



# Confirmed Minutes Ordinary Council Meeting

26 May 2020



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# Flinders Council Ordinary Meeting – Confirmed Minutes

## Tuesday 26 May 2020

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<b>Venue</b>	Flinders Arts and Entertainment Centre, Whitemark
<b>Commencing</b>	9.37am
<b>Attendees - Councillors</b>	Mayor Annie Revie Deputy Mayor David Williams Sharon Blyth Aaron Burke Vanessa Grace Peter Rhodes Rachel Summers
<b>Apologies</b>	Nil
<b>Attendees - Staff</b>	Warren Groves   General Manager 9.37 – 10.59am Heidi Marshall   Finance Organisational Performance Manager 9.56 - 10.26am Jacci Viney   Development Services Coordinator 10.32 – 10.46am Richard Harley   Airport Operations Officer 9.59 - 10.26am Vicki Warden   Executive Officer (minute taker) 9.37 – 10.59am

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### 1 Acknowledgment of Country

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The Mayor will begin by acknowledging the Traditional Owners of the land on which we meet today, the palawa people of the trawulwai Nation. She will recognise their continuing connection to the land, waters and culture of this island, and pay respects to Elders past, present and emerging.

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### 2 Confirmation of Minutes

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#### RECOMMENDATION

That the Minutes from the Ordinary Council Meeting held on 28 April 2020 be confirmed.

#### DECISION

**96.5.2020 Moved: Cr S Blyth      Seconded: Cr A Burke**

**That the Minutes from the Ordinary Council Meeting held on 28 April 2020 be confirmed.**

#### CARRIED UNANIMOUSLY (7-0)

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

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### 3 Public Question Time

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None received.

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## 4 Responses to Public Questions

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### 28 April 2020 Meeting

#### **Question 1 - Aaron De La Torre, Tasmanian Coordinator, Australian Services Union**

I refer to a letter which was sent by Premier Peter Gutwein and Local Government Minister Mark Shelton to all Tasmanian Council Mayors and General Managers, dated 16 April 2020. In this letter the Premier states:

*“It is our expectation that councils should endeavour to retain as many employees as possible during this challenging period, and that, to do this, councils will need to adopt different budget and financial positioning strategies than have traditionally been required. Where appropriate, councils should also redirect staff to support their COVID-19 response measures and community relief and recovery initiatives”.*

Can the General Manager provide assurances to Flinders Council’s employees that no employees will have their employment terminated as a result of COVID-19 and that Council will prioritise the maintenance of employment of each of their employees in any budgetary decisions moving forward?

#### **General Manager’s Response:**

The COVID-19 situation is imposing considerable challenges to Council from an employment and budget perspective. Flinders Council is committed to not standing down its permanent employees and every endeavour is being made to maintain current staff levels, despite the significant financial loss Council is incurring.

#### **Question 2 - Aaron De La Torre, Tasmanian Coordinator, Australian Services Union**

Clause 17 of Council’s enterprise agreement, the *Flinders Council Enterprise Agreement 2019-2023*, and the *Fair Work Act 2009*, both provide requirements for consultation in relation to major workplace changes, including the need to relocate employees, the alternation of hours of work or regular rosters, or in the extreme, the potential termination of employment, amongst others.

The Australian Services Union, and its members, seek to enter into collaborative consultation in relation to any potential changes in the workplace as a result of COVID-19.

Can the General Manager assure employees of Flinders Council that the management team will enter into consultation before any major changes are implemented in the workplace?

#### **General Manager’s Response:**

The standard consultation obligations under Flinders Council’s Enterprise Agreement continue to apply while responding to COVID-19. Whilst COVID-19 is unprecedented in its impact on businesses, our experience at this stage has been that no permanent employees have needed to be re-located.

Declarations under the *Public Health Act 1997* require people to stay at home unless they have to leave their primary residence for the purpose of "attending work...if unable to be performed at the person's primary residence". Flinders Council continues to work with employees to ensure that these declarations are observed. Working at home is not possible for all employees. Flinders Council has worked with employees to temporarily re-configure the workplace to provide ‘work hubs’ within the workplace to ensure maximum physical distancing and to ensure staff continue to have a safe place of work.

We are committed to:

- Regularly communicating with our employees to keep them advised of the changes required to be made to manage the impacts of COVID-19; and
- If we need to implement any change, we aim to provide advance notice, if possible, of the change and give an opportunity to consult on the effect of the changes.

**Question 3 - Aaron De La Torre, Tasmanian Coordinator, Australian Services Union**

Given that Local Government is not eligible for the federal government's Job-Keeper program, the changes which were made to the *Fair Work Act 2009*, in relation to COVID-19 stand downs and alternation of an employee's regular hours, do not apply to Flinders Council.

Section 524 of the Act (*Employer may stand down employees in certain circumstances*) requires that an employee only be stood down where they "*cannot usefully be employed*", that is to say that there is no useful work for employees to undertake:

Can the General Manager provide a guarantee that all possible alternate duties will be explored before considering standing employees down, including things that are usually outside of Council's core business, but which assist the community with getting through, and recovering from, COVID-19? The Union can provide further details and suggestions around this matter.

**General Manager's Response:**

Flinders Council is committed to keeping our employees engaged in meaningful work and is prepared to investigate options that include alternate duties within our organisation, on an as-needs basis. Council continues to work proactively with staff in responding to requirements arising from this Pandemic.

**RECOMMENDATION**

That the responses to the public questions from the 28 April 2020 Council Meeting be noted.

**DECISION**

**97.5.2020 Moved: Deputy Mayor D Williams      Seconded: Cr S Blyth**

**That the responses to the public questions from the 28 April 2020 Council Meeting be noted.**

**CARRIED UNANIMOUSLY (7-0)**

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

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## 5 Councillor's Questions on Notice

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None received.

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## 6 Councillor's Questions Without Notice

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None received.

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## 7 Responses to Councillor's Questions Without Notice

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### 28 April 2020 Meeting

#### Question 1: Cr Sharon Blyth

Could we please have an update on the Bluff Track, as to who is responsible for its upkeep. Apparently, it is not Parks and Wildlife Service's responsibility, as it is a crown reserve, which should be on a Council lease. The track is becoming quite overgrown in parts and needs attention as soon as possible.

#### Mayor's Response:

The Bluff Track was upgraded via a 'Cycling for Active Transport' grant which was submitted by Council and included a co-partnership arrangement with the local Parks and Wildlife. It is noted that the final report states that the ongoing maintenance of the track will be conducted by both Parks and Council. The track is located on crown land. There is not a lease to Council.

There is an obvious opposing interpretation of who owns the responsibility for maintenance. You have my assurance that this matter will be investigated within the next month and an update provided following this.

#### RECOMMENDATION

That the response to the Councillor's Question Without Notice from the 28 April 2020 Council Meeting be noted.

#### DECISION

**98.5.2020 Moved: Cr S Blyth      Seconded: Cr P Rhodes**

**That the response to the Councillor's Question Without Notice from the 28 April 2020 Council Meeting be noted.**

#### CARRIED UNANIMOUSLY (7-0)

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

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## 8 Late Agenda Items

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The following has been received as a late agenda item:

- Capital Budget variation – Airport safety vehicle.

Pursuant to S65(1) of the *Local Government Act 1993*, the General Manager confirms

- that he has had sufficient time to consider the item and provide expert advice in relation to the item;

- that it was not possible to include the item on the agenda as the information became available after the agenda was issued; and
- that the matter is urgent as it is an Airport safety issue and a requirement of CASA.

Under R8(6) of the Local Government (Meeting Procedures) Regulations 2015, this item may be considered at this meeting as Item 16.2 by absolute majority vote.

**99.5.2020 Moved: Cr R Summers Seconded: Cr P Rhodes**  
**That Council considers the late agenda item, Capital Budget variation – Airport safety vehicle, at this meeting as Item 16.2.**

**CARRIED UNANIMOUSLY (7-0)**

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

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## **9 Declaration of Pecuniary Interest**

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None declared.

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## **10 Conflict of Interest**

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None declared.

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## **11 Workshops & Information Forums**

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File No. COU/0205

### **Council Workshop – 5 May 2020**

Council held a Workshop on the following subjects:

- Item 1 Service Request Register
- Item 2 Blue Sky Thinking
- Item 3 General Manager's Update
- Item 4 Strategic Plan

#### **Councillors in Attendance**

Mayor Annie Revie

Deputy Mayor David Williams

Cr Sharon Blyth

Cr Vanessa Grace

Cr Peter Rhodes

Cr Rachel Summers

#### **Apologies**

Cr Aaron Burke

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

Warren Groves

General Manager

Vicki Warden

Executive Officer

### **Council Workshop – 12 May 2020**

Council held a Workshop on the following subjects:

- Item 1 Strategic Plan – Planning Methodology

- Item 2 Strategic Plan - Community Survey
- Item 3 Safe Harbour – Survey Question
- Item 4 Fees and Charges 2020-21
- Item 5 Building Privatisation

#### **Councillors in Attendance**

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

#### **Apologies**

Cr Sharon Blyth  
Cr Aaron Burke

#### **Staff in Attendance**

Warren Groves	General Manager
Vicki Warden	Executive Officer
Heidi Marshall	Finance Organisational Performance Manager (Item 5 only)
Jacci Vinney	Projects, Assets & Infrastructure (Item 5 only)
Brian Barnewall	Works & Services Manager (Item 5 only)

#### **Council Workshop – 19 May 2020**

Council held a Workshop on the following subjects:

- Item 1 Community Engagement
- Item 2 Strategic Plan
- Item 3 Key Council Program Discussion - Waste Management

#### **Councillors in Attendance**

Mayor Annie Revie	Cr Vanessa Grace
Deputy Mayor David Williams	Cr Peter Rhodes
Cr Sharon Blyth	Cr Rachel Summers
Cr Aaron Burke (Items 1 & 2 only)	

#### **Apologies**

Nil

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

Warren Groves	General Manager
Vicki Warden	Executive Officer
Jacci Viney	Projects, Infrastructure & Assets Officer (Item 3 only)
Sammi Gowthorp	Community Development Officer (Item 3 only)

#### **RECOMMENDATION**

That the Council Workshops held on 5, 12 and 19 May 2020 be noted.

#### **DECISION**

**100.5.2020 Moved: Cr V Grace                      Seconded: Cr P Rhodes**  
**That the Council Workshops held on 5, 12 and 19 May 2020 be noted.**

#### **CARRIED UNANIMOUSLY (7-0)**

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



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

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None tabled.

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## **13 Councillors' Reports**

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None received.

## 14 Mayor's Report

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

### APPOINTMENTS

DATE	DIARY ACTIVITY
22/4	Work with General Manager - strategic plan
22/4	Conference call Minister Mark Shelton – abandoned due to inability to hear
23/4	Work with Finance Organisational Performance Manager and General Manager – Recovery package and the reality for Flinders – how do we approach this issue?
24/4	Work with General Manager – modify our approach to developing a strategic plan
24/4	Administration
25/5	Work with General Manager + administration
25/5	Meeting Michael Buck
28/4	Council Ordinary Meeting + workshop
29/4	Radio Interview Tasmania Talks
29/4	ABC Radio Interview
29/4	Administration
30/4	Administration
30/4	Michael Buck – Flinders Island Business Inc.
1/5	Administration
5/5	Council workshop
6/5	General Manager – teleconference Furneaux Freight
6/5	Administration
7/5	Catch up General Manager - issues to attend to
12/5	Council workshop
13/5	Administration
14/5	Administration
15/5	Administration
16/5	Administration
18/5	Island News + Radio Interview
18/5	Attended cultural awareness program online
19/5	Special Council Meeting + workshop
20/5	Administration
21/5	Work with General Manager
21/5	Zoom conference with Minister Mark Shelton + radio interview

### CORRESPONDENCE IN

DATE	FROM	SUBJECT
21/4	Minister Mark Shelton	Update re Local Government Act Review
22/4	Audit Office	Audit Strategy
22/4	Local Government (LG) Directorate	Final Review Framework
22/4	Local Government Association of Tasmania (LGAT)	Media Statement
22/4	LG Directorate	Final Review Framework
22/4	Tourism Northern Tasmania (TNT)	Tourism Talks

24/4	LGAT	Copy of letter to State Government
24/4	LG Minister's Office	Re online conference
24/4	Anita Dow MP	Opposition Minister LG re support
26/4	Ian James	Letter - waste
26/4	D Williams	Copy of letter from Max Parker - waste
26/4	W Lipsky	Letter - waste
26/4	R Dallas	Letter - waste
26/4	M Roughley	Letter - waste
27/4	F Bryson	Letter - waste
27/4	J Clark	Letter - waste
27/4	G Willis	Petition - waste
27/4	M Buck	Letter - waste
27/4	C Cox	Letter - waste
27/4	G & J Hammond	Letter - waste
27/4	A Watson	Letter - waste
27/4	S Lowe	Letter - waste
27/4	E Schulz	Letter - waste
28/4	A Radford	Petition - waste
28/4	LGAT / Australian Local Government Association (ALGA)	Letter to Prime Minister urging increase to Council funding
29/4	King Island Council	Copy of letter to Minister Michael McCormick - funds needed to support airport
30/4	LGAT	University of Tasmania project
30/4	LGAT	Councillor allowances
4/5	TNT	Update
4/5	R Wise	COVID-19 visitors from Victoria
4/5	R Wise	Update on above
6/5	G Hoath	Wanting to visit Flinders Island
6/5	Mark Baker	Appointment of Board Chair - Northern Tasmania Development Corporation (NTDC)
8/5	NTDC	Minutes members meeting
8/5	LGAT	Update on easing restrictions
12/5	Senator Claire Chandler	Support
14/5	LGAT	Councillor allowances
14/5	NTDC	Requesting notes for media statements on Council recovery packages
15/5	Minister Mark Shelton	Online meeting mayors and general managers
17/5	P Nugent	Travel restrictions
18/5	P Nugent	Travel restrictions

## CORRESPONDENCE OUT

DATE	TO	SUBJECT
21/4	Peter Rhodes	Response to question asked at meeting
30/4	Councillors	Premier's Update
4/5	R Wise	Response re COVID-19
6/5	G Hoath	Response - visiting Flinders
15/5	Community members	Response - waste
16/5	Community members	Response - waste
16/5	Community members	Response - waste
16/5	FIBI	Information - small business support

17/5	P Nugent	Response - travel restrictions
18/5	P Nugent	Response - travel restrictions
20/5	G Willis	Response - petition
20/5	A Radford	Response - petition
21/5	S Blyth	Response – question without notice on Bluff Track

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

That the Mayor's report be received.

### **DECISION**

**101.5.2020 Moved: Cr S Blyth      Seconded: Deputy Mayor D Williams**

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

### **CARRIED UNANIMOUSLY (7-0)**

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

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## 15 Development Services and Planning Applications

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### 15.1 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>	15.1.1 Planner's Information Report – April 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 15.1.1, Planner's Information Report – April 2020, provided by West Tamar Council.

#### VOTING REQUIREMENTS

Simple Majority

#### RECOMMENDATION

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

#### DECISION

**102.5.2020 Moved: Cr A Burke      Seconded: Deputy Mayor D Williams**

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

#### CARRIED UNANIMOUSLY (7-0)

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

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## 16 Finance

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### 16.1 Schedule of Fees & Charges 2020/21

<b>Action</b>	<b>Decision</b>
<b>Proponent Officer</b>	Council Officer Heidi Marshall   Finance Organisational Performance Manager
<b>File Reference Annexure</b>	FIN/0701 16.1.1 DRAFT Fees & Charges Schedule 2020/21

#### INTRODUCTION

Under Section 205 of the *Local Government Act 1993*, Council can impose fees and charges with respect to the listed activities within the Act. These activities include the use of any property or facility owned by Council; and any application, licence, permit, registration granted by the Council.

#### PREVIOUS COUNCIL DISCUSSION

Council Workshop 12 May 2020

#### PREVIOUS COUNCIL CONSIDERATION

Nil

#### OFFICER'S REPORT

Fees and charges and their methodologies of cost structure have been reviewed in the last few years and benchmarked to other Tasmanian Councils. Accordingly, few cost segments have been recommended to be changed. Major recommended changes have affected the following areas:

- Planning and Building: This area has had some major recommended changes which have affected the user fees and charges. The decision by Council to privatise Building Surveying has removed several user fees and introduced a Building Subsidy. Planning fees have been streamlined to simplify and provide ease of understanding fees.
- Burials: This area has been streamlined to provide a simpler fee structure through separation of costs.
- Private Works Hire Charges: A new section has been introduced this year to set the fees and charges for the hire of Council plant and equipment, and the charge-out fee for blue metal and gravel.

Due to the implications of COVID-19 on the economy, fees and charges have not been increased this year.

#### STATUTORY REQUIREMENT

*Local Government Act 1993*

#### POLICY/STRATEGIC IMPLICATIONS

No policy exists on this matter.

#### BUDGET AND FINANCIAL IMPLICATIONS

High. The adoption of 2020/2021 Fees and Charges is required to perform the next phase of the Budget process for 2020/2021.

**RISK/LIABILITY**

The risks and liabilities in the upcoming year lie mainly with 'activity' rather than the actual 'cost of the fee charged'. The impacts of COVID-19 on the 2020/2021 budget will most likely see a downturn in the collection of fees and charges, due to the decline in activity.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

Pursuant to Section 205 of the *Local Government Act 1993*, that Council adopts the Fees & Charges as per the attached schedule (Annexure 16.1.1).

**DECISION**

**103.5.2020 Moved: Deputy Mayor D Williams**

**Seconded: Cr S Blyth**

**Pursuant to Section 205 of the *Local Government Act 1993*, that Council adopts the Fees & Charges as per the attached schedule (Annexure 16.1.1) with the addition of hall chair hire of \$2 per chair.**

**CARRIED UNANIMOUSLY (7-0)**

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

## **16.2 LATE AGENDA ITEM Capital Budget variation – Airport safety vehicle**

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	FIN/0701
<b>Annexures</b>	Photos of vehicle

### **INTRODUCTION**

A recent Health and Safety risk assessment of Council plant and equipment attached to the Whitemark Airport facility identified one of the two Council airport safety vehicles as unroadworthy, and thus unsafe for the use of Council employees. Lees Automotive has confirmed this assessment.

It is a CASA safety requirement, based on the number of RPT flights at Council's Whitemark Airport, to maintain two safety vehicles.

The vehicle is a 2008 Triton 4x4 dual cab flat tray ute, which has travelled 167,000 km. It is unsafe to drive due to the condition of the driver's door, door pillar and hinges being beyond repair. This damage has been caused by weather conditions over the time of its use at the Airport (cumulative wind stress when opening the door). The driver's door no longer closes and the Triton also has a significant amount of rust throughout the body and tray. Due to these issues, the vehicle is not safe and therefore unsuitable for airport or any other Council usage.

### **PREVIOUS COUNCIL CONSIDERATION**

Nil

### **PREVIOUS COUNCIL DISCUSSION**

Nil

### **OFFICER'S REPORT**

The Triton is the Airport's second safety vehicle and fitted out as per airport safety vehicle requirements. It is utilised for runway inspections and callouts at short notice such as:; urgent maintenance; wildlife control; aircraft emergencies and guidance on the ground.

A similar second-hand 4wd ute could be obtained for between \$20,000 to \$25,000, per recent enquiries on-line.

Council has attempted to have the vehicle replaced through the airport grant, under safety considerations. This application was, however, declined by the funding body.

Council also considered whether insurance could be utilised to replace the vehicle. As the condition of the vehicle has been caused by ongoing weather conditions and wear and tear over time, as opposed to a singular accident or incident, this option has not been pursued.

As this replacement vehicle is essential for the safe operation of the Airport, it would be highly advantageous to fund this purchase through the current budget and existing Capital Budget savings, rather than to add the impost of this purchase to, what is highly likely to be, a quite austere budget for the next financial year.

### **STATUTORY REQUIREMENT**

*Local Government Act 1993*

### **POLICY/STRATEGIC IMPLICATIONS**



Nil

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

There have been sufficient savings through the roads program to fund this purchase, if agreed to by Councillors as a Capital budget variation.

#### **RISK/LIABILITY**

Low

#### **VOTING REQUIREMENTS**

Absolute Majority

#### **RECOMMENDATION**

That Council approves a capital budget variation of up to \$25,000 in order to purchase a replacement safety vehicle for use at the Whitemark Airport.

#### **DECISION**

**104.5.2020 Moved: Cr P Rhodes                      Seconded: Cr S Blyth**

**That Council suspends the operation of Regulation 22 of the Local Government (Meeting Procedures) Regulations 2015, in accordance with Regulation 22 (9) to discuss item Capital Budget variation – Airport safety vehicle.**

#### **CARRIED UNANIMOUSLY (7-0)**

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

*Heidi Marshall, Finance Organisational Performance Manager, joined the meeting at 9.56am.*

*Richard Harley, Airport Operations Officer, joined the meeting at 9.59am.*

**105.5.2020 Moved: Cr R Summers                      Seconded: Cr V Grace**

**That Council approves a capital budget variation of up to \$25,000 in order to purchase a replacement safety vehicle for use at the Whitemark Airport.**

#### **CARRIED UNANIMOUSLY (7-0)**

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

*Richard Harley, Airport Operations Officer and Heidi Marshall, Finance Organisational Performance Manager, left the meeting at 10.26am.*

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## 17 Governance

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### 17.1 Petitions - Lady Barron and Killiecrankie Transfer Stations

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	WAS/0400
<b>Annexures</b>	17.1.1 Petition – Lady Barron Transfer Station 17.1.2 Petition – Lady Barron and Killiecrankie Transfer Stations

#### INTRODUCTION

Two petitions to Flinders Council regarding the Lady Barron and Killiecrankie Transfer Stations were received and tabled at the 28 April 2020 Ordinary Meeting of Council.

#### PREVIOUS COUNCIL CONSIDERATION

74.4.2020                      28 April 2020

#### OFFICER'S REPORT

A petition to Flinders Council from Gerald Haworth Willis, with 143 signatories, regarding the Lady Barron Transfer Station, was tabled at the 28 April 2020 Ordinary Council Meeting. The wording of the petition is as follows:

*"We, the undersigned, recognising that Flinders Council will consider a recommendation to close the Lady Barron Transfer Station at its Ordinary Meeting, to be held 28 April 2020, hereby urge and implore the Council not to close the station for the following reasons (which is not an exhaustive list):*

- that the current model is the cheapest of all models considered;*
- that the closure would require a 70km round trip for residents to dispose of their waste;*
- that the closure would result in illegal dumping in the area, which would pose health risks in the Community; and*
- that the need for tradesman to dispose of building waste at Whitemark would add unnecessary costs to building projects for travel time.*

A petition to Flinders Council from Alan Michael Radford, with 54 signatories, regarding Continuation of Land Waste Transfer Station Services at Lady Barron and Killiecrankie was tabled at the 28 April 2020 Ordinary Council Meeting. The wording of the petition is as follows:

*"We the undersigned, would like to lodge our objection to the Council moving such a motion on the Agenda when those Community members who will be directly affected have not been contacted or provided with an opportunity to make comment on the need of Council to rescind its previously community approved motion which was for Model 4. Model 4*

*Whitemark Landfill Site open four days a week, Lady Barron Transfer Station open two days a week and Killiecrankie Transfer Station open one day a week.*

- Ten-year program costs \$5,126k vs current status quo \$3,200k – additional \$1,926k.*
- Pro – strives to keep Transfer Stations open.*
- Pro – takes the risk out of Model 3 and opens the Whitemark Landfill site for an extra 2 days.*
- Pro – highest level of service delivery.*

- *Con – most expensive option.*

*This model is not recommended as it is the most expensive and not affordable option. It seeks to address the issues identified in Model 3, but the provision of the highest level of service delivery comes at an unobtainable cost.*

*Regardless of costs to the Council this was the approved motion made after a proposed Waste Management Strategy was circulated and the Community was given time to provide public feedback. By moving this motion at a time when there has been no further community consultation with no public discussion is irresponsible of the Councillor's in their duty to represent the persons who voted them into positions whereby they are purportedly representative of their constituents is, very possibly, a breach of the Public Interest Disclosures Act 2002.*

*Those Councillors should also note that this would result in the constituents of the Northern and Southern Parts of the Island without any or few services provided by Council for their Rates. Currently, those in the Northern region of Flinders in particular, do not receive Water Supply Services, no or considerably limited sealed roads and now the Council plan to remove the essential Waste Transfer Station.*

Both petitions comply with section 57 of the *Local Government Act 1993* and are now presented to Council for consideration.

#### **STATUTORY REQUIREMENT**

*Local Government Act 1993 Section 60*

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

No policy exists on this matter.

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

Nil

#### **RISK/LIABILITY**

Nil

#### **VOTING REQUIREMENTS**

Simple Majority

#### **RECOMMENDATION**

That Council suspends the operation of Regulation 22 of the Local Government (Meeting Procedures) Regulations 2015, in accordance with Regulation 22 (9) to discuss the petitions to consider the appropriate action to take.

#### **DECISION**

**106.5.2020 Moved: Cr P Rhodes                      Seconded: Deputy Mayor D Williams**

**That Council received, noted and considered the petitions, as lodged.**

#### **CARRIED UNANIMOUSLY (7-0)**

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

*Jacci Viney, Development Services Coordinator, joined the meeting at 10.32am.*

## 17.2 Proposed Killiecrankie Boat Ramp

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Brian Barnewall   Works & Services Manager
<b>File Reference</b>	ASM/0100
<b>Annexures</b>	17.2.1 Email from Norm Hunt

### INTRODUCTION

In April 2020, Council received an email from Norm Hunt, on behalf of local residents, regarding the possibility of acquiring funding for an all-tide boat ramp at Killiecrankie. As per the email received (Annexure 17.2.1), the request has been verbally supported by Flinders Island Police, Fire Service and State Emergency Service as there currently is no such facility on the North Western side of the Island, and therefore a safety concern.

Should the proposal be successful, Marine and Safety Tasmania (MAST) has agreed to fully fund and manage construction of the boat ramp, on the condition that Council assume ownership and ongoing maintenance of the boat ramp. The proposal states that a simple concrete ramp is preferred, with no jetty of any type required.

This proposal is very much in the feasibility stage and is seeking Council's endorsement.

### PREVIOUS COUNCIL CONSIDERATION

Nil

### PREVIOUS COUNCIL DISCUSSION

Nil

### OFFICER'S REPORT

There has long been a view that an all-tide boat ramp at Killiecrankie would provide a major benefit to the mid to northern area of the Island. The ramp would enhance marine safety, as well as recreational use, and Killiecrankie Bay is well protected from most weather conditions. Council currently has boat ramps at Port Davies and Palana. Port Davies is subject to weather conditions and Palana is tidal. The addition of Killiecrankie would help complete coverage of the western side of the Island.

The proposal states that a concrete ramp only is required, which would mean very little, if any, maintenance in the future. Other ramps built in the last 10 years have an estimated lifespan of over 30 years.

### STATUTORY REQUIREMENT

*Local Government Act 1993*

### POLICY/STRATEGIC IMPLICATIONS

Nil

### BUDGET AND FINANCIAL IMPLICATIONS

Minimal - The boat ramp would be fully funded by MAST with Council taking ownership and ongoing repairs once completed. Council may also be required to fund any investigative reports required by Parks and Wildlife Service Tasmania, estimated at \$5,200. This ramp would be a concrete structure with an expected lifespan of 30 plus years, with very low maintenance costs.

## **RISK/LIABILITY**

Low – Initially Council is being asked to support the application, and then fund any reports required, as well as assume ownership of a fully-funded concrete boat ramp with negligible ongoing maintenance costs, should the proposal be successful.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

That Council supports, in principle, the proposal of community members to apply to Marine and Safety Tasmania for a Killiecrankie boat ramp and agrees to further consider funding Parks and Wildlife Service Tasmania investigative reports and assuming ownership and maintenance of the boat ramp, when more information has been provided.

## **DECISION**

**107.5.2020 Moved: Deputy Mayor D Williams      Seconded: Cr S Blyth**

**That Council does not presently support the development of a boat ramp at Killiecrankie.**

## **CARRIED UNANIMOUSLY (7-0)**

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

*Note: Mayor Annie Revie made the following statement to be added into the minutes:*

*“I will be opposing this proposal. I am requesting that my reasons for doing so are minuted in order that the whole community may understand how things are headed.*

*At surface level, this is a simple request for a boat ramp at Killiecrankie. MAST has apparently agreed to pay for the structure, if Council will pay for the environmental tests and the ongoing maintenance. The amount asked of Council sounds fairly paltry. But in my relatively short time on Council I have learned that requests of this sort cannot be fulfilled any more.*

*We are living in a time of extremely scarce resources – a situation that people everywhere are having to learn to deal with. On Flinders Council we are having to learn that we have to do more with less. The spending of every cent in future has to be scrutinised.*

*Since late 2018, this Council’s resources have been identified as being in the high-risk category. State government has asked all Tasmanian councils to put together a recovery package to support communities as they struggle to come out of the biggest health and economic crises for over 100 years. As a result, Flinders will be joining other councils in putting no rise on rates – not even CPI. Nor will we be chasing up unpaid rates for the rest of this 2019/20 financial year for those who are experiencing hardship. This is a positive for the Community, but for Council it adds to our current challenges.*

*Council is working hard preparing to engage with our Community on a strategy for the next ten years. As part of that, Council has identified a number of principles with the aim of using these as a measure to guide all decision-making.*

*Tough times are here for a while. It is my hope that all decisions will be prioritised to ensure that the sustainability of this beautiful municipality is ensured.*

*If, as stated in the report backing this proposal, there are safety issues around this proposal for a launching ramp at Killiecrankie, then our emergency services will have to make the request accompanied by sound justification.*

*Not only that, but the community will help to keep us on track. Specifically, I refer to the claims in this report that it is written on behalf of the Community – when I have received four emails that declare they have not heard of it. I have forwarded these on to all councillors.*

*As I stated in a letter last December to one member of the boating community, Council will be completing the work needed to make the Whitemark launch ramp safe for users and their boats. This was agreed to in writing by the previous general manager and Council will stand by that. But no other boat ramps are currently planned.*

*For those who wish to pursue the quest for another boat ramp, I encourage you to submit your request in the context of Council's future strategic planning. Like everything else that is submitted, the request will have to go through a rigorous process to prioritise it against other important issues: the Islands' waste problems; the safe harbour project; and how the airport will be run into the future. These are the big things - and there is no scarcity of little things. The only scarcity lies very much with the resources at our disposal."*

*Jacci Viney, Development Services Coordinator, left the meeting at 10.46am.*

## 17.3 Review of Instrument of Delegation

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	GOV/0400
<b>Annexures</b>	17.3.1 Draft Instrument of Delegation – revised May 2020

### INTRODUCTION

The purpose of this report is to replace Council's current Instrument of Delegation by adopting an updated instrument.

### PREVIOUS COUNCIL CONSIDERATION

27.01.2009	20 January 2009
375.11.2010	18 November 2010
087.03.2011	17 March 2011
365.12.2012	13 December 2012
612.08.2013	15 August 2013
740.02.2014	13 February 2014
807.05.2014	15 May 2014
53.02.2015	19 February 2015
205.08.2017	17 July 2017
240.09.2018	13 September 2018
223.08.2019	20 August 2019

### OFFICER'S REPORT

Section 22 of the *Local Government Act 1993* empowers Council to, in writing, delegate with or without conditions, certain powers and functions to the General Manager. In addition, Council may authorise the General Manager to further delegate those powers to Council employees [see s.64(1)(b) of the *Local Government Act 1993*]. Various other Acts also empower Council to delegate its powers and functions: examples are s.6 of the *Land Use Planning and Approvals Act 1993* and s.8 of the *Building Act 2016*.

The purpose of Council's Instrument of Delegation is to record, in writing:

1. all delegations made by the Council to the General Manager and other persons under statute; and
2. instances where Council has authorised the General Manager to further delegate Council's powers and functions.

The making of delegations is a necessary and prudent step to ensuring that the business of Council can be conducted efficiently and effectively. The most recent review of Council's delegations register was performed in light of recent staffing changes, and with a view to producing a document that is more readily understood by both staff and the Community.

### STATUTORY REQUIREMENT

*Building Act 2016*

*Building Regulations 2016*

*Environmental Management and Pollution Control Act 1994;*

*Food Act 2003*

*Land Use Planning and Approvals Act 1993*

*Local Government Act 1993*

*Local Government (Building and Miscellaneous Provisions) Act 1993*

*Local Government (Highways) Act 1982*

*Public Health Act 1997*  
*Roads & Jetties Act 1935*  
*Strata Titles Act 1998*

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

No policy exists on this matter.

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

Nil

#### **RISK/LIABILITY**

Adoption of the Instrument of Delegation, and ensuring that Management, Staff and Councillors are aware of and follow this instrument, will help reduce Council's exposure to risk in this area.

#### **VOTING REQUIREMENTS**

Two-thirds majority of councillors in attendance (as per s.124(2) of the *Local Government (Highways) Act 1982*).

#### **RECOMMENDATION**

That Council resolves to:

1. make each of the delegations and authorisations in the terms set out in the revised Instrument of Delegation (May 2020), by exercising the powers of delegation and authorisation referred to in that Instrument;
2. adopt the revised Instrument of Delegation (May 2020) as Council's current delegations register and revokes all previous delegations made and approved by Council (per clause 2 of the Instrument);
3. authorise the Mayor and the General Manager to endorse the revised Instrument of Delegation (May 2020) by executing the document and applying the common seal of Council; and
4. direct the General Manager to keep the new Instrument of Delegation (May 2020) and make it available for inspection at Council's offices as the Delegations Register, as required by s.22(4) of the *Local Government Act 1993*.

#### **DECISION**

**108.5.2020 Moved: Cr R Summers**

**Seconded: Deputy Mayor D Williams**

**That Council resolves to:**

- 1. make each of the delegations and authorisations in the terms set out in the revised Instrument of Delegation (May 2020), by exercising the powers of delegation and authorisation referred to in that Instrument;**
- 2. adopt the revised Instrument of Delegation (May 2020) as Council's current delegations register and revokes all previous delegations made and approved by Council (per clause 2 of the Instrument);**
- 3. authorise the Mayor and the General Manager to endorse the revised Instrument of Delegation (May 2020) by executing the document and applying the common seal of Council; and**



4. direct the General Manager to keep the new Instrument of Delegation (May 2020) and make it available for inspection at Council's offices as the Delegations Register, as required by s.22(4) of the *Local Government Act 1993*.

**CARRIED UNANIMOUSLY (7-0)**

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

## 17.4 Gunn Bequest Grants 2020/21

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	FIN/1600
<b>Annexures</b>	17.4.1 Grant Application (For Elected Member's only)

### INTRODUCTION

The Gunn Bequest is annually allocated to sporting groups on the Island for the promotion or facilitation of sporting activities for the general population.

### PREVIOUS COUNCIL CONSIDERATION

Gunn Bequest Grants decided annually by Council.

### OFFICER'S REPORT

Notices were placed in the Island News, and on the Council's website and Facebook page, calling for sporting clubs to submit applications for funding via Council's Gunn Bequest Grants scheme. Applications closed 1 May 2020.

The total amount held in trust for the Gunn Bequest at present is \$111,549 and the interest to be earned on the account for the 2019/20 financial year is estimated to be \$2,206. As per Council's decision when the bequest was received in 1985, only 50% of maturing interest is to be distributed as grants and the remainder is to be reinvested.

Therefore, the available amount for distribution this year is \$1,103.

The following request was received for consideration by Council:

No.	Applicant	The Project	Amount Requested
1	Flinders Island Netball Association	Installation of tiered seating at new netball court	\$1,278
<b>TOTAL of Grant Applications</b>			<b>\$1,278</b>

### STATUTORY REQUIREMENT

*Local Government Act 1993*

### POLICY/STRATEGIC IMPLICATIONS

5.1.1 Liveability - Improve the health and wellbeing of the island communities through leadership & coordination - Improved health and wellbeing of the community supported through education and health services. - AP1920-26 - Engage with community and external stakeholders to support health and wellbeing activities for the Community.

### BUDGET AND FINANCIAL IMPLICATIONS

Minimal

### RISK/LIABILITY

No foreseen risks

### VOTING REQUIREMENTS

Simple Majority

**RECOMMENDATION**

For Council to decide.

**DECISION**

**109.5.2020 Moved: Cr S Blyth      Seconded: Cr R Summers**

**That Council supports the Flinders Island Netball Association's application for the Gunn Bequest to the amount of \$1,103.**

**CARRIED UNANIMOUSLY (7-0)**

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

## 17.5 Councillor Resolution Report

<b>Action</b>	<b>Information</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Warren Groves   General Manager
<b>File Reference</b>	GOV/0300
<b>Annexures</b>	17.5.1 Councillor Resolution Report May 2020

### INTRODUCTION

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

### PREVIOUS COUNCIL CONSIDERATION

The Report is presented on a monthly basis.

### OFFICER'S REPORT

Please read Annexure 17.5.1 – Councillor Resolution Report May 2020.

### VOTING REQUIREMENTS

Simple Majority

### RECOMMENDATION

That the Councillor Resolution Report May 2020 be noted.

### DECISION

**110.5.2020 Moved: Cr S Blyth      Seconded: Cr V Grace**  
**That the Councillor Resolution Report May 2020 be noted.**

### CARRIED UNANIMOUSLY (7-0)

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

*Mayor Annie Revie announced that the meeting was closed.*

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**Meeting Closed 10.59am**

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