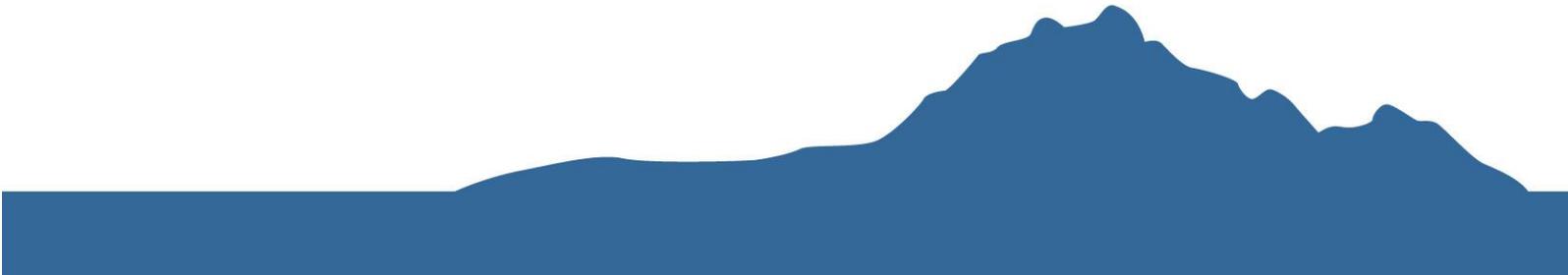




# Confirmed Minutes Ordinary Council Meeting

24 March 2020



## Table of Contents

Item	Page
1 Acknowledgment of Country .....	3
2 Confirmation of Minutes .....	3
3 Public Question Time .....	4
4 Councillor’s Questions on Notice.....	5
5 Councillors’ Questions Without Notice.....	5
6 Late Agenda Item.....	5
7 Declaration of Pecuniary Interest .....	6
8 Conflict of Interest .....	6
9 Workshops & Information Forums .....	7
10 Publications/Reports Tabled for Council Information .....	8
11 Reports to be Received.....	9
11.1 Flinders Council Audit Panel	9
11.2 Municipal Emergency Management Committee	9
12 Councillors’ Reports .....	10
13 Mayor’s Report.....	11
14 Development Services and Planning Applications.....	12
14.1 Development Application – ERA Planning and Environment obo TasWater Capital Delivery Office	12
14.2 Development Application Report	25
15 Notice of Motion .....	26
15.1 Notice of Motion – Furneaux Community Arts Incorporated Donation for Art Prize	26
16 Governance .....	28
16.1 Council’s preventative measures in response to the COVID-19 threat to the community	28
16.2 Flinders Island Marine Access and Safe Harbour Project	31
16.3 General Manager’s Update	35
16.4 Councillor Resolution Report	37
16.5 LATE AGENDA ITEM - Municipal Emergency Management Coordinator and Deputy	38
17 CLOSED COUNCIL .....	41
17.1 Report to be Received - General Manager’s Performance Review Committee	41
17.2 Closed Council Item – General Manager’s Performance Review	41
17.3 General Manager’s Update (Confidential)	41

# Flinders Council Ordinary Meeting – Confirmed Minutes

## Tuesday 24 March 2020

---

<b>Venue Commencing</b>	Flinders Arts and Entertainment Centre, Whitemark 9.35am
<b>Attendees - Councillors</b>	Mayor Annie Revie Deputy Mayor David Williams Aaron Burke Vanessa Grace Peter Rhodes
<b>Apologies</b>	Cr Rachel Summers Cr Sharon Blyth
<b>Attendees - Staff</b>	Warren Groves   General Manager (9.30am – 1.19pm) Jacci Viney   Environmental Health Coordinator   Municipal Emergency Management Coordinator (9.30am - 11.30am) Rowena Nicholls   Administration Officer (minute taker) (9.30am – 1.46pm) Vicki Warden   Executive Officer (9.30am – 1.46pm)

---

## 1 Acknowledgment of Country

---

The Mayor began by acknowledging the Traditional Owners of the land on which we met today, the palawa people of the trawulwai Nation, and recognised their continuing connection to the land, waters and culture of this Island, and paid respects to Elders past, present and emerging.

---

## 2 Confirmation of Minutes

---

### RECOMMENDATION

That the Minutes from the Ordinary and Closed Council Meetings held on 25 February 2020 be confirmed.

### DECISION

46.3.2020 Moved: Cr P Rhodes

Seconded: Cr V Grace

That the Minutes from the Ordinary and Closed Council Meetings held on 25 February 2020 be confirmed.

**CARRIED UNANIMOUSLY (5-0)**

**For: Mayor A Revie, Deputy Mayor D Williams, Cr A Burke, Cr V Grace and Cr P Rhodes**

---

### 3 Public Question Time

---

#### **Question 1: Maxine Roughly**

Flinders Island Aboriginal Association Inc. (FIAAI) received a call from the Federal Government asking for an opinion on proposed travel restrictions for remote indigenous communities, currently under consideration. It is FIAAI's opinion that the Island should lockdown, allowing essential services access only. The reasons underlying this decision are that we have a predominantly vulnerable community, as well as limited facilities and capacity in our health services. Interstate visitors are arriving by plane, yacht and caravan to 'hide' from the virus and I believe that some are not self-isolating. Would council please consider recommending a lockdown of the Island?

#### **Mayor's Response:**

In a state of emergency, we are all under the direction of State. Council must do all things through the correct channels and work within the process.

Through the Mayor, the General Manager reported that an email was sent through the chain of command to the Police Commissioner in charge yesterday (copy was emailed to Maxine), putting forward a case for closure of the Island and pointing out the need to consider the islands separately from the rest of Tasmania for the reasons already stated. Flinders is still in prevention phase, with no known cases, and we hope to keep it that way. Things are changing on a daily basis and more stringent protection measures are expected to be brought in by the Federal Government in the future. Council understands the risk to the Island's aboriginal population on island. Council is committed to sharing all information from State on this matter with FIAAI.

#### **Question 2: Maxine Roughly**

There seems to be a loophole in the current system. A community member returning from Sydney was told they did not have to self-isolate in Launceston before returning to Flinders Island. Is Council able to do something about this?

#### **Mayor's Response:**

The General Manager, through the Mayor, shared his understanding that interstate passengers travelling through Launceston to Flinders Island are required to self-isolate in Launceston and again on the Island. Clarification is being sought on this point as public information is somewhat unclear and changes rapidly.

Council's Airport Operations Officer has contacted all known users of airstrips on the Island and advised them of protocols and isolation requirements. A NOTAM has been issued requiring all pilots to phone in first before arriving on island.

It is Council's understanding that all inbound flights are being met by Biosecurity and the Police. Council and Biosecurity are aiming to close all airstrips other than Whitemark, however this has yet to be signed off. At present we must rely on peoples' honesty. Yachts entering the Island are harder to monitor but when this happens, it should be reported to the Tasmanian Police Emergency number: 131444.

*Note: Maxine Roughley stated that FIAAI is committed to working with and supporting Council during this difficult time.*



## **RECOMMENDATION**

That under R8(6) of the Local Government (Meeting Procedures) Regulations 2015, the item be considered as Item 14.5 at this meeting.

## **DECISION**

**48.3.2020 Moved: Deputy Mayor D Williams**

**Seconded: Cr P Rhodes**

That under R8(6) of the Local Government (Meeting Procedures) Regulations 2015, the item be considered as Item 16.5 at this meeting.

**CARRIED UNANIMOUSLY (5-0)**

**For: Mayor A Revie, Deputy Mayor D Williams, Cr A Burke, Cr V Grace and Cr P Rhodes.**

---

## **7 Declaration of Pecuniary Interest**

---

Nil

---

## **8 Conflict of Interest**

---

Nil

---

## 9 Workshops & Information Forums

---

File No. COU/0205

### **Council Workshop – 25 February 2020**

Council held a Workshop on the following subjects:

- Item 1 State Grants Commission
- Item 2 Flinders Island Safe Harbour

#### **Councillors in Attendance**

Mayor Annie Revie  
Acting Deputy Mayor Rachel Summers  
Cr Vanessa Grace  
Cr Peter Rhodes

#### **Apologies**

Deputy Mayor David Williams  
Cr Sharon Blyth  
Cr Aaron Burke

#### **Staff in Attendance**

Warren Groves General Manager  
Heidi Marshall Finance Organisational Performance Manager  
Vicki Warden Executive Officer

### **Council Workshop – 27 February 2020**

Council held a Workshop with the Hon Mark Shelton MP, Minister for Local Government, Minister for Police, Fire and Emergency Management

#### **Councillors in Attendance**

Mayor Annie Revie  
Acting Deputy Mayor Rachel Summers  
Cr Vanessa Grace  
Cr Peter Rhodes

#### **Apologies**

Deputy Mayor David Williams  
Cr Sharon Blyth  
Cr Aaron Burke

#### **Staff and Guests in Attendance**

Minister Shelton Minister for Local Government  
Melanie Brown Minister's Advisor  
Warren Groves General Manager  
Heidi Marshall Finance Organisational Performance Manager

### **Council Workshop – 10 March 2020**

Council held a Workshop on the following subjects:

- Item 1 Building Privatisation
- Item 2 Regional Aviation Policy Issues Paper
- Item 3 Strategic Planning

### **Councillors in Attendance**

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

### **Apologies**

Cr Sharon Blyth  
Cr Rachel Summers

### **Staff and Consultants in Attendance**

Warren Groves	General Manager
Heidi Marshall	Finance Organisational Performance Manager
Emma Egan	Regulatory Services Officer (Item 1)
Barry Magnus	Braddon Building Surveying (Item 1)
Jacci Viney	Projects, Assets & Environmental Health Officer (Item 1)
Vicki Warden	Executive Officer (Item 3)

### **RECOMMENDATION**

That the Council Workshops held on 25 and 27 February and 10 March 2020 be noted.

### **DECISION**

**49.3.2020 Moved: Cr A Burke**

**Seconded: Cr V Grace**

**That the Council Workshops held on 25 and 27 February and 10 March 2020 be noted.**

**CARRIED UNANIMOUSLY (5-0)**

**For: Mayor A Revie, Deputy Mayor D Williams, Cr A Burke, Cr V Grace and Cr P Rhodes.**

---

## **10 Publications/Reports Tabled for Council Information**

---

Councillor Peter Rhodes tabled a message from the Chief Owners' Representative of TasWater, received 23 March 2020. The letter is included at the end of these minutes.

---

## 11 Reports to be Received

---

### 11.1 Flinders Council Audit Panel

**File Reference** FIN/0401

**Annexure** 9.1.1 Flinders Council Audit Panel meeting 16 March 2020 Unconfirmed Minutes

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

The unconfirmed minutes of the Flinders Council Audit Panel meeting held 16 March 2020 have been provided for consideration. The minutes outline what the Committee has been working on to date and can now be noted by Council.

#### **RECOMMENDATION**

That the unconfirmed minutes of the Flinders Council Audit Panel meeting held 16 March 2020 be noted.

#### **DECISION**

**50.3.2020 Moved: Cr A Burke**

**Seconded: Deputy Mayor D Williams**

**That the unconfirmed minutes of the Flinders Council Audit Panel meeting held 16 March 2020 be noted.**

**CARRIED UNANIMOUSLY (5-0)**

**For: Mayor A Revie, Deputy Mayor D Williams, Cr A Burke, Cr V Grace and Cr P Rhodes.**

### 11.2 Municipal Emergency Management Committee

**File Reference** CSV/0400

**Annexure** 9.2.1 Emergency Municipal Emergency Management Committee extraordinary meeting 16 March 2020 Unconfirmed Minutes

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

The unconfirmed minutes of the Municipal Emergency Management Committee extraordinary meeting held Monday, 16 March 2020 have been provided for consideration. The minutes outline what the Committee has been working on to date and can now be noted by Council.

#### **RECOMMENDATION**

That the unconfirmed minutes of the Municipal Emergency Management Committee extraordinary meeting held 16 March 2020 be noted.

#### **DECISION**

**51.3.2020 Moved: Cr V Grace**

**Seconded: Cr P Rhodes**

**That the unconfirmed minutes of the Municipal Emergency Management Committee extraordinary meeting held 16 March 2020 be noted.**

**CARRIED UNANIMOUSLY (5-0)**

**For: Mayor A Revie, Deputy Mayor D Williams, Cr A Burke, Cr V Grace and Cr P Rhodes.**

---

## 12 Councillors' Reports

---

### Councillor Vanessa Grace – King Island Report

File Reference            COU/0204

#### King Island Trip - Monday 27 January to Monday 3 February

Sharon Blyth and myself had spoken about visiting King Island to learn from them. Sharon is a bit of a go getter and before I knew it, we were booked and ready to go.

Our trip was about making contact with those in King Island Council to see what we could learn from them to help our Community. They have had several years of turmoil and now a new General Manager is in place. It occurred to me, probably the same as those that have come before me, we need to work with King Island closer as we share the same demographic and possibly similar problems. We could potentially work on things together to save our community money. Our trip was a learning trip and we worked fairly solidly the whole time.

Sharon booked our visit to coincide with their Festival of King Island (FOKI) to see how their festival was run. We were also lucky enough to turn up the week that the European Union (EU) delegation was visiting and managed to luck onto several events to attend as well. The EU were there to speak to the Island about the King Island brand and spoke about the ramifications and benefits of Geographical Indicators (GI). So far, in Australia, there is only the ability to have GI for wine. We heard several guest speakers and have contact with Bond University Professor of Law, William Van Caenegem, who is keen to help us, if we need help with brand.

We met with Council and discussed: waste; black water sites; depreciation; recycling; Hot Rot machine; fish factory; King Island Dairy; tourism operations; major land owners; policy; state-owned roads; eel industry; school visits for the term; recycling; shipping; freight; work; asbestos; wharf usage; Lions and volunteering; vet practice; kelp industry; golf courses.

We were met at the Airport by the General Manager, given a Council house, that is shared by visiting workers, plus cheese platters on arrival; taken to dinner; tour of the museum; climbed the lighthouse and given a bus tour around the whole Island. We were also included in the EU delegation events. We attended the Festival and spoke to the organiser and visiting artists and learned about how they run the event. We were met with a friendly face from Council wherever we went and could not have been treated any better really.

On our day off we visited the King Island Dairy - that resulted in excess luggage of the good kind.

We learnt so much, and now have contacts to bounce things off.

Their garden club may be interested in doing a trip over here and someone mentioned we could get a group together and go over to one of the King Island Races. I really hope we can maintain the contact with King Island and share resources going into the future.

#### **RECOMMENDATION**

That Councillor Vanessa Grace's report on King Island be noted.

#### **DECISION**

**52.3.2020 Moved: Cr V Grace**

**Seconded: Cr A Burke**

**That Councillor Vanessa Grace's report on King Island be noted.**

**CARRIED UNANIMOUSLY (5-0)**

**For: Mayor A Revie, Deputy Mayor D Williams, Cr A Burke, Cr V Grace and Cr P Rhodes.**

---

## **13 Mayor's Report**

---

The Mayor did not submit a report for this meeting.

*Note: Mayor Annie Revie apologised for not submitting a report. The demands of responding to the coronavirus situation took priority.*

---

## 14 Development Services and Planning Applications

---

### 14.1 Development Application – ERA Planning and Environment obo TasWater Capital Delivery Office

<b>Action</b>	Decision
<b>Applicant</b>	ERA Planning and Environment
<b>Officer</b>	Karin van Straten (Senior Consultant Town Planner)
<b>Approved by</b>	Andrew Brown (Consultant Municipal Planner)
<b>File Reference</b>	2020006
<b>Annexures</b>	12.1.1 Henderson Dam Northern Access Track - Site Plan and Long Section - 21 Jan 2020 12.1.2 Supporting Planning Letter Henderson Dam Access Final - 21 Jan 2020 2.1.3 Proposal Plans 12.1.4 Title documentation Lot 1 on Plan 237489 12.1.5 A. Apps Representor Letter
<b>Proposal:</b>	Northern vehicle and site access track to support the upgrade of Henderson Dam
<b>Location:</b>	368 Memana Road, Whitemark
<b>Zoning:</b>	Rural
<b>Special Areas:</b>	Shorelines, Water bodies and Watercourses
<b>Representations:</b>	One

#### **INTRODUCTION**

The proposal includes vegetation clearance and the construction of a 4m wide access road at 368 Memana Road, Whitemark to provide suitable access for construction vehicles to support the previously approved upgrade of the Henderson Dam.

#### **Statutory Timeframes**

Date Received:	07/02/2020
Advertised:	26/02/2020
Closing date for representations:	12/03/2020
Request for further information:	N/A
Information received:	N/A
Extension of time granted:	18/03/2020
Extension of time expires:	25/03/2020
Decision due:	25/03/2020

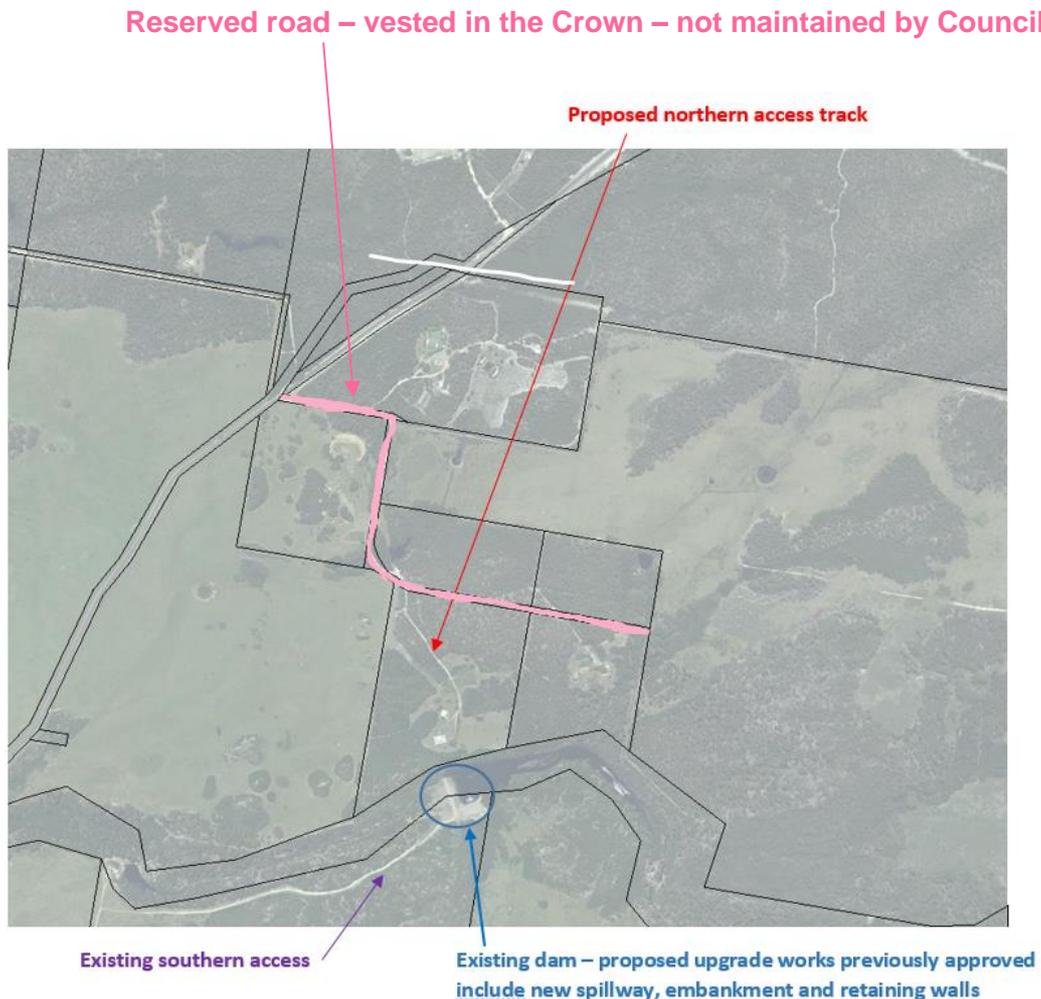
#### **The Proposal**

A permit has previously been issued under the *Water Management Act 1993* for an upgrade to Henderson Dam.

The proposal under consideration now includes vegetation clearance and the construction of a 4m wide access road at 368 Memana Road, Whitemark to provide suitable access for construction vehicles to support the previously approved upgrade of the Henderson Dam.

The proposal includes extending the existing driveway at 368 Memana Road to the northern perimeter of the dam as well as a 10m x 10m pad for vehicular turning and equipment adjacent to the new dam spillway and embankment.

The application noted that there is an existing access track to the southern side of the dam that will also be used for the dam upgrade; this northern access track will provide an alternative access point for the construction work for the approved dam upgrade; and will be used as required.



### **Subject site and surrounding area**

The subject site is an 11.78ha parcel of land that is dissected by a reserved road. This reserved road is vested in the Crown and is not a maintenance obligation for council.

The surrounds contain large rural zoned parcels – some containing houses. Various land parcels use the reserved road for access to Memana Road. The proposed upgrade as shown above only pertains to an existing driveway on the Boyes' property at 368 Memana Road.

### **REFERRALS**

The application was referred to Council's Environmental Health Officer and the Works & Airport Manager. No issues were raised and no special conditions were requested.

### **NOTIFICATION**

The application was advertised for 14 days in accordance with the Act and 1 representation was received.

Issue raised	Officer comments
<p><u>Annabel Apps</u></p> <p>Neighbour to the subject site.</p> <p>Uses the reserve road that dissect the subject site to gain access to Memana Road. Concerned that only the driveway on Greg Boyes' property is being upgraded and not the reserved road.</p> <p>Aware that the reserve road and its maintenance is not a Council responsibility.</p> <p><i>The area that I am most concerned about is on Greg Boyes property. It passes through an area near a dam that is very soft and prone to flooding it is very delicate. Vision is also very poor. Large trucks using this section have the potential to do a lot of damage and pose a potentially dangerous hazard.</i></p> <p><i>Therefore, any assurances from Council to alleviate my concerns for any damage done to myself or my visitors by this proposed development by TasWater would be greatly appreciated.</i></p>	<p>The upgrade to the Henderson Dam was previously approved. This proposal is to provide an alternative access route to the proposed works site.</p> <p>No works are proposed on the reserve road that provides access to the various surrounding land owners to Memana Road.</p> <p>The works proposed by this application is on private land – being the Boyes land.</p> <p>The amount of heavy traffic on this proposed new access road (upgrade of an existing driveway) and the existing reserve road will only be for the duration of the approved dam works and for any maintenance required after. As stated precisely in this report there is an existing access route to the dam from the south and this proposed new road is an alternative to be used as required. It is not considered that this proposed upgrade to a driveway on private property (Boyes land) will have any impact on the safety of road users on the reserved road. It will only be used between 7am to 5pm Monday to Friday and for a limited time only as stated previously.</p>

## POLICY/STRATEGIC IMPLICATIONS

The Strategic Plan outlines the vision for the future of the Municipality and the strategic focus areas. Outputs have been identified to support that vision whilst protecting and enhancing the important existing characteristics and lifestyle attributes of our island life.

**Strategic Focus Area 2: Infrastructure and Services** Council continues to actively pursue a strategy of infrastructure improvements and upgrades for the Islands in recognition of the critical importance modern place-based and fit-for-purpose infrastructure has in the ongoing sustainability, economic development and future growth of the Islands.

## BUDGET AND FINANCIAL IMPLICATIONS

Financial impacts are normally limited to the application process and any appeal that may be lodged against the planning authority's decision, provided statutory obligations are met.

## STATUTORY REQUIREMENT

The application was made pursuant to section 57 of the *Land Use Planning and Approvals Act 1993* (the Act). Determination of the application is a statutory obligation.

## PLANNING ASSESSMENT

An assessment against the relevant planning controls is made below:

## **Part 5 – Zoning**

### **5.8 Rural Zone**

#### **5.8.1 Zone Intent**

- (a) The Rural Zone on Flinders Island is intended to maintain the existing rural character of the island which is typified by a pattern of areas of open farmland, typically with shelter belts of remnant vegetation, interspersed with irregular areas of native vegetation and substantial unspoiled landform. On other islands within the Planning Area the zone is intended to preserve the existing character which displays minimal signs of European occupation.
- (b) Use and development in the Rural Zone is intended to accommodate agricultural uses and development predominantly, with some compatible non-agricultural uses and development in appropriate circumstances, including tourist operation and rural industries. Forest plantations may be appropriate where they do not adversely affect the character of an area or detract from important views.

#### **5.8.2 Desired Zone Character and Zone Guidelines**

- (a) The use or development of small existing rural lots for the purpose of residential living shall only be approved where such use or development is compatible with any existing or potential agricultural use of that land or surrounding lands.
- (b) Use or development should enhance the rural character of the zone. Buildings should be substantial distances from the road frontage and apart, unless inappropriate for operational or topographical reasons. Where land clearance is undertaken it should be visually sympathetic; important trees (or stands of trees) should be retained, important hilltop locations should not be cleared and location of trees and shrubs along fence lines, property boundaries, watercourses and at property entrances is encouraged. Buildings and structures for aquaculture should be sited with regard to the protection of coastal scenery and compatibility with recreational use of the coastline.
- (c) Land use or development and management practices shall be environmentally appropriate and shall avoid contamination or despoliation of the land, ground water, water courses, shore-lines, lagoons and marshes. Sand-dunes and coastal vegetation and ecologically important areas shall be protected from degradation.
- (d) Forestry activities in the zone shall be in accordance with the Forest Practices Code

#### **5.8.4 Development Standards**

- (a) The maximum height of buildings is 8.0 metres unless it can be satisfactorily demonstrated that a higher structure is required for operational, topographic or other justified purposes.
- (b) Habitable buildings should be sited and designed to achieve the best solar gain or orientation that the site can provide. Where such design or orientation is not feasible other energy efficient practices, such as insulation, heat pumps or double glazing, should be considered.
- (c) Buildings shall be setback a minimum distance of 20 metres from all boundaries.

- (d) Regardless of the foregoing minimum setbacks, buildings shall be set back not less than a horizontal distance of 100m from high water mark and 40 m from a perennial watercourse.
- (e) Council may relax the setback requirement of the above clause pursuant to the provisions of Clause 3.5 of this Scheme and after giving consideration to:
  - i. The particular size, shape, contours or slope of the land and the adjoining land;
  - ii. The adjoining land and uses and zones
  - iii. The position of existing buildings and setbacks in the immediate area;
  - iv. Consideration of any representations received as a result of the notification under Section 57 of the Act.
- (f) The external walls, roof, paving and other large surface areas of buildings shall be finished with non-reflective materials and colours that harmonise with the natural landscape or shall be substantially screened by landscaping.
- (g) A house on any lot which contains only class 4, 5, 6 or 7 land is discretionary and may only be approved if any existing or potential development and use of agricultural land in the vicinity is likely to receive no impact, or only minor impact from the establishment of the residence taking into account:
  - (a) The topography of the land;
  - (b) The location of water catchments;
  - (c) The location of neighbouring agricultural pursuits;
  - (d) Buffers created by natural features;
  - (e) Resource sustainability given the objective of the State Protection of Agricultural Land Policy.

**Officer comments: the proposal is for vehicle and site access works to the previously approved upgrade of the Henderson Dam. As such this is defined as Public Utility Major. The proposal will entail clearance of vegetation, stripping of topsoil (when required) and the construction of an alternative vehicular and site access to the dam site. It is considered that the proposal complies with the Zone intent – being a compatible non-agricultural use that maintains the existing unspoiled rural character. The proposal complies with the desired zone character – it is visually sympathetic and shall be environmentally appropriate. The application states that any water quality impacts will be managed in line with the work package environmental management plan and associated erosion and sediment control plan during construction.**

## **Part 6 – Use and Development Principles**

*For brevity non applicable principles have been omitted from this report. The principles listed are those applicable and that the proposal complies with.*

6.0 Use and development shall be consistent with the following principles:

### **6.1 Use**

- (a) Use or development shall not unreasonably impact on any existing or intended use of development of neighbouring land.

## **6.2 Character**

- (a) Use and development shall adequately respect the character of, and future intentions for the area in which it is to be located.
- (c) Use or development (including public facilities and services) should adequately respect the surrounding streetscape and neighbouring use or development, particularly in relation to scale, setbacks, form (including roof shape), landscaping, materials, colours and fencing.
- (d) Landscaping of use or development shall be of a type, form, variety(s) and character which is suited to the intention of the zone, the area and the nature of the use or development.

## **6.3 Amenity**

- (b) Use or development shall accord all existing and/or future occupiers with adequate and reasonable levels of amenity, especially in relation to privacy, sunlight, aspect, views and noise disturbance.

## **6.4 Environment**

- (a) Use or development shall not be allowed to detrimentally affect the environment. All areas, and sensitive ecological and/or visual areas in particular, shall be developed in a manner and to an extent which is consistent with the protection of the values of the area.
- (b) Use or Development and land management practices shall be directed towards achieving environmental sustainability, biodiversity and ecological balance, and avoiding environmental damage such as soil erosion, coastal dune erosion, loss of important animal and plant species and increases in vermin populations.
- (c) Use or Development shall not be located in areas of unacceptable risk (eg. from fire, flood or landslip). In situations where risk may exist, use and development shall be appropriately sited and designed to provide an acceptable level of protection and safety for future users. In particular.
  - i. Lands subject to flood risk are those subject to a greater than one in a 100 year flood interval (1% probability), and land, the natural surface level of which is below 3 metres Australian Height Datum (AHD); and
  - ii. Land which comprises soils of known or suspected instability, has a slope greater than 1 in 4, or is filled or reclaimed land, are deemed to constitute an unstable land hazard; and
  - iii. Use and development in bushfire prone areas will comply with the provisions of Schedule 7 Development in Bushfire Prone Areas or some other provisions acceptable to Council and the Tasmania Fire Service.
- (f) Use or development shall be of a suitable form and siting to avoid any adverse impact on any watercourse and vice versa. Use or development (including the siting of effluent disposal systems) shall be setback a minimum of 40 metres, or

such distance as is required, from a watercourse to avoid degradation of water quality.

- (g) Use of land in the vicinity of those watercourses identified in Schedule 3 shall provide Riparian Reserves in an appropriate location and form.

## **6.5 Heritage**

- (a) Use or Development shall be undertaken in areas and in a manner which conserves items, sites, areas and customs of historic and cultural value.

## **6.6 Access and Parking**

- (b) All Use or Development shall provide satisfactory pedestrian and vehicular access which is suited to the volume and needs of future users.
- (g) Intersections of roads, footpaths and foot crossings and driveways shall provide adequate safety for all users and shall satisfy the relevant requirements of Schedule 4.
- (h) New Use or Development shall provide a suitably constructed driveway of a width to provide for the safe ingress and egress of the anticipated volume of traffic associated with the Use or Development
- (j) On site turning shall be provided for development involving significant traffic volumes, heavy vehicle types and/or on roads which carry significant amounts of traffic.

## **6.7 Services**

- (a) Use or Development shall be provided with adequate and appropriate services which are suited to the lifestyle requirements of people, the nature of the location, and the ability of the community to provide.

## **6.8 Social Interest**

1. Use or Development should demonstrate how it suits the community interest.

## **6.9 Administration**

- (b) Use or Development proposals should only be approved where the cost to the public of providing and maintaining services is not exceeded by the economic benefit of the use or development to the community.
- (c) In considering any proposal, Council shall obtain the advice and opinion of other relevant group(s), individual(s) or organisation(s) with direct interest in the proposal.

## **Part 7 – Special Area Provisions**

### **7.5 *Shorelines, Water Bodies and Watercourses***

- 7.5.1 The shorelines, water bodies and watercourses identified in Schedule 3 shall be sustainably managed for the protection of water quality, the conservation of aquatic and shoreline habitat and the enhancement of recreational opportunities.
- 7.5.2 Development (other than that prohibited within the zone) which pertains to a Shoreline, Water Body or watercourse listed in Schedule 3 shall be considered as a discretionary Use or development in accordance with Clause 3.5.
- 7.5.3 Before considering an application pursuant to Clause 7.5.2 council may require additional information, prepared and submitted for Council's consideration by a suitably qualified person(s) to ensure that the proposal is adequately in terms of:
- (a) Contours and levels of the natural surfaces in relation to the range of water levels likely to occur in the vicinity of the propose use or Development
  - (b) Existing water quality, including seasonal variations;
  - (c) Quantities and qualities of water that are proposed to be abstracted from or discharged to the sea, a water body or a watercourse listed in Schedule 3;
  - (d) The likely impact of the proposed use or development on the quality of waters by reason of off-site effects such as erosion, siltation, salination, chemical spray drift, nutrient seepage, seed disposal or other emissions;
  - (e) The natural, ecological, cultural, recreational and aesthetic qualities of the site.
- 7.5.4 In considering an application for Use or Development in Shorelines, Water Bodies and Watercourses and whether to impose conditions Council shall consider the following matters:
- (a) The siting, orientation, setback, bulk, form, height, scale, materials and external finishes of buildings and structures
  - (b) The impact upon water quality, foreshore or streamside vegetation and wildlife habitat of building, clearing, excavation, effluent disposal, access construction, fences, firebreaks or the deposition of fill;
  - (c) Whether land should be acquired by Council as a condition of subdivision or otherwise, to protect the items listed in Schedule 3;
  - (d) Whether additional fencing or any other special works or practices are required to protect the items listed in Schedule 3;
  - (e) The design, content and location of signage and interpretative displays.

**Officer comments: the proposed works are within 100m of the South Pats River as listed in Schedule 3. Minimum vegetation removal and ground disturbance is proposed. The application states that any water quality impacts will be managed in line with the work package environmental management plan and associated erosion and sediment control plan during construction. This possibly formed part of the approval for the dam upgrade that was approved under the *Water Management Act 1993*.**

**Approval must include a condition that prior to any work commencing, a Soil and Water Management Control Plan must be submitted for approval by Council. This will ensure the sustainable management of the water and soil whilst the construction and use of the proposal is underway.**

#### **RECOMMENDATION**

That the application for vehicle and site access works in the Rural Zone, by ERA Planning & Environment for land located at 368 Memana Road, Whitemark (Lot 1 on Plan 237489) be **APPROVED** subject to the following conditions:

## **ENDORSED PLANS**

1. The use and/or development must be carried out as shown on the Endorsed plans and described in the endorsed documents to the satisfaction of the Council. Any other proposed development and/or use will require a separate application to and assessment by the Council.

## **SOIL AND WATER MANAGEMENT CONTROL PLAN**

2. Prior to the commencement of any works on site (including vegetation removal), a site management plan must be submitted detailing how soil and water is to be managed on the site during the construction process to prevent the escape of soil and sediments beyond site boundaries.

This plan must clearly set out the property owner's obligations for erection, inspection and maintenance of all control measures approved. The management plan must include the following:

- a. Date and author
- b. Property boundaries, location of adjoining roads, impervious surfaces, underground services and existing drainage, contours, approximate grades of slope, directions of fall, north point and scale.
- c. General soil description.
- d. Location and types of all existing natural vegetation, location and amount of the proposed ground disturbance, the limit of clearing, grading and filling and the proposed location of soil, sand, topsoil and other material stockpiles.
- e. Critical natural areas such as drainage lines, cliffs, wetlands and unstable ground.
- f. Location of vegetation to be retained and removed.
- g. Location of stabilised site access.
- h. Initial and final contours, location of watercourses, surface drainage and existing stormwater infrastructure.
- i. Stormwater discharge point, if proposed.
- j. Location of all proposed temporary drainage control measures.
- k. Construction details – buildings or subdivision.
- l. Location and details of all proposed erosion control measures.
- m. Location and details of the measures to minimise dust escaping from the site
- n. Location and details of all proposed sediment control measures.
- o. A statement of who is responsible for establishing and maintaining erosion and sediment control measures.
- p. Site rehabilitation or revegetation/landscaping program
- q. The estimated dates for the start and finish of the works – including the installation sequence of the different erosion and sediment controls
- r. Any information required to address soil, water and dust control measures required to accommodate staging of the proposal
- s. Outline of the maintenance program for the erosion and sediment controls; this must include a weekly inspection as well as before and after every rain event and a reporting schedule to Council

Works must not commence prior to the approval of the Soil and Water Management Control Plan by the Works and Services Manager.

The approved Plan must be implemented with the commencement of works on site and maintained **during construction** to ensure that soil erosion and dust are appropriately managed to reasonably maintain amenity of adjoining and nearby properties.

A copy of the approved Soil and Water Management Plan must be on the site at all times.

All on ground workers must be aware of and understand the plan.

### **Commenced development stop**

Where development has commenced on site and then stops for two weeks or more, interim stormwater, erosion and dust control measures must:

- a) be installed and maintained on site to the satisfaction of the Works and Services Manager;
- b) ensure that overland flows do not become a nuisance to adjoining properties or Councils infrastructure;
- c) be maintained until work recommences on site; and
- d) include a weekly inspection as well as before and after every rain event and a reporting schedule to Council.

Measures under this condition may require a revised Soil and Water Management Control Plan to be approved for the site.

*Advisory Notes. The following notes are not conditions of this permit and are supplied for the assistance of the applicant only.*

## **Permit Notes**

### **Notations**

- A. This permit was issued based on the proposal documents submitted for DA2020006. You should contact Council with any other use or developments, as they may require the separate approval of Council.**
- B. This permit takes effect after:**
  - a) the 14 day appeal period expires; or**
  - b) any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined; or.**
  - c) any agreement that is required by this permit pursuant to Part V of the *Land Use Planning and Approvals Act 1993* is executed; or**
  - d) any other required approvals under this or any other Act are granted.**
- C. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted subject to the provisions of the *Land Use Planning and Approvals Act 1993* as amended, by a request to Council.**

### **Other Approvals**

- D. This permit does not imply that any other approval required under any other by-law or legislation has been granted.**

### **Appeal Provisions**

- E. A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal Tribunal.**

A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant.

For more information see the Resource Management and Planning Appeal Tribunal website [www.rmpat.tas.gov.au](http://www.rmpat.tas.gov.au)

### **Permit Commencement**

- F. If an applicant is the only person with a right of appeal pursuant to section 61 of the *Land Use Planning and Approvals Act 1993* and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing. A copy of Council's Notice to Waive Right of Appeal is attached.

### **DECISION**

53.3.2020 Moved: Deputy Mayor D Williams      Seconded: Cr A Burke

That the application for vehicle and site access works in the Rural Zone, by ERA Planning & Environment for land located at 368 Memana Road, Whitemark (Lot 1 on Plan 237489) be APPROVED subject to the following conditions:

### **ENDORSED PLANS**

1. The use and/or development must be carried out as shown on the Endorsed plans and described in the endorsed documents to the satisfaction of the Council. Any other proposed development and/or use will require a separate application to and assessment by the Council.

### **SOIL AND WATER MANAGEMENT CONTROL PLAN**

2. Prior to the commencement of any works on site (including vegetation removal), a site management plan must be submitted detailing how soil and water is to be managed on the site during the construction process to prevent the escape of soil and sediments beyond site boundaries.

This plan must clearly set out the developer's obligations for erection, inspection and maintenance of all control measures approved. The management plan must include the following:

- a. Date and author
- b. Property boundaries, location of adjoining roads, impervious surfaces, underground services and existing drainage, contours, approximate grades of slope, directions of fall, north point and scale.
- c. General soil description.
- d. Location and types of all existing natural vegetation, location and amount of the proposed ground disturbance, the limit of clearing, grading and filling and the proposed location of soil, sand, topsoil and other material stockpiles.
- e. Critical natural areas such as drainage lines, cliffs, wetlands and unstable ground.
- f. Location of vegetation to be retained and removed.
- g. Location of stabilised site access.
- h. Initial and final contours, location of watercourses, surface drainage and existing stormwater infrastructure.
- i. Stormwater discharge point, if proposed.
- j. Location of all proposed temporary drainage control measures.
- k. Construction details – buildings or subdivision.
- l. Location and details of all proposed erosion control measures.

- m. Location and details of the measures to minimise dust escaping from the site
- n. Location and details of all proposed sediment control measures.
- o. A statement of who is responsible for establishing and maintaining erosion and sediment control measures.
- p. Site rehabilitation or revegetation/landscaping program
- q. The estimated dates for the start and finish of the works – including the installation sequence of the different erosion and sediment controls
- r. Any information required to address soil, water and dust control measures required to accommodate staging of the proposal
- s. Outline of the maintenance program for the erosion and sediment controls; this must include a weekly inspection as well as before and after every rain event and a reporting schedule to Council

**Works must not commence prior to the approval of the Soil and Water Management Control Plan by the Works and Services Manager.**

**The approved Plan must be implemented with the commencement of works on site and maintained during construction to ensure that soil erosion and dust are appropriately managed to reasonably maintain amenity of adjoining and nearby properties. A copy of the approved Soil and Water Management Plan must be on the site at all times. All on ground workers must be aware of and understand the plan.**

#### **Commenced development stop**

**Where development has commenced on site and then stops for two weeks or more, interim stormwater, erosion and dust control measures must:**

- a) be installed and maintained on site to the satisfaction of the Works and Services Manager;
- b) ensure that overland flows do not become a nuisance to adjoining properties or Councils infrastructure;
- c) be maintained until work recommences on site; and
- d) include a weekly inspection as well as before and after every rain event and a reporting schedule to Council.

**Measures under this condition may require a revised Soil and Water Management Control Plan to be approved for the site.**

***Advisory Notes. The following notes are not conditions of this permit and are supplied for the assistance of the applicant only.***

#### **Permit Notes**

##### **Notations**

- A. This permit was issued based on the proposal documents submitted for DA2020006. You should contact Council with any other use or developments, as they may require the separate approval of Council.
- B. This permit takes effect after:
  - a) the 14 day appeal period expires; or
  - b) any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined; or.

- c) any agreement that is required by this permit pursuant to Part V of the *Land Use Planning and Approvals Act 1993* is executed; or
- d) any other required approvals under this or any other Act are granted.

C. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted subject to the provisions of the *Land Use Planning and Approvals Act 1993* as amended, by a request to Council.

#### Other Approvals

D. This permit does not imply that any other approval required under any other by-law or legislation has been granted.

#### Appeal Provisions

E. A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal Tribunal.

A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant.

For more information see the Resource Management and Planning Appeal Tribunal website [www.rmpat.tas.gov.au](http://www.rmpat.tas.gov.au)

#### Permit Commencement

F. If an applicant is the only person with a right of appeal pursuant to section 61 of the *Land Use Planning and Approvals Act 1993* and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing. A copy of Council's Notice to Waive Right of Appeal is attached.

**CARRIED UNANIMOUSLY (5-0)**

**For: Mayor A Revie, Deputy Mayor D Williams, Cr A Burke, Cr V Grace and Cr P Rhodes.**

## 14.2 Development Application Report

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Emma Egan   Regulatory Services Officer
<b>File Reference</b>	PLN/0105
<b>Annexures</b>	12.2.1 Planner's Information Report – February 2020

### INTRODUCTION

This report provides Councillors with an overview of the applications for the current period as per motion 249.09.2015, passed at the 24 September 2015 Council Meeting when Council requested monthly data from the West Tamar Council planning consultancy service.

Permitted applications are assessed under section 58 of the *Land Use Planning and Approvals Act 1993* (the Act) and are not advertised. If applications classified as Permitted meet all development and use standards, they must be granted a permit, with or without conditions.

Discretionary applications are assessed under section 57 of the Act and are exhibited for a two week period during which submissions may be received from the public. If a submission is received the planners report for that application is considered by Council. Discretionary applications where no submissions are received as well as applications with a Permitted pathway are approved under delegation to the General Manager.

The numbering of applications relates to the electronic filing system. Numbers are allocated to Planning (DA), Building (BA) and Plumbing (PA) applications as they are received. This may mean that planning numbers are not sequential if for example, a development requires a building application but is exempt from a planning application.

### PREVIOUS COUNCIL CONSIDERATION

Some items may have been considered at meetings of Council while the remainder have been approved under delegation by the General Manager.

### OFFICER'S REPORT

Refer to Annexure 12.2.1, Planner's Information Report – February 2020, provided by West Tamar Council.

### VOTING REQUIREMENTS

Simple Majority

### RECOMMENDATION

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

### DECISION

**54.3.2020 Moved: Cr A Burke      Seconded: Cr P Rhodes**  
**That the Planner's Information Report – February 2020 be received.**

### CARRIED UNANIMOUSLY (5-0)

**For: Mayor A Revie, Deputy Mayor D Williams, Cr A Burke, Cr V Grace and Cr P Rhodes.**

*Mayor Annie Revie passed the chair to Deputy Mayor David Williams at 10:11am.*

---

## 15 Notice of Motion

---

### 15.1 Notice of Motion – Furneaux Community Arts Incorporated Donation for Art Prize

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Mayor Annie Revie
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	CDV/1705
<b>Annexures</b>	Nil

#### **NOTICE OF MOTION**

**That Council approves a donation to Furneaux Community Arts Incorporated of \$200 towards an art prize for the children and youth of the Island.**

#### **COUNCILLOR’S REPORT**

The Furneaux Community Arts Incorporated (FCAI) is sponsoring an arts competition for the children and youth of the Island. The competition, and exhibition of the works were designed to be part of the Food and Crayfish Festival. Now that the Festival has been cancelled, due to the challenges presented by the Coronavirus, the FCAI, in consultation with key stakeholders such as the school, is hoping to go ahead with the event. The total prize money is proposed to be \$1000: \$500 from FCA; \$300 from the Mayor Annie Revie and, hopefully, \$200 from Council. The objective is to encourage young artists on the Island to engage in and display their work – all aspects of art will be accepted: e.g. visual art; photography; ceramics; etc. The work will be displayed for a period of time so that the Community can view it. This will serve to demonstrate to young artists that the Furneaux Communities value their work and will send them positive signals of support. Young artists on the islands deserve this level of authenticity in support of their artistic endeavours.

Due to the current Coronavirus dangers, there will not be an official opening of the exhibition, but it will be open to the public. In addition, and for the same reason, the islands may well be in an increased state of isolation over the next six months. There will be a curb on travel and on large gatherings. However, there is also an accompanying need to display a ‘business as usual’ attitude where possible in order to mitigate any negative effects that increased isolation may bring.

I feel strongly that art, in its many forms, is an important aspect of human existence. It follows that, in challenging times as currently exist, self-expression and mutual appreciation are critical to wellbeing.

I am well aware that Council has limited cash reserves. However, this financial year, there have been two other instances of donations: one to the school and the other to cancer research. I believe the amount of \$200 is a small ask for a positive cause. I request that you approve this motion.

#### **PREVIOUS COUNCIL CONSIDERATION**

Nil

#### **PREVIOUS COUNCIL DISCUSSION**

Nil

#### **OFFICER’S REPORT**

Council’s ability to support community services plays an important role in the future of community groups and the quality of community events being delivered for the benefit of the Furneaux Islands communities. With the increasing limitations on mass gatherings and events due to the Coronavirus impacting on community interaction, and the Furneaux Islands’ already isolated

nature, supporting activities which encourage participation in a safe and responsible way is recommended.

Promotion for the youth art prize states that the competition entries will be exhibited in the Furneaux Community Arts and Entertainment Centre. Given that there is an item being put to Council later in this agenda that recommends the closure of all council-owned buildings for public use, it is hoped that the FCAI can make alternate arrangements for the exhibition.

**STATUTORY REQUIREMENTS**

Nil

**POLICY/STRATEGIC IMPLICATIONS**

Nil

**BUDGET AND FINANCIAL IMPLICATIONS**

\$200

**RISK/LIABILITY**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**MOTION**

**55.3.2020 Moved: Mayor A Revie Seconded: Cr V Grace**

**That Council approves a donation to Furneaux Community Arts Incorporation of \$200 towards an art prize for the children and youth of the Island.**

**LOST (5-0)**

**Against: Mayor A Revie, Deputy Mayor D Williams, Cr A Burke, Cr V Grace and Cr P Rhodes.**

*Deputy Mayor David Williams passed the chair to Mayor Annie Revie at 10.15am.*

---

## 16 Governance

---

### 16.1 Council's preventative measures in response to the COVID-19 threat to the community

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	CSV/0400
<b>Annexures</b>	Nil

#### INTRODUCTION

The current Coronavirus (COVID-19) global pandemic is beginning to establish itself within Tasmania. It is generating ongoing challenges to Federal, State and Local Governments and associated organisations, both community-based and private. The issue is rapidly escalating and is requiring adaptive, flexible and rapid changes to accepted standard practices and procedures.

Current public health advice centres around personal hygiene, social distancing and self-isolation as the most effective methods of containing it's spread.

#### PREVIOUS COUNCIL CONSIDERATION

Nil

#### PREVIOUS COUNCIL DISCUSSION

Nil

#### OFFICER'S REPORT

Over the past week, there has been a rapid escalation in self-isolation requirements with the possibility of more stringent requirements, such as closing State borders, considered very real possibilities.

On Friday 13 March 2020, the Island's Food and Crayfish Festival was cancelled due to health concerns related to public gatherings.

As from midnight Sunday 15 March 2020, the Federal Government announced self-isolation requirements for all people returning to Australia from overseas destinations anywhere within the world.

On Monday 16 March 2020, an extraordinary meeting of the Municipal Emergency Management Committee (MEMC) considered an integrated, whole of island response to the issue. Community messaging was formalised with Council leading Public Information on behalf of the community.

On Tuesday 17 March 2020, a number of community organisations elected to suspend their activities in Council owned buildings, based on similar public gathering health concerns. Based on the rapidity and frequency of recommended health control escalations and demonstrating community leadership, I believe Council should consider its stance on the use of Council buildings by the public, with a view to preventing this potential public health risk.

Council is working closely with Sharp Airlines to ensure high standards of hygiene and public information are maintained throughout Sharp Airlines planes and the Whitemark Airport Terminal.

## **STATUTORY REQUIREMENT**

*Local Government Act 1993*

*Emergency Management Act 2006*

## **POLICY/STRATEGIC IMPLICATIONS**

Nil

## **BUDGET AND FINANCIAL IMPLICATIONS**

Nil

## **RISK/LIABILITY**

Low

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

1. That Council closes all Council owned buildings for public use, until further notice, due to the identified health risk of group social proximity.
2. That Council considers changes to the layout and structure of its meetings to allow it to adapt to current and future health recommendations regarding social distances and hygiene.

## **DECISION**

**56.3.2020 Moved: Cr P Rhodes      Seconded: Cr V Grace**

**That Council suspends the operation of Regulation 22 of the Local Government (Meeting Procedures) Regulations 2015, in accordance with Regulation 22 (9).**

**CARRIED UNANIMOUSLY (5-0)**

**For: Mayor A Revie, Deputy Mayor D Williams, Cr A Burke, Cr V Grace and Cr P Rhodes.**

*Jacci Viney, Environmental Health Coordinator and Municipal Emergency Management Coordinator, left the meeting at 10.50am and returned at 10.53am.*

*Vicki Warden, Executive Officer, left the meeting at 10.53am and returned at 10.55am.*

**57.3.2020 Moved: Deputy Mayor D Williams      Seconded: Cr P Rhodes**

1. That Council closes the following Council owned facilities to public use until further notice, due to the identified health risk of group social proximity:
  - Emita and Lady Barron Halls and Furneaux Arts and Entertainment Centre;
  - Killiecrankie, Lady Barron Port, Whitemark Foreshore, and Yellow Beach public toilets;
  - Whitemark Gym and Lady Barron Fitness Facility;
  - Strait Works Art Gallery;
  - Furneaux Museum;
  - Holloway Park; and
  - Whitemark Showground Buildings.
2. That Council changes the layout and structure of its meetings to allow it to adapt to current and future health recommendations regarding social distances and hygiene, including conference calls, smaller working groups (2-3 people), emails and reduced meeting durations. (Bring your own meals and utensils if required.)

- 3. That Council delegates the General Manager, in consultation with the Incident Management Team, or in line with State and Federal Government directives, to make any necessary subsequent decisions on COVID-19 related matters.**

**CARRIED UNANIMOUSLY (5-0)**

**For: Mayor A Revie, Deputy Mayor D Williams, Cr A Burke, Cr V Grace and Cr P Rhodes.**

## 16.2 Flinders Island Marine Access and Safe Harbour Project

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	COM/0402, ASM/0200
<b>Annexures</b>	14.2.1 Code for Tenders and Contracts

### INTRODUCTION

In January 2020, the Federal Government agreed to Council's request to transfer \$1.8 million from the original Flinders Island Marine Access and Safe Harbour Project funding allocation, to the Flinders Island Airport Runway Upgrade Project.

This transfer reduced the funding commitment for the Flinders Island Marine Access and Safe Harbour Project to \$3 million. This reduction in funding has required a complete re-scoping of the project to ascertain what is achievable with the reduced funding and additional grant application requirements.

### PREVIOUS COUNCIL CONSIDERATION

57.02.2011 - 17 February 2011  
120.04.2011 - 21 April 2011  
128.04.2011 - 21 April 2011 Closed Council  
598.07.2013 - 18 July 2013  
232.09.2017 - 21 September 2017  
300.12.2017 - 14 December 2017  
292.10.2018 - 11 October 2018  
33.02.2019 - 19 February 2019  
76.03.2019 - 19 March 2019  
77.03.2019 - 19 March 2019  
88.03.2019 - 28 March 2019  
117 & 118.04.2019 - 16 April 2019  
250.09.2019 - 17 September 2019

### PREVIOUS COUNCIL DISCUSSION

Council Workshop - 6 July 2017  
Council Workshop - 31 August 2017  
Council Workshop - 28 March 2019  
Council Workshop - 28 June 2019  
Council Workshop - 11 September 2019  
Council Workshop - 25 February 2020

### OFFICER'S REPORT

The Federal Government has offered funding of \$3 million for the Flinders Island Marine Access and Safe Harbour Project, in the form of a Community Development Grant. In order to receive the funding, Council must first apply for the grant. The new grant has upgraded and considerably more stringent requirements than recent grant applications that necessitate Council being able to prove community support, community benefit and financial return on investment and additional supporting documentation.

Council is required to implement, and be able to demonstrate, significant community consultation to substantiate the community support and benefit aspects of the project. This consultation, in the form of a survey and forums, is scheduled to commence in May 2020. If community consultation results in negative feedback, Council may have difficulty in satisfying the community support and benefit aspects of the grant application.

The original project identified the Marina as generating a financial return on investment. It is not believed that a Marina can be achieved with the current funding. Further work will be required to substantiate financial return on investment to satisfy the needs of the grant application.

In 2019, Council passed the following two resolutions that are yet to be activated:

Motion No. 77.03.2019:

*“That Council immediately authorises Burbury Consulting to proceed with the process outlined in the letter of 30 January 2019, including long term costs and income, and include full council in their workshop discussions as outlined in the said letter and that the appropriate budget allocation be made.*

*CARRIED UNANIMOUSLY (6-0)”*

Motion No. 250.09.2019, point 3:

*“That Council:*

*...*

- 3. Appoints Burbury Consulting as the initial Project Manager to coordinate and deliver the design phase of the project, up to and including the preparation of a business case and associated actions to allow a ‘shovel-ready’ request to Government for \$3 million funding.*

*CARRIED UNANIMOUSLY (7-0)”*

Motion No. 77.03.2019 and Motion No.250.09.2019 appear to have been made contrary to Council’s Code for Tenders and Contracts (the Code) which was developed in accordance with the requirements of the *Local Government Act 1993* and the *Local Government (General) Regulations 2015*.

In accordance with Section 6 of the Code, there are four main procurement principles which include:

- 6.1 Open and effective competition;
- 6.2 Value for money;
- 6.3 Enhancement of the capabilities of local business and industry; and
- 6.4 Ethical behaviour and fair dealing.

Principle 6.1 includes:

- a) using transparent and open procurement processes;
- b) adequate testing of the market by seeking quotations or tenders;
- c) avoiding biased specifications; and
- d) treating all service providers consistently and equitably.

The stated procurement requirement for values between \$10,000 and \$50,000 is a minimum of two written quotes, and between \$50,000 and \$100,000, a minimum of three written quotes, and both categories are to include at least one from a local business (if available). Procurement requirements for greater than \$100,000 are listed as a tender with advertising requirements in the Examiner, the Island News and on Council’s website with at least one tender from a local business (if available).

In order to appropriately address the requirements of the Code, including principles and procurement guidelines, in addition to the increased requirements of the current funding application, it is recommended that motion 77.03.2019 and point 3 of motion 250.09.2019 be rescinded in the first instance.

It is further recommended that, to progress this project in accordance with Council’s procurement process, and in context of the reduced potential funding and increased grant application

requirements, expressions of interest are called for design and construct by up to five contractors (inclusive of Burbury Consulting).

To ensure the ongoing viability of this project, officers will also seek an extension of time for the funding proportion of the project, due to the rescoping requirement and the current and anticipated ongoing time impositions of the Coronavirus (COVID-19) global pandemic.

### **STATUTORY REQUIREMENT**

*Local Government Act 1993*

Local Government (General) Regulations 2015

### **POLICY/STRATEGIC IMPLICATIONS**

Access and Connectivity - Maintain or better the standard of sea access to the Islands - Economic viability of developing an all-weather recreational and leisure vessel harbour investigated - AP1920-17 Work with the State Government to facilitate the Flinders Island Marine Access and Safe Harbour Project.

### **BUDGET AND FINANCIAL IMPLICATIONS**

Nil

### **RISK/LIABILITY**

Low

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

1. That Council rescinds the following in relation to the Flinders Island Marine Access and Safe Harbour Project:

Motion No. 77.03.2019:

*“That Council immediately authorises Burbury Consulting to proceed with the process outlined in the letter of 30 January 2019, including long term costs and income, and include full council in their workshop discussions as outlined in the said letter and that the appropriate budget allocation be made.*

*CARRIED UNANIMOUSLY (6-0)”*

Motion No. 250.09.2019, point 3:

*“That Council:*

*...*

3. *Appoints Burbury Consulting as the initial Project Manager to coordinate and deliver the design phase of the project, up to and including the preparation of a business case and associated actions to allow a ‘shovel-ready’ request to Government for \$3 million funding.*

*CARRIED UNANIMOUSLY (7-0)”*

2. That Council develops a project scope for the Flinders Island Marine Access and Safe Harbour Project to meet the available funding and agrees to then call for expressions of interest from up to five contractors (inclusive of Burbury Consulting), for the design and construction of the scoped project.

*Jacci Viney, Environmental Health Coordinator and Municipal Emergency Management Coordinator, left the meeting at 11.25am and returned at 11.28am.*

**DECISION**

**58.3.2020 Moved: Deputy Mayor D Williams**

**Seconded: Cr A Burke**

- 1. That Council rescinds the following in relation to the Flinders Island Marine Access and Safe Harbour Project:**

**Motion No. 77.03.2019:**

***“That Council immediately authorises Burbury Consulting to proceed with the process outlined in the letter of 30 January 2019, including long term costs and income, and include full council in their workshop discussions as outlined in the said letter and that the appropriate budget allocation be made.***

***CARRIED UNANIMOUSLY (6-0)”***

**Motion No. 250.09.2019, point 3:**

***“That Council:***

***...***

- 3. Appoints Burbury Consulting as the initial Project Manager to coordinate and deliver the design phase of the project, up to and including the preparation of a business case and associated actions to allow a ‘shovel-ready’ request to Government for \$3 million funding.***

***CARRIED UNANIMOUSLY (7-0)”***

- 2. That Council develops a project scope for the Flinders Island Marine Access and Safe Harbour Project to meet the available funding and agrees to then call for expressions of interest from up to five contractors (inclusive of Burbury Consulting), for the design and construction of the scoped project.**
- 3. That Council implements a significant community consultation to substantiate our Community’s position on the Flinders Island Marine Access and Safe Harbour Project.**

**CARRIED UNANIMOUSLY (5-0)**

**For: Mayor A Revie, Deputy Mayor D Williams, Cr A Burke, Cr V Grace and Cr P Rhodes.**

*Jacci Viney, Environmental Health Coordinator and Municipal Emergency Management Coordinator, left the meeting at 11.30am.*

*Cr Aaron Burke left the meeting at 11.31am and returned to the meeting at 11.32am.*

### 16.3 General Manager's Update

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	GOV/0800
<b>Annexures</b>	Nil

The General Manager provided a verbal update on the following recent activities:

26/02/20	Discussion with Greg Allomes, King Island General Manager - future collaboration operations, depreciation and a future visit
27/02/20	Meeting with Minister Shelton
02/03/20	Meeting with Furneaux Freight, Mme Mayor, Darren Grace and Richard Mollineaux - future freight stevedoring issues at Lady Barron Port
03/03/20	Discussion with Dennis Cooper re Island issues
04/03/20	Meeting with Maxine Roughley, Flinders Island Aboriginal Association Inc. (FIAAI) CEO, at FIAAI - introduction and mutually beneficial collaborative operations
04/03/20	Meeting with TasPorts at Lady Barron - stevedoring issue and Furneaux Freight
05/03/20	Meeting Mme Mayor, Darren Grace and Richard Mollineaux - Furneaux Freight Stevedoring – discussion of recent meeting and enquiries re Qube continuing in stevedoring role as most suitable outcome
06/03/20	Phone discussion with Rick Dunn and Minister Ferguson - Furneaux Freight issue – update provided
13/03/20	Arrange meeting with Mme Mayor, Flinders Island Business Inc. (FIBI) and Island medical - consistent messaging
13/03/20	Attend FIBI meeting - Food and Cray Festival viability
15/03/20	Meet with Mme Mayor to plan for Municipal Emergency Management Committee (MEMC) meeting
16/03/20	Attend Flinders Council Audit Panel meeting
16/03/20	Attend MEMC meeting - whole of island approach to Covid-19
17/03/20	Establish internal Incident Management Team and later discussions with Greg Alomes, Dallas Hay - Covid-19 impacts

18/03/20	Richard Harley to issue NOTAM – self-isolation and local medical process for COVID-19. Richard to also contact all known Flinders air strip users re these measures
18/03/20	Teleconference – northern General Managers COVID-19 response
19/03/20	Attend FIBI meeting
20/02/20	Teleconference northern General Managers’ meeting
23/03/20	Discussion with Minister Ferguson’s Office - funding for Boat Ramps upgrades and new on Flinders

*Cr Peter Rhodes left the meeting at 11.42am and returned to the meeting at 11.44am.*

*Cr P Rhodes left the meeting at 11.47am and returned to the meeting at 11.47am.*

**DECISION**

**59.03.2020 Moved: Cr V Grace      Seconded: Cr P Rhodes**

**That Council move confidential matters in the General Manager’s Update to closed Council.**

**CARRIED UNANIMOUSLY (5-0)**

**For: Mayor A Revie, Deputy Mayor D Williams, Cr A Burke, Cr V Grace and Cr P Rhodes.**

**60.3.2020 Moved: Cr V Grace      Seconded: Cr P Rhodes**

**That the General Manager’s update be noted.**

**CARRIED UNANIMOUSLY (5-0)**

**For: Mayor A Revie, Deputy Mayor D Williams, Cr A Burke, Cr V Grace and Cr P Rhodes.**

## 16.4 Councillor Resolution Report

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	GOV/0300
<b>Annexures</b>	14.4.1 Councillor Resolution Report March 2020

### INTRODUCTION

The Councillor Resolution Report identifies resolutions passed by elected members and the actions taken to implement the decisions.

### PREVIOUS COUNCIL CONSIDERATION

The Report is presented on a monthly basis.

### OFFICER'S REPORT

Please read Annexure 14.4.1 – Councillor Resolution Report March 2020.

### VOTING REQUIREMENTS

Simple Majority

### RECOMMENDATION

That the Councillor Resolution Report March 2020 be noted.

*Vicki Warden, Executive Officer, left the meeting at 12.13pm.*

### DECISION

**61.3.2020 Moved: Cr A Burke                      Seconded: Deputy Mayor D Williams**  
**That the Councillor Resolution Report March 2020 be noted.**

*Deputy Mayor David Williams left the meeting at 12.13pm.*

### CARRIED UNANIMOUSLY (4-0)

**For: Mayor A Revie, Cr A Burke, Cr V Grace and Cr P Rhodes.**

*Deputy Mayor David Williams returned to the meeting at 12.15am.*

## 16.5 LATE AGENDA ITEM - Municipal Emergency Management Coordinator and Deputy

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	CSV/0400
<b>Annexures</b>	14.5.1 Resignation received 23 March 2020

### INTRODUCTION

The roles of Municipal Emergency Management Coordinator and Deputy Municipal Emergency Management Coordinator are legislated positions as governed by the *Emergency Management Act 2006*. Flinders Council's Deputy Municipal Emergency Management Coordinator resigned from the position on 23 March 2020. In this time of COVID-19 crisis, the State Emergency Service has requested Council review these positions as a matter of urgency.

### OFFICER'S REPORT

After serving on the Municipal Emergency Management Committee (MEMC) as the Deputy Ms Kelly Blundstone has resigned from the Deputy position. Ms Blundstone should be acknowledged for the time she has contributed to the MEMC.

Ms Jacci Viney currently holds the position of Municipal Emergency Management Coordinator.

Given the current impacts of the COVID-19 global pandemic, the State Emergency Service has recommended that I, as General Manager, be appointed as the Municipal Emergency Management Coordinator and Ms Viney be appointed as the Deputy. Ms Viney is Council's Environmental Health Officer, has previous emergency management experience, and can provide the experienced support that the position also requires.

The roles of the Deputy Municipal Coordinator and Municipal Coordinator are outlined below (Reference: *Emergency Management Act 2006*).

#### **"23. Municipal Emergency Management Coordinators and Deputies**

- (1) *The Minister is to appoint a Municipal Emergency Management Coordinator and a Deputy Municipal Emergency Management Coordinator for each municipal area.*
- (2) *The Minister is to appoint as Municipal Emergency Management Coordinator, or Deputy Municipal Emergency Management Coordinator, for a municipal area a person nominated by the council in that municipal area.*
- (3) *Each Municipal Coordinator and Deputy Municipal Coordinator may hold that office in conjunction with any other appointment, position or office.*
- (4) *Each Municipal Coordinator and Deputy Municipal Coordinator holds office for the period, and on the terms and conditions, specified in his or her instrument of appointment.*
- (5) *A Deputy Municipal Coordinator for a municipal area may act in the office of Municipal Coordinator if –*
  - (a) *the Municipal Coordinator is absent from Tasmania or from duty as Municipal Coordinator; or*
  - (b) *the Municipal Coordinator is otherwise unable to perform the functions of the office of Municipal Emergency Management Coordinator; or*
  - (c) *the Municipal Coordinator has died, resigned or been removed from office and a new Municipal Coordinator has not been appointed.*
- (6) *While the Deputy Municipal Coordinator is acting in the office of Municipal Emergency Management Coordinator, he or she is taken to be the Municipal Coordinator.*
- (7) *The Minister, by written notice provided to a council, may require the council to nominate persons for the positions of Municipal Emergency Management Coordinator*

and Deputy Municipal Emergency Management Coordinator by providing that nomination to the Minister within the time specified in the notice.

(8) A council may only nominate a person for the position of Municipal Emergency Management Coordinator or Deputy Municipal Emergency Management Coordinator if the person, once appointed to the position, would have the authority and ability to make decisions relating to the coordination of emergency management in the municipal area during an emergency without first seeking the approval of the council.

(9) On receipt of the nomination, the State Controller is to provide the nomination, together with his or her recommendations, to the Minister.

(10) If a council fails to comply with a notice provided under [subsection \(7\)](#), the Minister may appoint a person he or she considers suitable to be Municipal Emergency Management Coordinator or Deputy Municipal Emergency Management Coordinator for the municipal area.

(11) If a council fails to nominate a Municipal Coordinator or Deputy Municipal Coordinator, the Minister may appoint a person he or she considers suitable to be Municipal Emergency Management Coordinator or Deputy Municipal Emergency Management Coordinator for the municipal area governed by that council.”

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

Previous positions adopted by Council.

#### **STATUTORY REQUIREMENT:**

*Local Government Act 1993*

*Emergency Management Act 2006*

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

No policy exists on this matter.

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

No change to current budget as the positions will be carried out in the course of the officers' current positions.

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

Many Councils have dedicated emergency management staff who are highly trained in the requirements of the position. Some additional training will be required to ensure that current position holders maintain continuity with current requirements.

#### **VOTING REQUIREMENTS:**

Simple Majority

#### **RECOMMENDATION**

That Council advises the State Controller that it nominates Warren Groves to fill the Flinders Municipal Emergency Management Coordinator position and Jacci Viney to the Deputy Coordinator position.

#### **DECISION**

**62.3.2020 Moved: Cr P Rhodes**

**Seconded: Cr A Burke**

**That Council advises the State Controller that it nominates Warren Groves to fill the Flinders Municipal Emergency Management Coordinator position and Jacci Viney to the Deputy Coordinator position.**

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

**For: Mayor A Revie, Deputy Mayor D Williams, Cr A Burke, Cr V Grace and Cr P Rhodes.**

*Mayor Annie Revie called a break in the meeting at 12.17pm and resumed the meeting at 12.56 pm.*

*Vicki Warden, Executive Officer, returned to the meeting at 12.56pm.*



***That for Agenda Item 17.1 Report to be Received - General Manager's Performance Review Committee Minutes, the discussions held in Closed Council remain confidential, and the motion be included in the open minutes.***

**CARRIED UNANIMOUSLY (5-0)**

***For: Mayor A Revie, Deputy Mayor D Williams, Cr A Burke, Cr V Grace, and Cr P Rhodes.***

***67.3.2020 Moved: Deputy Mayor D Williams      Seconded: Cr A Burke  
That the unconfirmed minutes of the General Manager's Performance Review Committee meeting held 16 March 2020 be noted.***

**CARRIED UNANIMOUSLY (4-1)**

***For: Mayor A Revie, Deputy Mayor D Williams, Cr A Burke and Cr V Grace.  
Against: Cr P Rhodes (abstained)***

***70.3.2020 Moved: Deputy Mayor D Williams      Seconded: Cr A Burke  
That for Agenda Item 17.2 Notice of Motion – General Manager's Performance Review, the discussions held in Closed Council remain confidential and the motion passed be included in the open minutes.***

**CARRIED UNANIMOUSLY (5-0)**

***For: Mayor A Revie, Deputy Mayor D Williams, Cr A Burke, Cr V Grace, and Cr P Rhodes.***

***69.3.2020 Moved: Mayor A Revie      Seconded: Cr V Grace  
That Council approves the process and content for the General Manager's Performance Review as recommended by the General Manager's Performance Review Committee and detailed in Annexure 17.2.1.***

**CARRIED UNANIMOUSLY (4-1)**

***For: Mayor A Revie, Deputy Mayor D Williams, Cr A Burke and Cr V Grace.  
Against: Cr P Rhodes (abstained)"***

*The Mayor declared the meeting closed at 1.46pm.*

---

**Meeting Closed 1.46pm**

---