideration. The minutes outline what the Committee has been working on to date and can now be noted by Council.

OFFICER'S RECOMMENDATION

That the unconfirmed minutes of the Furneaux Group Shipping Special Committee meeting held on Tuesday 27th September 2016 be noted.

DECISION:

240.10.2016 Moved: Deputy Mayor M Cobham **Seconded:** Cr P Rhodes

That the unconfirmed minutes of the Furneaux Group Aviation Special Committee meeting held on Tuesday 27th September 2016 be noted.

CARRIED UNANIMOUSLY (7-0)

For: Mayor Carol Cox, Deputy Mayor Marc Cobham, Cr C Rhodes, Cr P Rhodes, Cr K Stockton, Cr David Williams and Cr G Willis.

Municipal Emergency Management Committee

File No: CSV/0400

*Annexure 3: Municipal Emergency Management Committee 3rd October 2016
Unconfirmed Minutes*

OFFICER'S REPORT (Sophie Pitchford, Acting General Manager):

The unconfirmed minutes of the Municipal Emergency Management Committee meeting held on Monday 3rd October 2016 have been provided for consideration. The minutes outline what the Committee has been working on to date and can now be noted by Council.

OFFICER'S RECOMMENDATION

That the unconfirmed minutes of the Municipal Emergency Management Committee meeting held on Monday 3rd October 2016 be noted.

DECISION:

241.10.2016 Moved: Cr G Willis **Seconded:** Cr D Williams

That the unconfirmed minutes of the Municipal Emergency Management Committee meeting held on Monday 3rd October 2016 be noted.

CARRIED UNANIMOUSLY (7-0)

For: Mayor Carol Cox, Deputy Mayor Marc Cobham, Cr C Rhodes, Cr P Rhodes, Cr K Stockton, Cr David Williams and Cr G Willis.

COUNCILLORS' REPORTS

Report from Councillor Gerald Willis as the Flinders Council Representative on the TasWater Owners' Committee
 File No: COU/0312

CORRESPONDENCE IN:

DATE	WHO	SUBJECT
24.09.16	Email from Ailsa Sypkes, General Manager Legal and Governance for TasWater	A proxy form advising that despite Thursday 6 October 2016 being a statutory holiday to commemorate Show Day in the Launceston region, the previously scheduled General Meeting for that day will still be held at the Windsor Community Centre, Riverside.
15.09.16	Email from Ailsa Sypkes, General Manager Legal and Governance for Taswater	Agenda and proxy form for a General Meeting to be held at 10:00 am Thursday 6 October 2016 at the Windsor Community Centre, Riverside.
28.09.16	Letter from Miles Hampton, Chairman, TasWater	Copy of Annual Report for 2015-2016 included.
04.10.16	Email from Ailsa Sypkes, General Manager Legal and Governance for TasWater	Email with two attachments relating to a meeting to be held 10:00 am Thursday 6 October 2016 at the Windsor Community Centre, Riverside. I had previously issued an apology for the meeting.

RECOMMENDATION:

That Councillor Gerald Willis's report as the Flinders Council Representative on the TasWater Owners' Committee be received.

DECISION:

242.10.2016 Moved: Cr K Stockton **Seconded:** Deputy Mayor M Cobham
 That Councillor Gerald Willis's report as the Flinders Council Representative on the TasWater Owners' Committee be received.

CARRIED UNANIMOUSLY (7-0)

For: Mayor Carol Cox, Deputy Mayor Marc Cobham, Cr C Rhodes, Cr P Rhodes, Cr K Stockton, Cr David Williams and Cr G Willis.

Note: Cr Willis advised that he will be attending the TasWater General Meeting scheduled for the 10th of November.

MAYOR'S REPORT:

ACTION	Information
PROPONENT	Mayor C Cox
FILE REFERENCE	COU/0600
ASSOCIATED PAPERS	Nil

REPORT:**APPOINTMENTS:**

16.09.2016	RAAF Roulettes at the Flinders Island Airport
17.09.2016	Netball matches with visiting teams from Bridport and King Island and Football match between Flinders and visiting team from Bridport
20.09.2016	With the Executive Officer, met with Simon Gamble and Janine Thomas of Hydro Tasmania to discuss the upcoming forum on Flinders Island
22.09.2016	Council Meeting
22.09.2016	Flinders Island District High School Discover Agriculture and Hospitality week celebration dinner
27.09.2016	Chaired meeting of the Furneaux Group Shipping Special Committee
27.09.2016	Chaired meeting of the Furneaux Group Aviation Special Committee
30.09.2016	Attended the AGM of Northern Tasmania Development
30.09.2016	Attended the Special Meeting of the Local Government Committee of Northern Tasmania Development
03.10.2016	Chaired meeting of the Municipal Emergency Management Committee
03.10.2016	With the Acting General Manager and Cr Willis, met with executive committee members of the Flinders Island Tourism and Business Association to discuss supporting each other's strategic goals going forward
04.10.2016	Council Workshop on general manager recruitment
06.10.2016	Council Workshop
06.10.2016	Special Meeting of Council (general manager recruitment)
11.10.2016	Councillors' meeting with representatives from NBN
12.10.2016	Candidate interviews for general manager's position
12.10.2016	Councillors' meeting with Telstra sales team leader, Michael Sammut
13.10.2016	Accompany Her Excellency Professor the Honourable Kate Warner, AM, Governor of Tasmania and Mr Warner on Island visit
13.10.2016	Civic Reception for Her Excellency Professor the Honourable Kate Warner, AM, Governor of Tasmania and Mr Warner

RAAF Roulettes at the Flinders Island Airport:

I had the pleasure of speaking with a couple of the pilots and even greater pleasure in observing the pupils from the Flinders Island District High School being shown the aircraft up close by the pilots. Pupils from all grades visited the airport for this opportunity to learn about the experience of being a Roulette Pilot and about the planes they fly.

Netball and Football:

Whilst Flinders has no regular football or netball competitions happening, players grasped the opportunity to play competition games on this one day. Netball teams from both Bridport and King Island flew in to make up a three team round robin competition, of which unfortunately Flinders was the weaker, but not uncompetitive team.

A football team from Bridport travelled across the water again this year, second year running, to play the Flinders team. It was Bridport's year to shine with the match tally being one each over the two years of the event.

On speaking to each of the teams, it was evident they were enjoying the island hospitality as much as we were enjoying having them on the Island.

Flinders Island District High School Discover Agriculture and Hospitality week:

I participated in a delicious meal prepared and served by the students undertaking the Discover Hospitality week running alongside the Discover Agriculture week. This was the first event of this kind run on Flinders, with participants being local students and around 14 students from off-island. Initiated just twelve months ago, the agricultural activities varied from regular on-farm experiences to a geology lesson and digging for shell fossils in a farm dam bank. Students undertaking the Discover Hospitality served three beautiful themed lunches to the public through the week. This is a project well deserving of support and I congratulate the principal, staff and community members involved for having the vision to make this happen.

Flinders Island Tourism and Business Association (FITBA) and Council:

A meeting of members of the new executive of FITBA and Council was held to discuss the ability and options for each to support the other in attaining their aligned strategic goals, such as increased visitation and population to support and grow the Island's economy.

General Manager Recruitment:

The recruitment process is at the stage of interviewing the selection of applicants approved at the Special Meeting of Council on the 6th of October.

Governor's Visit:

Her Excellency Professor the Honourable Kate Warner, AM, Governor of Tasmania is visiting the Island by invitation from the Flinders Island Show Society, supported by Council. The day prior to the show I escorted Her Excellency Professor the Honourable Kate Warner, AM, Governor of Tasmania and Mr Warner on a visit to several island places of interest - the Flinders Island District High School, the

Multipurpose Centre, the Furneaux Museum and the farming property of Pip and Peter Frost - with tours of Lady Barron and Whitemark included. The day culminated in a Civic Reception where Her Excellency and Mr Warner mingled with community members.

Council Staff:

The Acting General Manager has confirmed that the recently advertised staff vacancies have been filled. Claire Nichol and David Heap will be time sharing the Community and Economic Development Officer position and Shayne Smith has been appointed to the Cleaner/Works Officer position. Welcome to the new staff members.

I would like to congratulate and thank all the staff members who have picked up work that would not normally be a part of their duties. Their actions have assisted Council to continue business as usual whilst these important positions were vacant.

This week has been especially busy with the organisation for Her Excellency the Governor of Tasmania's visit to the Island, General Manager candidate interviews on-island, the Annual Show and publication of the Agenda, along with all the usual activity undertaken, and all this to be completed prior to the Public Holiday for the Annual Flinders Island Show on Friday. Congratulations to all in achieving what sometimes seems to be the impossible.

CORRESPONDENCE IN:

DATE	WHO	SUBJECT
14.09.16	S Dwyer	Invitation to Ag Week dinner at the school
14.09.16	Northern Tasmania Development (NTD)	Decision by Meander Valley Council
15.09.16	J Vuddamalay	General manager recruitment
15.09.16	J Glover	Womensport & Recreation Tasmania offering training opportunity
15.09.16	A Sypkes, TasWater	Papers for General Meeting - 6 Oct 2016
16.09.16	M Telfer	Disappointment in quality of Searchlight General Manager briefing document
19.09.16	J Rockliff MP	Ted Melhuish Transcript - Lowering School Starting Age
19.09.16	J Vuddamalay	Suggested interview structure
20.09.16	M Patterson	Telstra's position on mobile roaming
21.09.16	M Abey	Local Government Forum - 29 November 2016
21.09.16	M Hampton	TasWater Annual Report 2015-16
23.09.16	Stephanie Commons	Tasmanian Young Achiever Awards - Nominations are now open
26.09.16	K Stephenson	State budget submission
26.09.16	Senator J Duniam	Introduction

26.09.16	M Grimshaw	Copy of email sent to Flinders Island Tourism Business Association (FITBA) executive re comments on Structure Plan
29.09.16	P Gutwein MP	Accelerated Local Government Capital Program
30.09.16	NTD	NTD AGM and Special General Meeting
30.09.16	Commander P Edwards	Flood Recovery Workshop for local government
30.09.16	G Lewis	Tasmanian Bus Association publication
31.09.16	R Dilger	Show society lunch and Governor's arrangements
03.10.16	Tasmanian Audit Office	Final management letter
03.10.16	Tasmanian Audit Office	Independent Auditor's Report
03.10.16	Jo Youl	FITBA and Council cooperation
04.10.16	R Wise	Errors in the general manager position advertisement
04.10.16	A Sypkes, TasWater	Owner Council correspondence prior to General Meeting
05.10.16	R Nicholls	Comments on Tourism Northern Tasmania - Memorandum of Understanding
05.10.16	P Gutwein MP	Accelerated Local Government Capital Program
07.10.16	R Hidding MP	State Roads Audit
09.09.16	Local Government Association of Tasmania (LGAT)	LGAT Regional Breakfasts
11.10.16	Tracey Clark, NTD	NTD Media Release - New Board Chair Being Sought for Northern Tasmania Development Corporation
11.10.16	Patricia Nugent	Internet & mobile phone services
17.09.16	J Vuddamalay	Comments on Mel Telfer's correspondence re general manager briefing document

CORRESPONDENCE OUT:

DATE	WHO	SUBJECT
15.09.16	S Dwyer	Ag Week dinner acceptance
15.09.16	J Vuddamalay	Recruitment of general manager
15.09.16	J Vuddamalay	Recruitment of general manager
15.09.16	A Sypkes, TasWater	Inability to attend meeting
17.09.16	M Telfer	Thank you for feedback on Searchlight document

07.10.16	J Vuddamalay	Confirmation of nine candidates to interview
07.10.16	Councillors	L Wooldrage's comments on lowering the school age
10.10.16	R Pree, Department of Premier and Cabinet	Advice that the National Stronger Regions Fund grant application was unsuccessful
10.10.16	M Patterson, Telstra	Advice that the National Stronger Regions Fund grant application was unsuccessful
11.10.16	P Gutwein MP	Independent person on interview panel and community petition
11.10.16	D Grutzner	Response to public question
11.10.16	Cr G Willis	Response to submission to Furneaux Group Shipping Special Committee

VOTING REQUIREMENTS:

Simple Majority

RECOMMENDATION:

That the Mayor's report be received.

DECISION:

243.10.2016 Moved: Deputy Mayor M Cobham **Seconded:** Cr P Rhodes
That the Mayor's report be received.

CARRIED UNANIMOUSLY (7-0)

For: Mayor Carol Cox, Deputy Mayor Marc Cobham, Cr C Rhodes, Cr P Rhodes, Cr K Stockton, Cr David Williams and Cr G Willis.

Note: Deputy Mayor Marc Cobham thanked the Mayor and staff for the work involved in organising Her Excellency the Governor of Tasmania's visit.

A. STRATEGIC PLANNING

Item A1: Emita Walking Path

ACTION	Decision
PROPONENT	Council Officer
OFFICER	Robyn Cox, Strategic Planner
FILE REFERENCE	REA/0300
ASSOCIATED PAPERS	<i>Annexure 4: Title Plan</i> <i>Annexure 5: Plan of Emita</i>

INTRODUCTION:

The first principle of the land use strategy for Flinders Island (Structure Plan) is to retain and create open space networks. The Structure Plan identifies multiple opportunities to improve connections between open spaces. Such connections enhance health and well-being by providing links between walking tracks and other destinations.

At Emita the option to create a walking link from Port Davies Road to Allports Beach Road and hence the foreshore has been presented by the developer who has agreed to gift a small amount of land for the purpose. The benefits of the proposal and the alignment with strategic intent for settlements indicate that for a small investment, a key walking connection can be established in perpetuity.

PREVIOUS COUNCIL CONSIDERATION:

Nil

OFFICER'S REPORT:

The historical land division of the 'Stella Maris' property established 10 allotments between Port Davies Road and Allports Beach Road. The intensification of the immediate area is double the existing allotment pattern providing 5 half acre allotments and 5 allotments less than half an acre (but larger than 1700m²). There are approximately 15 allotments east of the Stella Maris subdivision that could benefit from the establishment of a walking connection from Port Davies Road to Allports Beach Road, plus 4 in the subdivision itself. Since the subdivision was historical, no open space contribution has been required. This proposal provides an opportunity to collect a 'post division' contribution.

The developer needs to establish a drainage easement over lot 5 (see Annexure 4) and has offered to provide the same amount of land from lot 9 in order that a walking track can be established from land currently within both allotments. The intention is that the 190m² section be annexed from the private land and acquired by Council as a public walking path. The proviso is that it will not require expense for the developer and that Council will be responsible for the walking path once established.

Personal communication with the Works Manager, 11 September 2016, has confirmed that the establishment and ongoing maintenance of a 2m wide x 95m long path in this location would be minimal.

On the other hand, the benefits for current and future residents are significant. It would also provide the opportunity for visitors to the museum to take a looped stroll around Emita. The path would also be opposite a link to the Parks and Wildlife reserve to the south east and could potentially link to the museum via the reserve and Fowlers Road (see map Annexure 5). The Flinders Island Structure Plan nominates both a link from the museum to the beach and a local café as appropriate to the area. The pathway through the 'Stella Maris' estate could enhance both. The structure plan also identifies the need for linking the beaches, the foreshore track around the coast to Castle Rock and the township. The proposed path would be a significant contributor to achieving these outcomes.

Note: The officer mentioned that a physical barrier or signage to stop vehicular traffic on the path may be required in the future.

STATUTORY REQUIREMENT:

Nil

POLICY/STRATEGIC IMPLICATIONS:

5.0 Livability - Protect, improve and promote the safety, creativity, health and wellbeing of the Islands' communities.

- Livability can also be measured by scenic amenity and environmental services, building form and scale, principles of sustainable design, and access to open spaces.
- Livability is one of the key strengths of the Islands and Council should continue to foster key programs and initiatives that seek to improve livability.
- Changing demographic structure of the Islands' population drives demand for changing service needs.

BUDGET AND FINANCIAL IMPLICATIONS:

Survey of the 190m² path is not expected to be required since the recent survey of the properties has been conducted and existing survey markers can be used to identify the extent of the path. This indicates a reduced fee for preparing a plan for Land Titles Office; estimated to be less than \$1500.00

Work to complete a gravel path is estimated to be \$800.00

Land Title transfer fees have not been estimated but fees for the recent transfer of a portion of private property to Council were \$1046.00. The cost at Emita is anticipated to be less than this amount. Funds could be accessed from the Open Space Fund.

RISK/LIABILITY:

No risks have been identified.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That Council agrees to accept the approximately 190m² of land offered by the developer from two allotments at Emita for the establishment of a walking connection between Port Davies Road and Allports Beach Road.

DECISION:

244.10.2016 Moved: Cr D Williams **Seconded:** Cr K Stockton

That Council agrees to accept the approximately 190m² of land offered by the developer from two allotments at Emita for the establishment of a walking connection between Port Davies Road and Allports Beach Road.

CARRIED UNANIMOUSLY (7-0)

For: Mayor Carol Cox, Deputy Mayor Marc Cobham, Cr C Rhodes, Cr P Rhodes, Cr K Stockton, Cr David Williams and Cr G Willis.

Note: Deputy Mayor Marc Cobham thanked Robyn Cox for acting proactively on this matter.

B. DEVELOPMENT SERVICES

Item B1: Development Application Report

ACTION	Information
PROPONENT	Council Officer
OFFICER	Development Services Coordinator
FILE REFERENCE	DSV/0300
ASSOCIATED PAPERS	<i>Annexure 6: Planner's Information Report - September 2016</i>

INTRODUCTION:

The purpose of this report is to provide Councillors with an update of the applications which have been dealt with by the Planning Department for the month of October as per the council motion 249.09.2015, passed at the 24th September 2015 Council Meeting.

Council has requested that the planning consultancy service (West Tamar Council) provide this detail to Council on a monthly basis.

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 6 Planner's Information Report - September 2016, provided by West Tamar Council.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That the report be received.

DECISION:

245.10.2016 Moved: Cr G Willis **Seconded:** Cr P Rhodes

That the Planner's Information Report - September 2016 report be received.

CARRIED UNANIMOUSLY (7-0)

For: Mayor Carol Cox, Deputy Mayor Marc Cobham, Cr C Rhodes, Cr P Rhodes, Cr K Stockton, Cr David Williams and Cr G Willis.

C. ENVIRONMENTAL HEALTH

Item C1: Waste Management Update

ACTION	Information
PROPONENT	Council Officer
OFFICER	Brian Barnewall, Works & Services Manager and Jacci Viney, Development Services Coordinator
FILE REFERENCE	WAS/0400
ASSOCIATED PAPERS	<i>Annexure 7: Waste Management Feasibility Report</i> <i>Annexure 8: Waste Management Model Scope and Cost Schedules</i> <i>Annexure 9: Waste Management Preferred Supplier Selection Process</i> <i>Annexure 10: Waste Management Risk Assessment</i>

INTRODUCTION:

Council has recently engaged QC³ consulting to assist with waste management measures that will both suit Council and its Community as well as the requirements of the Environmental Protection Agency (EPA). Annexures 7 - 10 were provided by the consultant to outline Council's way forward. Multiple options were presented in the documents as well as risk profiles for consideration.

PREVIOUS COUNCIL CONSIDERATION:

This matter was discussed at the 6th October 2016 workshop.

OFFICER'S REPORT:

The reports are now presented to Council to be noted.

STATUTORY REQUIREMENT:

Environmental Management Pollutions Control Act 1994
Landfill Sustainability Guidelines 2004
Environmental Protection Notice 7191/2

POLICY/STRATEGIC IMPLICATIONS:

2.0 Infrastructure and Services - An Islands' specific approach to planning and delivery to ensure community and environmental values are maintained

2.3 Minimise environmental and health risks from waste collection and disposal and maximise opportunities to reduce, reuse or recycle resources

2.3.1. Waste Management Strategy Implemented.

BUDGET AND FINANCIAL IMPLICATIONS:

Budget discussions will be held around this in the future.

RISK/LIABILITY:

Risk profile is included within the Annexures.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That Council notes the following documents:

- Flinders Island Waste Management Feasibility Report;
- Flinders Island Waste Management Model Scope and Cost Schedules;
- Flinders Island Waste Management Preferred Supplier Selection Process; and
- Flinders Island Waste Management Risk Assessment.

DECISION:

246.10.2016 Moved: Deputy Mayor M Cobham **Seconded:** Cr K Stockton

That Council notes the following documents:

- Flinders Island Waste Management Feasibility Report;
- Flinders Island Waste Management Model Scope and Cost Schedules;
- Flinders Island Waste Management Preferred Supplier Selection Process; and
- Flinders Island Waste Management Risk Assessment.

CARRIED UNANIMOUSLY (7-0)

For: Mayor Carol Cox, Deputy Mayor Marc Cobham, Cr C Rhodes, Cr P Rhodes, Cr K Stockton, Cr David Williams and Cr G Willis.

247.10.2016 Moved: Cr D Williams **Seconded:** Deputy Mayor M Cobham

That Council supports the fourth option contained in the Flinders Island Waste Management Feasibility Report and proceeding in accordance with the recommendations.

CARRIED UNANIMOUSLY (7-0)

For: Mayor Carol Cox, Deputy Mayor Marc Cobham, Cr C Rhodes, Cr P Rhodes, Cr K Stockton, Cr David Williams and Cr G Willis.

Deputy Mayor Marc Cobham declared pecuniary interest in Item D1, part 2 and left the meeting at 1.45pm.

248.10.2016 Moved: Cr P Rhodes **Seconded:** Cr G Willis

That Cr David Williams shall take the Chair if the Mayor vacates it.

CARRIED UNANIMOUSLY (6-0)

For: Mayor Carol Cox, Cr C Rhodes, Cr P Rhodes, Cr K Stockton, Cr David Williams and Cr G Willis.

Mayor Carol Cox passed the chair to Cr David Williams at 1.46pm.

*“Moved: L Nicol Seconded: B Foot
Recommended that Council accepts the report and moves to the next stage.*

CARRIED UNANIMOUSLY”

Both the Airport Hangar Report and the Fuel Storage Report are attached as Annexures to this Agenda.

The issues being addressed in the reports are two that consideration has been delayed on, due to the time and effort required to bring the accelerated degradation issues of the long runway under control.

The members of the Furneaux Group Aviation Special Committee believe the reports as supplied should be the basis of further investigation into the improvements identified for the Flinders Island Airport.

PREVIOUS COUNCIL CONSIDERATION:

Nil

OFFICER’S REPORT:

Council engaged QC³ Consulting to undertake a high level review of the potential to provide aircraft hangars at the Flinders Island Airport for the use of commercial and private operators and provide options and recommendations for consideration by Council.

The report has identified that there is a level of interest by both commercial and private operators to have in-situ aircraft hangars at the airport.

Providing hangars for the commercial operators would promote business growth through improved brand exposure and marketing opportunities, professionalism and improved customer experiences and asset protection. From a private perspective, the establishment of hangars would allow an opportunity to protect valuable assets.

QC³ also was engaged to undertake a high level review of the fuel facility at the Flinders Island Airport and provide improvement options and recommendations for consideration by the Council.

The report has highlighted that there is a high risk at a compliance level which can be mitigated by upgrading the existing storage facility.

The report provides an overview of opportunities that may lead to reduced retail fuel costs for the smaller commercial and private operators and the introduction of automated fuel dispensing to facilitate and enhance the experience of visitors using the facility at the airport.

STATUTORY REQUIREMENTS:

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS:

3.0 Access and Connectivity - Work with service providers and other relevant stakeholders to improve security, reliability and cost effectiveness.

BUDGET AND FINANCIAL IMPLICATIONS:

Consulting fees to progress the reviews to the next stage.

RISK/LIABILITY:

Not progressing the development of the hangars could jeopardise the future of businesses on the Island and the future of the airport.

Not reviewing the fuel storage facility could lead to non-compliance with the appropriate Australian Standards and Tasmanian Health and Safety legislation.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That Council at this meeting makes a decision on the following recommendations from the Furneaux Group Aviation Special Committee made at the meeting held on the 27th September 2016:

1. That Council accepts the Airport Hangar Report by QC³ and progresses it to the next stage; and
2. That Council accepts the Aviation Fuel Storage Facility Report by QC³ and progresses it to the next stage.

DECISION:

249.10.2016 Moved: Mayor C Cox **Seconded:** Cr P Rhodes

That Council, at this meeting, makes a decision on the following recommendations from the Furneaux Group Aviation Special Committee made at the meeting held on the 27th September 2016:

1. That Council accepts the Airport Hangar Report by QC³ and progresses it to the next stage; and
2. That Council accepts the Aviation Fuel Storage Facility Report by QC³ and progresses it to the next stage.

CARRIED UNANIMOUSLY (6-0)

For: Mayor Carol Cox, Cr C Rhodes, Cr P Rhodes, Cr K Stockton, Cr David Williams and Cr G Willis.

Cr David Williams passed the chair to Mayor Carol Cox at 1.52pm.

250.10.2016 Moved: Cr G Willis **Seconded:** Cr P Rhodes

That Council directs the Acting General Manager to:

- have the current tank inspected to determine what is required for compliance; and
- scope out the project and the associated costs of delivering a Business Case for the Aviation Fuel Storage Facility;

and report back to Council.

CARRIED UNANIMOUSLY (6-0)

For: Mayor Carol Cox, Cr C Rhodes, Cr P Rhodes, Cr K Stockton, Cr David Williams and Cr G Willis.

Deputy Mayor Marc Cobham returned to the meeting at 2.01pm.

251.10.2016 Moved: Cr D Williams **Seconded:** Cr K Stockton

That Council directs the Acting General Manager to scope out the project and the associated costs of delivering a Business Case for the Airport Hangars and report back to Council.

CARRIED UNANIMOUSLY (7-0)

For: Mayor Carol Cox, Deputy Mayor Marc Cobham, Cr C Rhodes, Cr P Rhodes, Cr K Stockton, Cr David Williams and Cr G Willis.

Mayor Carol Cox passed the chair to Deputy Mayor Marc Cobham at 2.05pm.

Item D2: Notice of Motion from Mayor Carol Cox – Furneaux Group Shipping Special Committee Terms of Reference

ACTION	Decision
PROPONENT	Mayor Carol Cox (Chair, Furneaux Group Shipping Special Committee)
OFFICER	Sophie Pitchford, Acting General Manager
FILE REFERENCE	COM/0403
ASSOCIATED PAPERS	<i>Nil</i>

NOTICE OF MOTION:

That Council approves the Furneaux Group Shipping Special Committee Terms of Reference as:

Terms of Reference

FURNEAUX GROUP SHIPPING SPECIAL COMMITTEE of the Flinders Council

1.0 INTRODUCTION

The Furneaux Group Shipping Special Committee is established as a Special Committee under Section 24 of the *Local Government Act 1993*. This Terms of Reference, approved by Council on the < date > supersedes all previous versions.

2.0 PURPOSE

The Furneaux Group Shipping Special Committee is to provide recommendations to Flinders Council on shipping matters, including port and associated infrastructure where it relates to shipping.

3.0 MEMBERSHIP

Membership of the Furneaux Group Shipping Special Committee shall be:-

- The Mayor as Chairperson(non-voting)
- Councillors (2) (excluding the Chairperson)
- General Manager Flinders Council (non-voting)
- Cape Barren Island (1)
- Tasmanian Farmers and Graziers Association – Flinders Branch (1)
- TasPorts (1)
- Department of State Growth (DoSG) (1) (non-voting)
- Transport sector (road on Flinders Island) (1)
- Commerce/business sector (1)
- Agriculture/Livestock sector (1)
- Shipping company(s) (1 each)

Members representing the various sectors shall be appointed by Flinders Council from nominations received. Nominees with experience in the sector they wish to represent shall be preferred. Flinders Council may select a representative of any other sector who it determines may make a contribution to the Furneaux Group Shipping Special Committee.

Those members representing non-council entities shall be selected by the entity they represent (Cape Barren Island, Tasmanian Farmers and Graziers Association, TasPorts, Department of State Growth).

4.0 ATTENDANCE AT MEETINGS

Attendance at meetings shall not be compulsory. However, Flinders Council may regard continued absences from meetings as an indication that an individual is unable to continue with membership and remove the individual from the Furneaux Group Shipping Special Committee. There shall be no appeal against removal. Council has the right to replace the removed individual with another representative of the same sector.

5.0 REPORTING

The chairperson shall provide unconfirmed minutes and if necessary a report to Flinders Council for review at the first Ordinary Meeting of Council following a meeting of the Furneaux Group Shipping Special Committee, provided such meeting of the Furneaux Group Shipping Special Committee is held at least 3 days before the closure date for agenda for Flinders Council.

6.0 RULES

(1) The special committee meetings shall be held every 4 months. Meeting dates are to be set by the chairperson and there shall be no minimum period following the immediate preceding meeting before a meeting may be called.

If the chairperson is unavailable, the chairperson may appoint the Deputy Mayor as chairperson (non-voting).

(2) Alternate members may be substituted with approval of the chairperson.

(3) A quorum shall be 6 (six). If a quorum is not present within 15 minutes of the meeting start time, the meeting shall be postponed to a suitable date.

(4) The chairperson shall ensure minutes are kept for all meetings and shall provide a copy to all members and the Flinders Council.

(5) The minutes are to be confirmed at the next committee meeting following that to which the minutes relate.

(6) Submissions from the public shall be sought before each meeting by an advertisement placed in Island News no more than six weeks and no less than 2 weeks prior to a meeting. All submissions shall be considered by the meeting.

(7) Members shall be advised of meeting time and date at least 5 days prior to meeting, except in unusual circumstances.

(8) Voting shall not be compulsory.

(9) A vote is passed by an ordinary majority vote in the affirmative.

(10) These Meeting Rules shall be reviewed each two years by Flinders Council and can only be amended by ordinary resolution of Flinders Council.

COUNCILLOR'S REPORT:

All Special Committees of Council are required to have agreed Terms of Reference that are endorsed by Council. The Terms of Reference for the Furneaux Group Shipping Special Committee were recently reviewed by the Committee at their meeting held 27th September 2016 and the following recommendation was carried unanimously:

"Moved: Cr P Rhodes Seconded: D Madden

That the Terms of Reference be recommended to Council by the committee."

The Terms of Reference are now presented to Council and recommended for approval and are copied here for easy future reference.

PREVIOUS COUNCIL CONSIDERATION:

Nil

OFFICER'S REPORTS:

Council desires that all Committees of Council have terms of reference to guide committee's actions and recommendations, and to ensure that committee members understand their role and the role of the Committee.

The draft Terms of Reference for the Furneaux Group Shipping Special Committee are reasonable and fit for purpose.

The motion is supported.

STATUTORY REQUIREMENTS:

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS:

3.0 Access and Connectivity - Work with service providers and other relevant stakeholders to improve security, reliability and cost effectiveness.

BUDGET AND FINANCIAL IMPLICATIONS:

None

RISK/LIABILITY:

The risks are negligible.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That Council approves the Furneaux Group Shipping Special Committee Terms of Reference.

DECISION:

252.10.2016 Moved: Mayor C Cox **Seconded:** Cr P Rhodes

That Council approves the Furneaux Group Shipping Special Committee Terms of Reference as:

Terms of Reference

FURNEAUX GROUP SHIPPING SPECIAL COMMITTEE of the Flinders Council

1.0 INTRODUCTION

The Furneaux Group Shipping Special Committee is established as a Special Committee under Section 24 of the *Local Government Act 1993*. This Terms of Reference, approved by Council on the < date > supersedes all previous versions.

2.0 PURPOSE

The Furneaux Group Shipping Special Committee is to provide recommendations to Flinders Council on shipping matters, including port and associated infrastructure where it relates to shipping.

3.0 MEMBERSHIP

Membership of the Furneaux Group Shipping Special Committee shall be:-

- The Mayor as Chairperson(non-voting)
- Councillors (2) (excluding the Chairperson)
- General Manager Flinders Council (non-voting)
- Cape Barren Island (1)
- Tasmanian Farmers and Graziers Association – Flinders Branch (1)
- TasPorts (1)
- Department of State Growth (DoSG) (1) (non-voting)
- Transport sector (road on Flinders Island) (1)
- Commerce/business sector (1)
- Agriculture/Livestock sector (1)
- Shipping company(s) (1 each)

Members representing the various sectors shall be appointed by Flinders Council from nominations received. Nominees with experience in the sector they wish to represent shall be preferred. Flinders Council may select a representative of any other sector who it determines may make a contribution to the Furneaux Group Shipping Special Committee.

Those members representing non-council entities shall be selected by the entity they represent (Cape Barren Island, Tasmanian Farmers and Graziers Association, TasPorts, Department of State Growth).

4.0 ATTENDANCE AT MEETINGS

Attendance at meetings shall not be compulsory. However, Flinders Council may regard continued absences from meetings as an indication that an individual is unable to continue with membership and remove the individual from the Furneaux Group Shipping Special Committee. There shall be no appeal against removal. Council has the right to replace the removed individual with another representative of the same sector.

5.0 REPORTING

The chairperson shall provide unconfirmed minutes and if necessary a report to Flinders Council for review at the first Ordinary Meeting of Council following a meeting of the Furneaux Group Shipping Special Committee, provided such meeting of the Furneaux Group Shipping Special Committee is held at least 3 days before the closure date for agenda for Flinders Council.

6.0 RULES

(1) The special committee meetings shall be held every 4 months. Meeting dates are to be set by the chairperson and there shall be no minimum period following the immediate preceding meeting before a meeting may be called.

If the chairperson is unavailable, the chairperson may appoint the Deputy Mayor as chairperson (non-voting).

(2) Alternate members may be substituted with approval of the chairperson.

(3) A quorum shall be 6 (six). If a quorum is not present within 15 minutes of the meeting start time, the meeting shall be postponed to a suitable date.

(4) The chairperson shall ensure minutes are kept for all meetings and shall provide a copy to all members and the Flinders Council.

(5) The minutes are to be confirmed at the next committee meeting following that to which the minutes relate.

(6) Submissions from the public shall be sought before each meeting by an advertisement placed in Island News no more than six weeks and no less than 2 weeks prior to a meeting. All submissions shall be considered by the meeting.

(7) Members shall be advised of meeting time and date at least 5 days prior to meeting, except in unusual circumstances.

(8) Voting shall not be compulsory.

(9) A vote is passed by an ordinary majority vote in the affirmative.

(10) These Meeting Rules shall be reviewed each two years by Flinders Council and can only be amended by ordinary resolution of Flinders Council.

CARRIED UNANIMOUSLY (7-0)

For: Mayor Carol Cox, Deputy Mayor Marc Cobham, Cr C Rhodes, Cr P Rhodes, Cr K Stockton, Cr David Williams and Cr G Willis.

253.10.2016 Moved: Mayor C Cox

Seconded: Cr G Willis

That Item D3 be deferred until after consideration of the Item E2 - Long Term Asset Management Plan.

CARRIED UNANIMOUSLY (7-0)

For: Mayor Carol Cox, Deputy Mayor Marc Cobham, Cr C Rhodes, Cr P Rhodes, Cr K Stockton, Cr David Williams and Cr G Willis.

Deputy Mayor Marc Cobham passed the chair to Mayor Carol Cox at 2.09pm.

Item D4: Notice of Motion from Cr Gerald Willis – Expense Claims

ACTION	Decision
PROPONENT	Councillor G Willis
OFFICER	Sophie Pitchford, Acting General Manager
FILE REFERENCE	FIN/0502
ASSOCIATED PAPERS	<i>Annexure 13: Corporate Credit Card Policy Annexure 14: Letter from Tasmanian Audit Office</i>

NOTICE OF MOTION:

The reports within this Notice of Motion have not been published in the minutes as they included quotes from the contents of Annexure 14, a confidential document.

The item is deferred waiting further clarification (motion 255.10.2016).

DECISION:

254.10.2016 Moved: Cr G Willis **Seconded:** Cr K Stockton

That this meeting resolves:

- That copies of all expense invoices paid by credit card and claims for expense reimbursement submitted by the General Manager beginning at 1 July 2015 be provided to the Flinders Council Audit Panel so that it can scrutinise and ensure probity of those claims; and
- That in the future all expense invoices paid by credit card and claims for expense reimbursement submitted by the General Manager be provided to the Flinders Council Audit Panel for review on a quarterly basis; and
- That the Corporate Credit Card Policy of the Council be amended to require that all expense claims by the General Manager be reviewed by the Audit Panel.

255.10.2016 Moved: Deputy Mayor M Cobham **Seconded:** Cr P Rhodes

That Item D4 be deferred pending further clarification.

CARRIED UNANIMOUSLY (7-0)

For: Mayor Carol Cox, Deputy Mayor M Cobham, Cr C Rhodes, Cr P Rhodes, Cr K Stockton, Cr David Williams and Cr G Willis.

Mayor Carol Cox passed the chair to Deputy Mayor Marc Cobham at 2.16pm.

FORESHADOWED MOTION

That the Annexure 14, Letter from the Tasmanian Audit Office, be withdrawn from the Agenda on the Council website for the following reasons:

1. The letter contains the following sentence requesting confidentiality

"I wish to stress that section 46 of the Audit Act 2008 requires you to treat these draft chapters as confidential and do not disclose any Information within the document.";

2. The letter is addressed to the Mayor, Cr Cox, in name;
3. The Mayor did not approve the release of the letter by Cr Willis; and
4. The draft information in the letter relating to this Agenda Item is in published form in the publically available "2015 Auditor General's report - Report of the Auditor-General No. 6 of 2015-16, Auditor-General's Report on the Financial Statements of State entities, Volume 3, Local Government Authorities and Tasmanian Water and Sewerage Corporation Pty Ltd 2014-15."

256.10.2016 Moved: Mayor C Cox

Seconded: Cr D Williams

That the Annexure 14, Letter from the Tasmanian Audit Office, be withdrawn from the Agenda on the Council website for the following reasons:

1. The letter contains the following sentence requesting confidentiality
"I wish to stress that section 46 of the Audit Act 2008 requires you to treat these draft chapters as confidential and do not disclose any Information within the document.";
2. The letter is addressed to the Mayor, Cr Cox, in name;
3. The Mayor did not approve the release of the letter by Cr Willis; and
4. The draft information in the letter relating to this Agenda Item is in published form in the publically available "2015 Auditor General's report - Report of the Auditor-General No. 6 of 2015-16, Auditor-General's Report on the Financial Statements of State entities, Volume 3, Local Government Authorities and Tasmanian Water and Sewerage Corporation Pty Ltd 2014-15."

CARRIED UNANIMOUSLY (7-0)

For: Mayor Carol Cox, Deputy Mayor Marc Cobham, Cr C Rhodes, Cr P Rhodes, Cr K Stockton, Cr David Williams and Cr G Willis.

Deputy Mayor Marc Cobham passed the chair to Mayor Carol Cox at 2.16pm.

Note: This Notice of Motion was received from Cr Peter Rhodes for the September meeting however due to staff attending to the final audit of Council's financials and arranging a funeral there was insufficient time to receive qualified advice on the items prior to the agenda being completed.

Item D5: Notice of Motion from Cr Peter Rhodes – Policy Defining ‘Day-to-Day’

ACTION	Decision
PROPONENT	Councillor Peter Rhodes
OFFICER	Sophie Pitchford, Acting General Manager
FILE REFERENCE	LEG/0600
ASSOCIATED PAPERS	<i>Annexure 15: Some common English definitions of ‘day-to-day’</i> <i>Annexure 16: List of functions</i>

NOTICE OF MOTION:

1. That Council considers and agrees to a local definition and/or understanding of the term “day-to-day” in relation to interpreting the *Local Government Act 1993*, pending formal advice to the contrary from either the Department of Premier and Cabinet (DPAC), the Minister or State Parliament.
2. That, consistent with this understanding, Council adopts and maintains a list of functions (Annexure 16) that it considers to be day-to-day operational activities or otherwise for the guidance of Councillors and Council employees.
3. That, should there be any future doubt between what constitutes “day-to-day” or otherwise activity, Council will decide each case by absolute majority and amend the above list, (as stated in paragraph 2), accordingly.

COUNCILLOR’S REPORT:

Background

Section 62(1)(c) of the Local Government Act 1993 states:

“62. Functions and powers of general manager

(1) The general manager has the following functions:

““

*(c) to be responsible for the **day-to-day** operations and affairs of the council;”*

Section 3 (Interpretation) of the Act fails to define ‘day-to-day operations and affairs’, and as a result Flinders Council has experienced a measure of disagreement in the past as to what constitutes an “operational” (as opposed to

strategic/policy) activity. Attempts to seek satisfactory clarification and/or guidance from the Department of Premier and Cabinet (DPaC) have been unsuccessful to date.

While section 62 of the Act contains the only mention of the phrase “day-to-day”, it is clear that the Government/DPaC is aware of the problems caused by the current lack of definition.

Indeed, the April 2016 consultative *Discussion Paper for the Targeted review of the Local Government Act* makes at least 5 mentions of the (day-to-day) term. These include:

- The Act establishes the 29 councils and the municipal areas they are responsible for, provides for the election of councillors and enables councils to undertake **day-to-day activities, including providing local services and levying of rates.** – Page 5.
- Individual councillors are non-executive directors of the organisation; they are involved in policy making and strategic planning exercises, but do not engage in the **day-to-day management of the organisation.** – Page 13.
- A key challenge for councillors is not becoming involved in the **day-to-day operation of the council by directing council employees to take action or perform particular tasks.** – Page 13.
- The general manager is responsible for running the **day-to-day operations of the council, based on the policy framework and strategies determined by the council.** – Page 17
- There may be a need to clarify what constitutes the **‘day-to-day operations and affairs of the council’** and the separation of strategic and operational matters. – Page 17.

What does “day-to-day” mean?

It can be argued that the drafters of the *Local Government Act 1993* did not feel a need to define “day-to-day” because they had no doubt that, in plain English, the term was self-explanatory and was a logical modifier/qualifier for the term ‘operations and affairs’. “Operations” derives from the Latin *opera* meaning “work”. Annexure 15 outlines some of the more common and accepted definitions of “day-to-day”.

Towards divining and determining a useful definition

Adopting a too precise, semantic definition may be counter-productive and lead to further confusion and debate in the long term. Arguably there are some functions that are regular in nature but not daily. Examples include tasks performed weekly,

fortnightly, monthly or quarterly i.e. on the first day of the month or at the end of a quarter, or once every fortnight, etc.

In order for Flinders Council to arrive at a workable, acceptable definition endorsed by an absolute majority of Councillors, it is perhaps desirable to consider and list what activities are 'day-to-day' and within the province and authority of the General Manager and those that are not day-to-day and therefore within the province and authority of Council, i.e. Councillors assembled.

Such consideration would provide a common reference, guidance for Council (Councillors) and Council employees and the Community at large. In the first instance, such a list should include activities already articulated by Government or derived from official documents, i.e. those specified in the Act and in other formal promulgations. Additionally it should include any additional activities or functions, not otherwise specified, that Council deems to be day-to-day or not.

Annexure 16 lists some functions, activities and responsibilities currently referred to in the Act as well as some others where there is currently no agreement, or are otherwise contentious or potentially contentious.

Contentious matters

The State Government's current consultative *Discussion Paper for the Targeted review of the Local Government Act* (April 2016) identifies two such contentious matters:

The day-to-day operational role involves providing information, advice and support to elected members and implementing the policies, programs and plans in accordance with these frameworks set by the council.

'Grey areas' and different interpretations of what is considered strategic and operational can be difficult for councils to manage. For example, whether the senior staffing structure of the council organisation is a strategic or operational matter.

Another example is whether some council policies, such as certain human resource policies, are operational or strategic in nature. – Page 17.

To these could be added service level agreements and provider panels.

Annexure 16 includes a position on organisational structures and provider panels. It is recognised that these are areas for Council discussion and resolution within the context of this definition.

PREVIOUS COUNCIL CONSIDERATION:

Nil

OFFICER'S REPORT:

To define the precise boundaries of s. 62 (1)(c) of the Act would require an assessment of all of the Tasmanian legislation that confers powers on Local Government. There are many statutes that grant powers and functions to Local Government. To undertake this research task would cost a substantial amount in legal fees and is ultimately unwarranted expenditure.

To define the precise boundaries of s. 62 (1)(c) of the Act, the more prudent, cost effective and practical strategy is to apply a common sense approach when considering the provisions and, if necessary, seek discrete advice if uncertainty arises regarding whether or not a particular matter/function forms part of the *"day-to-day operations and affairs" of Council.*

The legislature has deliberately expressed the concept in s. 62(1)(c) of the Act in broad terms because:

- a) Providing a list of all of the relevant "day-to-day operations and affairs" is impractical and unnecessary;
- b) The concept requires some flexibility in its application; and
- c) The expectation is that a common sense approach would be applied.

Even if Council were to develop an exhaustive list of all *"day-to-day operations and affairs"* that fall within the General Manager's responsibility, that list would not be legally binding as legislation would always take precedence and, at best would be a point of reference which in my view is unnecessary when discrete advice can be sought if required.

Department of Premier and Cabinet (DPAC) is well aware of the concerns some have raised regarding the interpretation of s. 62(1)(c) of the Act and the issue is being addressed as part of the current review of the Act. Accordingly, it would be inappropriate for Council to 'jump the gun' on that process and attempt to define the scope of s. 62(1)(c) of the Act - the far better approach is to await the outcome of the reforms or put a submission forwarding outlining Council's concerns.

STATUTORY REQUIREMENTS:

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS:

4.0 Strategic, Efficient and Effective Organisation - Responding to risks and opportunities.

- 4.3 Ensure Council meets its statutory obligations and manages corporate and community risk.

BUDGET AND FINANCIAL IMPLICATIONS:

An assessment of all of the Tasmanian Legislation would incur substantial costs in legal fees.

RISK/LIABILITY:

The development of a list of day-to-day operations will add another level of complexity to operations which could potentially result in confusion and expose staff to undue stress. Having to go back to Council to decide on a case by case basis each time doubt surrounds a certain activity will restrict the operational efficiency of the General Manager and staff and hinder progress.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That Council makes a submission to the Department of Premier and Cabinet outlining concerns regarding the interpretation of s. 62(1)(c) of the Act, putting Council's support behind the need to address this issue as part of the current review of the Act; and in the interim, seeks discrete advice from the Department of Premier and Cabinet when uncertainty arises as to whether or not a particular matter forms part of the "day-to-day operations and affairs" of Council.

DECISION:

257.10.2016 Moved: Cr P Rhodes **Seconded:** Cr G Willis

1. That Council considers and agrees to a local definition and/or understanding of the term "day-to-day" in relation to interpreting the *Local Government Act 1993*, pending formal advice to the contrary from either the Department of Premier and Cabinet (DPAC), the Minister or State Parliament.
2. That, consistent with this understanding, Council adopts and maintains a list of functions (Annexure 16) that it considers to be day-to-day operational activities or otherwise for the guidance of Councillors and Council employees.
3. That, should there be any future doubt between what constitutes "day-to-day" or otherwise activity, Council will decide each case by absolute majority and amend the above list, (as stated in paragraph 2), accordingly.

CARRIED (4-3)

For: Cr C Rhodes, Cr P Rhodes, Cr K Stockton and Cr G Willis.

Against: Mayor Carol Cox, Deputy Mayor Marc Cobham and Cr David Williams.

Mayor Carol Cox passed the chair to Deputy Mayor Marc Cobham at 2.51pm.

FORESHADOWED MOTION

That Annexure 16 be taken to a workshop so that it can be fully discussed at the table outside meeting regulations.

258.10.2016 Moved: Mayor C Cox **Seconded:** Cr D Williams

That Annexure 16 – List of Functions be taken to a workshop so that it can be fully discussed at the table outside meeting regulations.

CARRIED (6-1)

For: Mayor Carol Cox, Cr Chris Rhodes, Cr Peter Rhodes, Cr Ken Stockton, Cr David Williams and Cr Gerald Willis.

Against: Deputy Mayor Marc Cobham

Deputy Mayor Marc Cobham passed the chair to Mayor Carol Cox at 2.57pm.

Note: This Notice of Motion was received from Cr Peter Rhodes for the September meeting however due to staff attending to the final audit of Council's financials and arranging a funeral there was insufficient time to receive qualified advice on the items prior to the agenda being completed.

Item D6: Notice of Motion from Cr Peter Rhodes – Legal Advice Policy

ACTION	Decision
PROPONENT	Councillor Peter Rhodes
OFFICER	Sophie Pitchford, Acting General Manager
FILE REFERENCE	ADM/0900
ASSOCIATED PAPERS	<i>Nil</i>

NOTICE OF MOTION:

That Flinders Council adopts the following Legal Advice Policy in relation to the seeking, utilisation, communication and monitoring of legal advice sought on the Council's behalf.

“Provision of Legal Advice

Given the multiplicity of sources of potential legal advice and to guard against the temptation to “cherry pick” advice, Council will determine a panel of up to three providers from which advice will be sought for the duration of the Council or until amended by Council.

New Councils are at liberty to re-confirm or otherwise revise the panel, or amend this policy as they see fit.

Council may, at its discretion, decide to approve a retainer arrangement (e.g. a service level agreement) for the provision of general advice and enter into a formal agreement to facilitate this outcome.

Categories of Legal Advice

For the purposes of this policy, legal advice provided to Council is deemed to fall into either one, or the other, of two categories, being:

1) Operational Advice

Advice required by the General Manager in the performance of day-to-day operational matters, e.g. staffing matters, rates collection, implementing Council policy and decisions not requiring further decision by Council, etc.; or

2) Policy/Strategic/Planning Advice

Advice required to inform Council and/or to assist Council in the performance of its policy and decision making roles, e.g. advice related to any matter to be put before Council for its considerations.

Where information is requested verbally, the request must be followed up formally in writing, either by letter, facsimile (fax) or e-mail.

Additional requirements for Policy Advice

All legal advice (i.e. non-operational advice) obtained for and on behalf of Council is to be provided to Councillors in the form it was received, without redaction or omission, together with the formal request for such advice.

This legal advice, and its initiating request/s, is to be provided to Councillors at the same time as any advice, information or recommendations incorporating, or referencing such advice, is provided to the council or a council committee.

Requirements for all Advice

The General Manager is to maintain a (Legal Advice) Register of all advice sought and received, including the:

- Date advice was sought;
- Provider of the advice;
- Purpose or subject of such advice
- Category of advice sought (i.e. Operational or Policy)
- Date the advice was received; and
- Cost of the advice, if outside a pre-paid retainer agreement.

Access to the Legal Advice Register is to be made available for Councillors on request.”

COUNCILLOR'S REPORT:

Legal Advice Policy - Background

In order for Council and Councillors to act in the best interest of the Community and to fulfil their requirement to comply with and uphold both common and state/federal laws, they need to ensure their actions and/or proposed actions are legal.

Additionally, section 65 of the Local Government Act requires:

65. Qualified persons

(1) A general manager must 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.

(2) A council or council committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless the

general manager certifies in writing that such advice was obtained and taken into account in providing general advice to the council or council committee.

This section of the Act includes the provision of legal advice.

Council does not currently have a policy on seeking legal advice and as a consequence Councillors have little visibility of the amount, extent and cost of such advice.

PREVIOUS COUNCIL CONSIDERATION:

Nil

OFFICER'S REPORT:

The determination of a panel of up to three legal providers would be counter-productive and costly for Council. The use of one provider enables Council to build a relationship with that provider and as knowledge builds, the provider is then able to respond to each request in a timely and cost-effective fashion.

Council currently has an agreement with Page Seager and works under a retainer which provides access to required legal expertise in the following key areas:

1. Property, Planning & Environment;
2. Local Government Compliance;
3. Commercial; and
4. Workplace Relations and Safety.

The intention of the agreement is so that Council can use the legal services as part of an extension to its management team, focusing on need and not price.

The agreement provides for an annual fixed price for all routine and expected legal matters that would be typically served by an in-house legal team. The agreement also allows for Page Seager to provide Council with an agreed fixed price for legal matters that are non-routine or can't be predicted, such as one-off projects or litigation matters. The proposed Policy does not include provision for legal advice on one-off or litigation matters.

Having an agreement in place provides Council with cost certainty and control at the outset.

Under s. 65 of the *Local Government Act* (quoted above under Councillor's Report), the General Manager certifies at the beginning of every agenda 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."*

This certification ensures that if Council and Councillors heed the advice given in the Agenda, they will have the necessary information to act in the best interest of the Community and to fulfil their requirement to comply with and uphold both common and state/federal laws and that their actions and/or proposed actions will be legal, without the need to view all legal advice (i.e. non-operational advice) obtained for and on behalf of Council.

The Policy as proposed does not take into consideration pecuniary interest of Councillors. Section 28A of the *Local Government Act* outlines the conditions for the provision of information and documents relating to the function of Councillors:

"28A. Information and documents relating to functions

(1) A councillor, in writing, may request the general manager to make available any information or document or a copy of any information or document in the possession of the council that may be required for the purpose of performing any of the councillor's functions.

(2) A councillor who makes a request under subsection (1) is to-

(a) state in writing the relevance of the information or document to any of the councillor's functions; and

(b) declare that he or she would not have, or would be unlikely to have, any pecuniary interest in the matter to which the information or document relates if the matter were to be an item on the agenda of a meeting of the council or a council committee.

(3) The general manager may refuse the request of a councillor if-

(a) the general manager believes that the request would unreasonably extend the resources of the council; or

(b) the councillor has declared an interest under section 48; or

(c) the councillor has failed or refused to make a declaration under subsection (2)(b); or

(d) the general manager considers that the information or document requested is not required for the purpose of performing any of the councillor's functions.

(4) If the general manager refuses the request the general manager is to advise the councillor in writing, stating the reasons for the refusal.

(5) The general manager is to make any information or document made available to a councillor under this section available to any other councillor on request."

The Policy as proposed goes against the Act by requesting that *"all legal advice (i.e. non-operational advice) obtained for and on behalf of Council is to be provided to*

Councillors in the form it was received, without redaction or omission, together with the formal request for such advice” thereby removing the power from the General Manager to withhold information based on s. 28A (3).

It also discounts the ability for the General Manager to withhold information based on s. 28C of the Act:

“28C Confidentially Undertaking

(1)If the general manager considers that the information or document is confidential, the general manager may require the councillor to whom the information or document is to be made available to give an undertaking to keep it confidential.

(2)If a councillor refuses or fails to give the undertaking, the general manager may refuse to make the information or document available to the councillor.”

Councillor access to a (Legal Advice) Register would also fall under the provisions of sections 28A (3) and 28C.

Note: Cr P Rhodes asked that the following quote from the second reading of the Local Government Bill 1993 by Mr John Cleary, Minister for Local Government, be included in the minutes:

“I point out that the bill would empower a council to reduce the responsibilities of the general manager from those set out in the bill. Where it does so, however, a council would not be able to re-delegate those responsibilities but would need to carry them out itself collegiately.”

STATUTORY REQUIREMENTS:

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS:

4.0 Strategic, Efficient and Effective Organisation - Responding to risks and opportunities.

BUDGET AND FINANCIAL IMPLICATIONS:

Council has in place an agreement with Page Seager which works under a retainer arrangement. The addition of a panel of other legal firms would have a negative impact on the annual budget.

RISK/LIABILITY:

Adopting the Policy as proposed would go against the provisions of the *Local Government Act 1993*.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That the notice of motion be withdrawn and that the proposed policy be discussed at a Council Workshop.

DECISION:

259.10.2016 Moved: Cr P Rhodes **Seconded:** Cr G Willis

That Flinders Council adopts the following Legal Advice Policy in relation to the seeking, utilisation, communication and monitoring of legal advice sought on the Council's behalf.

"Provision of Legal Advice

Given the multiplicity of sources of potential legal advice and to guard against the temptation to "cherry pick" advice, Council will determine a panel of up to three providers from which advice will be sought for the duration of the Council or until amended by Council.

New Councils are at liberty to re-confirm or otherwise revise the panel, or amend this policy as they see fit.

Council may, at its discretion, decide to approve a retainer arrangement (e.g. a service level agreement) for the provision of general advice and enter into a formal agreement to facilitate this outcome.

Categories of Legal Advice

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Advice required by the General Manager in the performance of day-to-day operational matters, e.g. staffing matters, rates collection, implementing Council policy and decisions not requiring further decision by Council, etc.;

2) Policy/Strategic/Planning Advice

Advice required to inform Council and/or to assist Council in the performance of its policy and decision making roles, e.g. advice related to any matter to be put before Council for its considerations.

Where information is requested verbally, the request must be followed up formally in writing, either by letter, facsimile (fax) or e-mail.

Additional requirements for Policy Advice

All legal advice (i.e. non-operational advice) obtained for and on behalf of Council is to be provided to Councillors in the form it was received, without redaction or omission, together with the formal request for such advice.

This legal advice, and its initiating request/s, is to be provided to Councillors at the same time as any advice, information or recommendations incorporating, or referencing such advice, is provided to the council or a council committee.

Requirements for all Advice

The General Manager is to maintain a (Legal Advice) Register of all advice sought and received, including the:

- Date advice was sought;
- Provider of the advice;
- Purpose or subject of such advice
- Category of advice sought (i.e. Operational or Policy)
- Date the advice was received; and
- Cost of the advice, if outside a pre-paid retainer agreement.

Access to the Legal Advice Register is to be made available for Councillors on request.”

CARRIED (4-3)

For: Cr C Rhodes, Cr P Rhodes, Cr K Stockton and Cr G Willis.

Against: Mayor Carol Cox, Deputy Mayor Marc Cobham and Cr David Williams.

Note: The Policy will now lay on the table for 28 days for public comment.

FORESHADOWED MOTION

That the notice of motion be withdrawn and that the proposed policy be discussed at a Council Workshop.

Mayor Carol Cox called a break in the meeting at 3.15pm and resumed the meeting at 3.25pm.

E. CORPORATE SERVICES

Item E1: Quarterly Financial Report for July – September 2016

ACTION	Information
PROPONENT	Acting General Manager
OFFICER	Sophie Pitchford
FILE REFERENCE	FIN/0100, ADM/0600
ASSOCIATED PAPERS	<i>Annexure 17: Quarterly Financial Report July – September 2016</i>

INTRODUCTION:

Presented to Council is the first Quarterly Financial Report for the period commencing 1st July 2016 and ending 30th September 2016.

PREVIOUS COUNCIL CONSIDERATION:

Council considers the Quarterly Financial Report on a quarterly basis.

OFFICER'S REPORT:

The report structure provides a summary of income and expenditure for the first quarter across all departmental divisions as individual finance reports. The Statement of Comprehensive Income includes actuals from the previous financial year, for comparison against current actuals, as well as the 2016/17 Annual Budget.

The Capital Works Report highlights each project and the expenditure incurred to date as well as projects carried forward as Works in Progress arising from the previous financial year.

STATUTORY REQUIREMENT:

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS:

4.0 Strategic, Efficient and Effective Organisation - Responding to risks and opportunities.

4.3 Ensure Council meets its statutory obligations and manages corporate and community risk.

BUDGET AND FINANCIAL IMPLICATIONS:

Annual Plan – all areas

RISK/LIABILITY:

No foreseen risks or legal obligations identified as a result of the financial report.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That the Quarterly Financial Report for the period commencing 1st July 2016 and ending 30th September 2016 be received and accepted.

DECISION:

260.10.2016 Moved: Deputy Mayor M Cobham **Seconded:** Cr K Stockton
That the Quarterly Financial Report for the period commencing 1st July 2016 and ending 30th September 2016 be received and accepted.

Note: Due to a technical error only the first two pages of the Quarterly Financial Report were included as an Annexure to the Agenda.

AMENDMENT

261.10.2016 Moved: Cr P Rhodes **Seconded:** Cr G Willis
That pages 1 and 2 of the Quarterly Financial Report be received and it be noted that the complete financial report be presented at the November Council Meeting.

CARRIED UNANIMOUSLY (7-0)

For: Mayor Carol Cox, Deputy Mayor Marc Cobham, Cr Chris Rhodes, Cr Peter Rhodes, Cr Ken Stockton, Cr David Williams and Cr Gerald Willis.

SUBSTATIVE MOTION

260.10.2016 Moved: Deputy Mayor M Cobham **Seconded:** Cr K Stockton
That pages 1 and 2 of the Quarterly Financial Report be received and it be noted that the complete financial report will be presented at the November Council Meeting.

CARRIED UNANIMOUSLY (7-0)

For: Mayor Carol Cox, Deputy Mayor Marc Cobham, Cr Chris Rhodes, Cr Peter Rhodes, Cr Ken Stockton, Cr David Williams and Cr Gerald Willis.

Item E2: Long Term Asset Management Plan

ACTION	Information
PROPONENT	Council Officer
OFFICER	Sophie Pitchford, Acting General Manager
FILE REFERENCE	WAS/0400
ASSOCIATED PAPERS	<i>Annexure 18: Long Term Asset Management Plan</i>

INTRODUCTION:

The Local Government Ministerial Orders 2014 requires Council to adopt a Long Term Strategic Asset Management Plan.

The plan outlines Council's desire to operate and maintain its asset portfolio to achieve the following objectives: ensure the asset base contributes to the strategic objectives by providing the required level of service; and ensure infrastructure is maintained at a safe and functional standard.

PREVIOUS COUNCIL CONSIDERATION:

6th October 2016 workshop

OFFICER'S REPORT:

The Long Term Asset Management Plan is now presented to Council for consideration.

STATUTORY REQUIREMENT:

Local Government Act 1993

Local Government Ministerial Orders 2014

POLICY/STRATEGIC IMPLICATIONS:

4.0 Strategic, Efficient and Effective Organisation - Responding to risks and opportunities.

4.3 Ensure Council meets its statutory obligations and manages corporate and community risk.

4.3.21 An integrated and strategic approach to financial and asset management.

4.3.21.1. Maintain a long-term financial plan in accordance with the *Local Government Act 1993*.

BUDGET AND FINANCIAL IMPLICATIONS:

The Long Term Asset Management Plan provides direction for the setting of the capital works program which forms part of the annual budget.

RISK/LIABILITY:

A plan allows Council to mitigate any associated risks in meeting legislative and operational requirements in order to deliver the required levels of service to the Community.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That Council receives the Long Term Asset Management Plan.

DECISION:

262.10.2016 Moved: Cr G Willis **Seconded:** Deputy Mayor M Cobham

That Council receives the Long Term Asset Management Plan.

CARRIED UNANIMOUSLY (7-0)

For: Mayor Carol Cox, Deputy Mayor Marc Cobham, Cr Chris Rhodes, Cr Peter Rhodes, Cr Ken Stockton, Cr David Williams and Cr Gerald Willis.

Item E3: Opening a Bendigo Bank Account

ACTION	Decision
PROPONENT	Council Officer
OFFICER	Sophie Pitchford, Acting General Manager
FILE REFERENCE	FIN/0203
ASSOCIATED PAPERS	Nil

INTRODUCTION:

Bendigo Bank has established a Flinders Island Agency in the old Westpac site and in support, Flinders Council is transferring their accounts over to Bendigo Bank.

PREVIOUS COUNCIL CONSIDERATION:

Nil

OFFICER'S REPORT:

Due to Westpac closing their agency on Flinders Island, Council now needs to open an account with Bendigo Bank. As part of the process, Bendigo Bank requires Council to pass a motion authorising the accounts to be opened.

Council would like to open a Trading Account and a Cash Reserve Account. The signatories to the accounts will be as follows: Mrs Sophie Pitchford, Mr Brian Barnewall, Mrs Jaqueline Viney, Mrs Vicki Warden, Mrs Dianne Walsh and Ms Megan Boyes.

STATUTORY REQUIREMENT:

Nil

POLICY/STRATEGIC IMPLICATIONS:

4.0 Strategic, Efficient and Effective Organisation - Responding to risks and opportunities.

BUDGET AND FINANCIAL IMPLICATIONS:

Nil

RISK/LIABILITY:

To mitigate the risk of mishandling of cash, Council will need a Bendigo Bank account to process deposits.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That Council authorises two accounts to be opened with Bendigo Bank; the signatories to the accounts being Mrs Sophie Pitchford, Mr Brian Barnewall, Mrs

Jaqueline Viney, Mrs Vicki Warden, Mrs Dianne Walsh and Ms Megan Boyes and that two signatures be required to authorise a payment.

DECISION:

263.10.2016 Moved: Deputy Mayor M Cobham **Seconded:** Cr D Williams
That Council authorises two accounts to be opened with Bendigo Bank; the signatories to the accounts being Mrs Sophie Pitchford, Mr Brian Barnewall, Mrs Jaqueline Viney, Mrs Vicki Warden, Mrs Dianne Walsh and Ms Megan Boyes and that two signatures be required to authorise a payment.

CARRIED UNANIMOUSLY (7-0)

For: Mayor Carol Cox, Deputy Mayor Marc Cobham, Cr Chris Rhodes, Cr Peter Rhodes, Cr Ken Stockton, Cr David Williams and Cr Gerald Willis.

F. GOVERNANCE

Item F1: Waiver of Private Water Supply Fees

ACTION	Decision
PROPONENT	Council Officer
OFFICER	Sophie Pitchford, Acting General Manager
FILE REFERENCE	WAT/0103
ASSOCIATED PAPERS	<i>Annexure 19: Letter from J Cazaly and M-A Roberts</i>

INTRODUCTION:

The *Public Health Act 1997* (the Act) requires Council to register Private Water Suppliers to mitigate risks to public health from unsafe water. The *Tasmanian Drinking Water Quality Guidelines 2015* (TDWQG) are legislatively enforceable under the Act and hence compliance is mandated.

The Department of Health and Human Services (DHHS) issued a document to assist Councils with registration. It was named 'Private Water Suppliers – Guidance Note' (v17 Sept 2015) and included classifications of supplies to be registered and different classifications of supply types.

One of the classifications to be registered includes: Private Water Schemes with reticulated water not supplied by TasWater.

The Killiecrankie town supply falls into this category. Having said that it may be provided as a "Do Not Consume" supply, removing any obligation to disinfect or monitor.

PREVIOUS COUNCIL CONSIDERATION:

Nil

OFFICER'S REPORT:

During the Killiecrankie toilet development application advertising a representation was received that alluded to Council "taping into" the town supply. This supply was unknown to officers working on the project. Further investigation found it to be administered by Jude Cazaly and Mary-Anne Roberts. An application to register has been forthcoming but also accompanied by a request to waive the registration fee (Annexure 19).

Council's fees for private water registration are:

Annual registration	Initial	\$100.00
	Renewal	\$80.00

STATUTORY REQUIREMENT:

Public Health Act 1997

POLICY/STRATEGIC IMPLICATIONS:

5.0 Livability - Protect, improve and promote the safety, creativity, health and wellbeing of the Islands' communities.

5.1 Improve the health and wellbeing of the Island communities through leadership and co-ordination.

5.1.4 Water supply free from contaminants.

BUDGET AND FINANCIAL IMPLICATIONS:

Loss of registration fee totaling \$100.00 and annual renewal fees of \$80.00

RISK/LIABILITY:

Nil

VOTING REQUIREMENTS:

Absolute Majority

OFFICER'S RECOMMENDATION:

That Council agrees to waive the requested \$100.00 application fee for the Killiecrankie Private Water Supply for the 2016/2017 period.

That Council agrees to waive ongoing registration fees for each year beyond the current period.

DECISION:

264.10.2016 Moved: Cr D Williams **Seconded:** Deputy Mayor M Cobham
That Council agrees to waive the requested \$100.00 application fee for the Killiecrankie Private Water Supply for the 2016/2017 period.

That Council agrees to waive ongoing registration fees for each year beyond the current period.

Mayor Carol Cox passed the chair to Deputy Mayor Marc Cobham at 3.44pm.

AMENDMENT

265.10.2016 Moved: Mayor C Cox **Seconded:** Cr D Williams
That Council agrees to waive the requested \$100.00 application fee for the Killiecrankie Private Water Supply for the 2016/2017 period.

That Council agrees to waive ongoing registration fees for each year beyond the current period and that Council agrees to review the position in three years with the proviso that fees and charges for any action required by legislation, now or in the future, are not included in this waiver.

CARRIED (5-2)

For: Mayor Carol Cox, Deputy Mayor Marc Cobham, Cr C Rhodes, Cr K Stockton and Cr David Williams.

Against: Cr P Rhodes (abstained) and Cr G Willis.

Deputy Mayor Marc Cobham passed the chair to Mayor Carol Cox at 3.47pm.

266.10.2016 Moved: Cr C Rhodes **Seconded:** Cr K Stockton

That Item F1: Waiver of Private Water Supply Fees be deferred until further information is gained regarding the possibility of a sustainable water supply being connected to the toilet.

CARRIED (5-2)

For: Mayor Carol Cox, Deputy Mayor Marc Cobham, Cr C Rhodes, Cr P Rhodes, Cr K Stockton and Cr G Willis.

Against: Deputy Mayor Marc Cobham and Cr David Williams.

Item F2: Waiver of Patriarchs Wildlife Sanctuary Rates

ACTION	Decision
PROPONENT	Council Officer
OFFICER	Sophie Pitchford, Acting General Manager
FILE REFERENCE	FIN/1202
ASSOCIATED PAPERS	<i>Annexure 20: Letter from Andrew Jackson</i>

INTRODUCTION:

The Friends of the Patriarchs (Patriarchs Wildlife Sanctuary) has been fundamental in carrying on the Wildlife Sanctuary that Derek Smith's established in 1977. The Committee has written to Council (Annexure 20) requesting that the 2016/17 rates and future rates levied be waived to ensure the ongoing sustainability of the site.

PREVIOUS COUNCIL CONSIDERATION:

Nil

OFFICER'S REPORT:

The Friends of the Patriarchs work tirelessly with limited resources to allow for the continuation of the wildlife sanctuary Derek Smith established.

All the work is carried out by volunteers and any funds that are required are raised by the Committee.

The Sanctuary provides a peaceful environment for locals and visitors to enjoy, including a free barbeque facility, shower and a hut for overnight stays. It is an extremely popular attraction for many, particularly due to the ability to be able to get up close to wild wallabies and feed them. The Parks and Wildlife Service has recognised the importance of the Sanctuary and listed it as a Conservation Area.

Without the continued support of the Committee and others, the Sanctuary would be hard to maintain and it would be a great loss to the Community if it were to fall into disrepair or close.

The Committee has written to Council (Annexure 20) requesting that the 2016/17 rates and future rates levied be waived to ensure the ongoing sustainability of the site.

STATUTORY REQUIREMENT:

Nil

POLICY/STRATEGIC IMPLICATIONS:

A Waiver of Fees Policy exists however the only fees and charges covered by the policy are Place of Assembly Licences and Temporary Food Registrations.

BUDGET AND FINANCIAL IMPLICATIONS:

Limited loss in the waiver of rates - \$425.00

RISK/LIABILITY:

Not supporting the ongoing running of the Patriarchs Wildlife Sanctuary could potentially jeopardise the future of the Sanctuary.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER'S RECOMMENDATION:

That Council agrees to waive the 2016/17 rates and any future rates levied on the Patriarchs Wildlife Sanctuary.

DECISION:

267.10.2016 Moved: Cr G Willis **Seconded:** Cr D Williams

That the Council agrees to waive the 2016/17 rates and charges levied on the property known as Patriarchs Wildlife Sanctuary.

CARRIED UNANIMOUSLY (7-0)

For: Mayor Carol Cox, Deputy Mayor Marc Cobham, Cr Chris Rhodes, Cr Peter Rhodes, Cr Ken Stockton, Cr David Williams and Cr Gerald Willis.

Mayor Carol Cox called a break in meeting at 4.02pm and resumed the meeting at 5.02pm.

Mayor Carol Cox passed the chair to Deputy Mayor Marc Cobham at 5.02pm and left the meeting, returning at 5.05pm. Deputy Mayor Marc Cobham passed the chair to Mayor Carol Cox.

Item F3: Council's 1st Quarterly Report

ACTION	Information
PROPONENT	Council Officer
OFFICER	Sophie Pitchford, Acting General Manager
FILE REFERENCE	COU/0600
ASSOCIATED PAPERS	<i>Annexure 21: Council's 1st Quarterly Report (July - September 2016)</i>

INTRODUCTION:

The purpose of this report is to provide Councillors with an update of the various actions taken by the whole of Council for the first quarter of the financial year.

PREVIOUS COUNCIL CONSIDERATION:

Previously provided as a departmental monthly reports then departmental quarterly reports.

OFFICER'S REPORT:

Please read Annexure 21 – Council's 1st Quarterly Report (July - September 2016).

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That the Council's 1st Quarterly Report (July - September 2016) be received and accepted by Council.

DECISION:

268.10.2016 Moved: Cr D Williams **Seconded:** Cr G Willis

That the Council's 1st Quarterly Report (July - September 2016) be received and accepted by Council.

CARRIED UNANIMOUSLY (7-0)

For: Mayor Carol Cox, Deputy Mayor Marc Cobham, Cr Chris Rhodes, Cr Peter Rhodes, Cr Ken Stockton, Cr David Williams and Cr Gerald Willis.

Item F5: Councillor Resolution Report

ACTION	Information
PROPONENT	Council Officer
OFFICER	Sophie Pitchford, Acting General Manager
FILE REFERENCE	COU/0600
ASSOCIATED PAPERS	<i>Annexure 22: Councillor Resolution Report October 2016</i>

INTRODUCTION:

This report identifies the actions taken and actual costs associated with implementing resolutions passed by elected members up to October 2016.

PREVIOUS COUNCIL CONSIDERATION:

The report is presented on a monthly basis.

OFFICER'S REPORT:

Please read Annexure 22 – Councillor Resolution Report October 2016.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That the Councillor Resolution Report October 2016 be noted.

DECISION:

269.10.2016 Moved: Deputy Mayor M Cobham **Seconded:** Cr G Willis

That the Councillor Resolution Report October 2016 be noted.

CARRIED UNANIMOUSLY (7-0)

For: Mayor Carol Cox, Deputy Mayor Marc Cobham, Cr Chris Rhodes, Cr Peter Rhodes, Cr Ken Stockton, Cr David Williams and Cr Gerald Willis.

Mayor Carol Cox passed the chair to Deputy Mayor Marc Cobham at 5.15pm.

Item D3: Notice of Motion from Mayor Carol Cox - Accelerated Local Government Capital Program

ACTION	Decision
PROPONENT	Mayor Carol Cox
OFFICER	Sophie Pitchford, Acting General Manager
FILE REFERENCE	FIN/0502
ASSOCIATED PAPERS	<i>Nil</i>

NOTICE OF MOTION:

That Flinders Council takes advantage of the opportunity being offered by the State Government and identifies projects from the Long Term Asset Management Plan that it can undertake in the near future; and

That Council makes application to the Accelerated Local Government Capital Program for the loan to undertake the projects.

COUNCILLOR'S REPORT:

On the 27th September 2016 the State Government launched its Accelerated Local Government Capital Program (ALGCP) as a part of the Northern Economic Stimulus Package.

Under the ALGCP, the Government will enter into partnerships with participating councils to bring forward up to \$60 million of infrastructure investments, which will be financed by new borrowings at no cost to participating councils.

All Councils in the north and north-west regions are eligible to participate in the program and the funding is being made available on a first-come-first-served basis, and will remain open until 1 February 2017.

Projects that are eligible for funding will be those that the Council has already identified that it anticipates it will undertake over the period 2016-17 to 2020-21. Some of the projects that have been identified by councils for potential funding include roads, bridges, footpaths, urban landscape and renewals and building works.

It is up to each Council to determine the nature of the proposals coming forward for funding under the program. There will be no business case review by Treasury of the projects that are brought forward.

The loans are being made available by Tascorp, which will still undertake its normal credit assessment for each participating council.

Flinders Council is well placed to take advantage of this offer, and is finalising the review of its Long Term Asset Management Plan through consideration at this Council Meeting. This will enable Council to comply with the requirements of the

ALGCP and assist Council to identify the capital work that funding could be applied for.

In considering which projects Council might apply for funding for, the ability of Council or local trades people to logistically undertake the project(s) needs to be of high consideration. Council must also be prepared to repay the loan in the year that it was targeted to be completed in the Long Term Asset Management Plan.

I commend this program and urge Councillors to take advantage of the offer for the benefit of the Community we represent.

PREVIOUS COUNCIL CONSIDERATION:

6th October 2016 Councillor Workshop

OFFICER'S REPORT:

Council's request for a local allocation of \$800,000 was approved for 2016-17 by the Treasurer of Tascorp. If Council were to draw these funds, Council would be required to pay interest on the amount.

The loans that the State Government are offering as part of the Accelerated Local Government Capital Program will allow Council to borrow money interest free to carry out capital works scheduled as part of the Long Term Asset Management Plan.

Council is focused on maintaining a level of reserves in order to safeguard its long-term financial position, whilst also maintaining the Island's infrastructure to meet the needs of the Flinders Island Community.

The opportunity that presents itself to Council will assist with the long-term sustainability and allow for capital projects to proceed in line with the long term asset management plan.

STATUTORY REQUIREMENTS:

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS:

4.0 Strategic, Efficient and Effective Organisation - Responding to risks and opportunities.

4.3 Ensure Council meets its statutory obligations and manages corporate and community risk.

4.3.21 An integrated and strategic approach to financial and asset management.

4.3.21.1. Maintain a long-term financial plan in accordance with the *Local Government Act 1993*.

BUDGET AND FINANCIAL IMPLICATIONS:

Council will be able to fund projects on an interest free basis which will accelerate investment returns as the funding will not need to be allocated from the Council's reserves until the loan falls due.

RISK/LIABILITY:

Nil

VOTING REQUIREMENTS:

Absolute Majority

OFFICER'S RECOMMENDATION:

The motion as written.

DECISION:

270.10.2016 Moved: Mayor C Cox **Seconded:** Cr D Williams

That Flinders Council takes advantage of the opportunity being offered by the State Government and identifies projects from the Long Term Asset Management Plan that it can undertake in the near future; and

That Council makes application to the Accelerated Local Government Capital Program for the loan to undertake the projects.

CARRIED UNANIMOUSLY (7-0)

For: Mayor Carol Cox, Deputy Mayor Marc Cobham, Cr Chris Rhodes, Cr Peter Rhodes, Cr Ken Stockton, Cr David Williams and Cr Gerald Willis.

Deputy Mayor Marc Cobham passed the chair to Mayor Carol Cox at 5.19pm.

271.10.2016 Moved: Cr G Willis **Seconded:** Cr P Rhodes

That Council requests a report to the next meeting on projects in the Long Term Asset Management Plan that are suitable for the Accelerated Local Government Capital Program including but not limited to BBQs, toilets, Lagoon Road site, waste cell and waste facilities.

CARRIED UNANIMOUSLY (7-0)

For: Mayor Carol Cox, Deputy Mayor Marc Cobham, Cr Chris Rhodes, Cr Peter Rhodes, Cr Ken Stockton, Cr David Williams and Cr Gerald Willis.

G. CLOSED COUNCIL

Item G1: Closed Council Items

ACTION	Decision
PROPONENT	Council Officer
OFFICER	Sophie Pitchford, Acting General Manager
FILE REFERENCE	REA/0300, REA/0202
ASSOCIATED PAPERS	<i>Nil</i>

PREVIOUS COUNCIL CONSIDERATION:

December 2014 967.12.2014

REASON FOR CLOSED COUNCIL:

Item D1, Sale of Land Information, is **CONFIDENTIAL** in accordance with Section 15(2) (g) of the *Local Government (Meeting Procedures) Regulations 2005*.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION:

That Council move into Closed Council.

DECISION:

272.10.2016 Moved: Cr G Willis **Seconded:** Cr C Rhodes
That Council move into Closed Council.

CARRIED UNANIMOUSLY (7-0)

For: Mayor Carol Cox, Deputy Mayor Marc Cobham, Cr Chris Rhodes, Cr Peter Rhodes, Cr Ken Stockton, Cr David Williams and Cr Gerald Willis.

Council moved into Closed Session at 5.25pm.

Council moved out of Closed Session at 5.35pm.

CONFIDENTIALITY RECOMMENDATION:

276.10.2016 Moved: Cr D Williams **Seconded:** Deputy Mayor M Cobham
That the discussions held and motions passed in Closed Council remain confidential except that Cr Chris Rhodes question without notice from the 22nd September 2016 Council Meeting and the response be made public.

CARRIED (6-1)

For: Mayor Carol Cox, Deputy Mayor Marc Cobham, Cr Chris Rhodes, Cr Ken Stockton, Cr David Williams and Cr Gerald Willis.

Against: Cr Peter Rhodes

RESPONSE TO COUNCILLOR'S QUESTION WITHOUT NOTICE
22nd September 2016 Council Meeting

Question 3: Cr Chris Rhodes

Given the breaches of confidentiality by Councillor David Williams over the past months, examples:

- Leaking of plans to Lady Barron residents of a proposed freight yard in Lady Barron by Furneaux Freight.
- Disclosing closed council information in an article written by him in the Island News.

Did he write this article of his own accord or was this sanctioned by the Acting Mayor at the time Marc Cobham?

Is the Mayor considering a code of conduct complaint against Councillor Williams?

Mayor's Response:

It has been confirmed to me that Cr Williams wrote the article of his own accord. The Mayor has no intention of submitting a code of conduct. Both incidents were dealt with at the time and the article in the Island News is open to interpretation.

As stated at the meeting, I believe Code of Conduct actions to be destructive to working relationships and that the Code of Conduct is there to be used for major or continual breaches of the Code where there is substantiated evidence.

It would be good if Council could move forward with constructive work for the Community instead of this continual looking back and negativity.

273.10.2016 Moved: Cr D Williams **Seconded:** Cr G Willis

That Council notes the response to the Councillor's question without notice asked at the 22nd September 2016 Council Meeting.

CARRIED UNANIMOUSLY (7-0)

For: Mayor Carol Cox, Deputy Mayor Marc Cobham, Cr Chris Rhodes, Cr Peter Rhodes, Cr Ken Stockton, Cr David Williams and Cr Gerald Willis.

Meeting Closed 5.43pm