



Confirmed Minutes Ordinary Council Meeting

16 August 2022

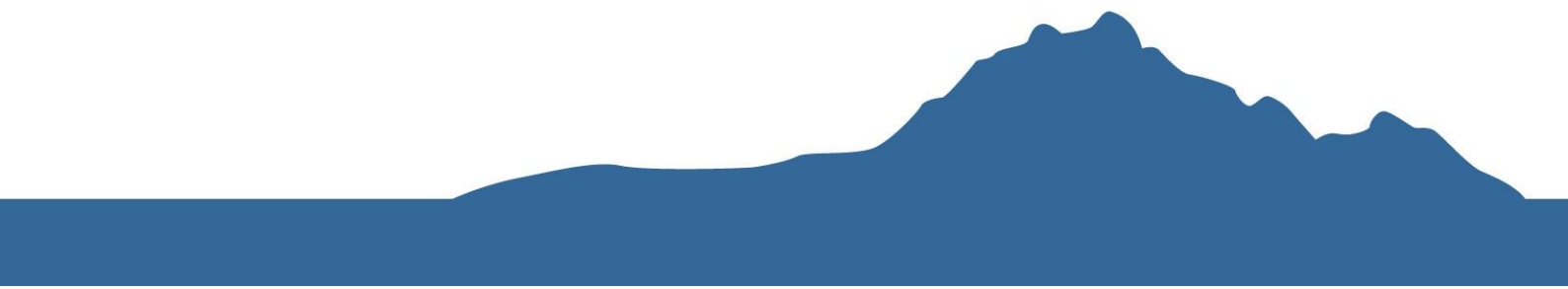


TABLE OF CONTENTS

1. Acknowledgement of Country	3
2. Confirmation of Minutes	3
3. Public Question Time	4
4. Councillors' Questions On Notice.....	4
5. Councillors' Questions Without Notice	4
6. Responses to Councillors' Questions Without Notice	4
7. Late Agenda Items.....	5
8. Declaration of Pecuniary Interest	5
9. Conflict of Interest.....	5
10. Workshops & Information Forums	6
11. Publications/Reports Tabled for Council Information	6
12. Mayor's Report.....	7
13. Development Services.....	9
13.1 Development Application Report.....	9
14. Infrastructure and Airport.....	10
14.1 Infrastructure and Airport Report – July 2022.....	10
15. Finance	11
15.1 Rates and Charges Policy.....	11
15.2 Rates and Charges for 2022/23	13
15.3 Budget Estimates 2022/23	15
15.4 Amended Schedule of Fees and Charges 2022/23	17
16. Governance.....	19
16.1 Review of Instrument of Delegation	19
16.2 Annual Plan 2022-23	22
16.3 Audit Panel Membership - Chairperson.....	24
16.4 Travel and Accommodation Policy and Procedure	27
16.5 Councillor Resolution Report	29

FLINDERS COUNCIL ORDINARY MEETING – Confirmed Minutes

TUESDAY 16 August 2022

Venue	Flinders Island Arts and Entertainment Centre
Commencing	2 pm
Attendees – Councillors	A/Mayor Rachel Summers Sharon Blyth Aaron Burke Vanessa Grace Peter Rhodes David Williams (via Zoom)
Apologies	Nil
Attendees - Staff	Warren Groves General Manager (2.00 – 2.55pm) Jade Boyes Corporate Services - Human Resources Officer (2.04 – 2:50pm) Kyra Newman Executive Assistant (2.00 – 2.55pm) Marissa Walters Contract Accountant (2:19 – 2:38pm) Vicki Warden Executive Officer (minute taker) (2.00 – 2.55pm) Chris Wilson Manager Infrastructure (2.00 - 2.55pm)

1. ACKNOWLEDGEMENT OF COUNTRY

The Mayor began by acknowledging the Traditional Owners of the land on which we meet today, the palawa people of the trawulwai Nation. She 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 19 July 2022 be confirmed.

DECISION

145.08.2022 Moved: Cr V Grace Seconded: Cr P Rhodes

That the Minutes from the Ordinary and Closed Council Meetings held 19 July 2022 be confirmed.

CARRIED UNANIMOUSLY (6-0)

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

3. PUBLIC QUESTION TIME

Nil

4. COUNCILLORS' QUESTIONS ON NOTICE

Question 1: Mayor David Williams

Given that Council is aware of the proposal to possibly allow fin fish farm leases in the pristine waters around the Furneaux Group of islands, will council consider initiating a public meeting to urgently bring the issues before our community?"

General Manager's Response

Yes, if Council resolves to do so as per S60F of the *Local Government Act 1993*:

"60F. Public meetings

A council, on its own motion, may hold a public meeting to discuss any issue the council determines."

DECISION

146.08.2022 Moved: Cr P Rhodes Seconded: Cr A Burke

That Council calls a public meeting under s60f of the *Local Government Act 1993* to discuss the proposal to allow Fin Fish Farm leases in the Furneaux group.

CARRIED UNANIMOUSLY (6-0)

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

Jade Boyes, Corporate Services - Human Resources Officer, joined the meeting at 2.04pm.

5. COUNCILLORS' QUESTIONS WITHOUT NOTICE

Nil

6. RESPONSES TO COUNCILLORS' QUESTIONS WITHOUT NOTICE

19 July 2022 Meeting

Question 1: Cr Peter Rhodes

I ask, in relation to the provisions of the RMPAT (Resource Management and Planning Appeal Tribunal) decision on 18 September 2018 between Markarna Park and Flinders Council; in particular, Paragraph 14. What was the reported total volume etc. of materials transported in accordance with Paragraph 14, and how does this vary for the years ended 30 June 2020 and 30 June 2021?

Mayor's Response

The RMPAT (Resource Management and Planning Appeal Tribunal) Paragraph 14 decision on 18 September 2018 between Markarna Park and Flinders Council states:

"14. Requirement to supply information

Within fourteen (14) days of the end of each financial year the operator of the quarry must deliver to Council's General Manager a report setting out the total volume (expressed in both cubic metres (m³) and tonnes) of materials transported from the site in the immediately preceding financial year."

I can advise that Council received the report on 6 July 2022. Council did not receive any reports for the previous years. I can also advise that I am unable to report the total volume of materials transported as this information is commercial in confidence.

RECOMMENDATION

That the response to the Councillor's Question Without Notice from the 19 July 2022 Council Meeting be noted.

DECISION

147.08.2022 Moved: Cr Peter Rhodes Seconded: Cr Sharon Blyth

That the response to the Councillor's Question Without Notice from the 19 July 2022 Council Meeting be noted.

CARRIED UNANIMOUSLY (6-0)

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

7. LATE AGENDA ITEMS

Nil

8. DECLARATION OF PECUNIARY INTEREST

Nil

9. CONFLICT OF INTEREST

Nil

10. WORKSHOPS & INFORMATION FORUMS

File No. COU/0205

Council Workshop – 2 August 2022

Council held a workshop on the following subjects

- Item 1 Rates and Budget
- Item 2 Draft Travel and Accommodation Policy and Procedure
- Item 3 General Manager's Update
- Item 4 Annual Plan Actions

Councillors in Attendance

Mayor David Williams Cr Vanessa Grace
A/Deputy Mayor Rachel Summers Cr Peter Rhodes

Apologies

Cr Sharon Blyth
Cr Aaron Burke

Staff and Consultants in Attendance

Warren Groves General Manager
Roger Mies Contract Accountant (Item 1)
Marissa Walters Contract Accountant (Item 1)
Jade Boyes Finance Officer (Items 1 – 2)
Kyra Newman Executive Assistant (Items 1 – 3)
Vicki Warden Executive Officer
Chris Wilson Manager Infrastructure and Airport

RECOMMENDATION

That the Council Workshop held on 2 August 2022 be noted.

DECISION

148.08.2022 Moved: Cr Vanessa Grace Seconded: Cr David Williams

That the Council Workshop held on 2 August 2022 be noted.

CARRIED UNANIMOUSLY (6-0)

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

11. PUBLICATIONS/REPORTS TABLED FOR COUNCIL INFORMATION

Nil

12. MAYOR'S REPORT

Action	Information
Proponent	Mayor D Williams
File Reference	COU/0600
Annexures	Nil

APPOINTMENTS

DATE	DIARY ACTIVITY
20/7	Minister Jaensch
29/7	Waste and Circular economy
1/8	Dept. Natural Resources re EPA (Environment Protection Authority) and Biosecurity
6/8	J. Jacques: Fin fish farms

CORRESPONDENCE IN

DATE	FROM	SUBJECT
14/7	J Harris	Condition of unsealed roads
20/7	Deputy Premier Ferguson	Sealing of Palana Road
21/7	M. Buck	Mayor Annie's resignation
27/7	Minister Barnett	Housing
5/8	J Jacques	Fin fish farms (various)
5/8	J Jacques	Fish husbandry practices
7/8	J Jacques	Follow-up on Fin fish farms
8/8	A Spykes	Correspondence to Owner Representatives (TasWater)
8/8	R Busbridge	Research project on Furneaux Islands Festival

CORRESPONDENCE OUT

DATE	TO	SUBJECT
14/7	Deputy Premier Ferguson	North-East Windfarm
18/7	C Rhodes	Confidential personnel matter
19/7	A Thompson	Communication of council information
28/7	Deputy Premier Ferguson	Appreciation for ownership of Palana Rd
29/7	Deputy Premier Ferguson	Sealing of Palana Road
1/8	Cr P Rhodes	Answer to Question Without Notice
9/8	R Busbridge	Research project on Furneaux Islands Festival

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Mayor's report be received.

DECISION

**149.08.2022 Moved: Cr D Williams Seconded: Cr P Rhodes
That the Mayor's report be received.**

CARRIED UNANIMOUSLY (6-0)

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

13. DEVELOPMENT SERVICES

13.1 DEVELOPMENT APPLICATION REPORT

Action	Information
Proponent	Council Officer
Officer	Jacci Smith Development Services Coordinator
File Reference	PLN/0105
Annexures	13.1.1 Development Application Report – July 2022

INTRODUCTION

This report provides Councillors with an overview of the applications for the current period as per motion 249.09.2015, passed at the 24 September 2015 Council Meeting when Council requested monthly data from the West Tamar Council planning consultancy service. As of July 2020, Flinders Council now generates the data and prepares the Development Application Report monthly.

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

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

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

PREVIOUS COUNCIL CONSIDERATION

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

OFFICER'S REPORT

Refer to Annexure 13.1 Development Application Report – July 2022.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Development Application Report – July 2022 be received.

DECISION

150.08.2022 Moved: Cr P Rhodes Seconded: Cr S Blyth
That the Development Application Report – July 2022 be received.

CARRIED UNANIMOUSLY (6-0)

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

14. INFRASTRUCTURE AND AIRPORT

14.1 INFRASTRUCTURE AND AIRPORT REPORT – JULY 2022

Action	Information
Proponent	Council Officer
Officer	Chris Wilson Manager Infrastructure and Airport
File References	WOR/3000
Annexures	14.1 Infrastructure and Airport Report – July 2022

INTRODUCTION

The purpose of this report is to provide Councillors with an update of monthly activities undertaken by the Works and Services and Airport departments.

OFFICER'S REPORT

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

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Infrastructure and Airport Report – July 2022 be received and accepted by Council.

DECISION

151.08.2022 Moved: Cr V Grace

Seconded: Cr S Blyth

That the Infrastructure and Airport Report – July 2022 be received and accepted by Council.

CARRIED UNANIMOUSLY (6-0)

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

152.08.2022 Moved: Cr V Grace

Seconded: Cr P Rhodes

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

CARRIED UNANIMOUSLY (6-0)

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

15. FINANCE

15.1 RATES AND CHARGES POLICY

Action	Decision
Proponent	Council Officer
Officer	Marissa Walters Contract Accountant
File Reference	FIN/0701 and FIN/1207
Annexures	15.1.1 DRAFT Rates and Charges Policy

INTRODUCTION

Council's existing Rates Policy is primarily based on using a property's Capital Value as the valuation method for rating purposes.

This year the Office of the Valuer General has issued new adjustment factors that apply to property valuations for rating purposes. Below is a summary of the adjustment factors gazetted for Flinders Council that apply from 1 July 2022:

Location – General (all)	Residential	Commercial	Industrial	Primary Production	Community Services	Other
Land	1.60	1.25	1.25	1.50	1.25	1.25
AAV	1.10	1.00	1.00	1.50	1.00	1.00
Capital Value	1.50	1.30	1.30	1.60	1.30	1.30

Given the high movement in Capital Valuation adjustment factors for Flinders Island this year, it is prudent for Council to reconsider its method of rating to minimise the impact on ratepayers.

After considering a number of rating models it is recommended that Council updates the Rates and Charges Policy to use Assessed Annual Value (AAV) as the valuation method for rating.

PREVIOUS COUNCIL CONSIDERATION

The Rates and Charges Policy is required to be reviewed every 4 years or earlier as needed

The Rates and Charges Policy was last reviewed by Council on 22 September 2020.

PREVIOUS COUNCIL DISCUSSION

28 June 2022	Council Workshop
13 July 2022	Council Workshop
2 August 2022	Council Workshop

OFFICER'S REPORT

The main intent of the change to the policy is to update the valuation method used for rating from Capital Value to Assessed Annual Value (AAV).

AAV is the most common form of valuation used for rating across Tasmanian councils. AAV is determined by the Office of the Valuer General as an estimate of a property's annual rental return. A minimum of 4% of Capital Value applies when determining the AAV.

In accordance with s90 of the *Local Government Act 1993* (the Act), Council is required to set the rates by 31 August of each year. Council's Policy Manual Policy requires that all amended

policies lay on the table for 28 days for public comment. Given that the Rates Policy will determine the method Council will use to set rates, there is insufficient time to allow this policy to lay on the table for public comment.

STATUTORY REQUIREMENT

Section 86A and 86B(4) Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS

Long-Term Financial Management Plan

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

BUDGET AND FINANCIAL IMPLICATIONS

The rates detailed in the Rates Resolution (agenda item 15.2) are in line with the draft Budget 2022/23 (agenda item 15.3), presented to Council for consideration at this meeting, and are also in line with the Long-Term Financial Management Plan.

RISK/LIABILITY

The risk of not updating the Rates and Charges Policy is that Council would need to continue to rate using Capital Valuations and apply the new Capital Value adjustment factors effective, from 1 July 2022. This would see greater shifts in rates for many residential and primary production properties than shifting to AAV as the methodology for rating.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council adopts the Rates and Charges Policy, as presented as Annexure 15.1.1.

Marissa Walters, Contract Accountant, joined the meeting at 2.19pm.

DECISION

153.08.2022 Moved: Cr V Grace

Seconded: Cr A Burke

That Council adopts the Rates and Charges Policy, as presented as Annexure 15.1.1, with changes made at the meeting.

CARRIED UNANIMOUSLY (6-0)

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

15.2 RATES AND CHARGES FOR 2022/23

Action	Decision
Proponent	Council Officer
Officer	Marissa Walters Contract Accountant
File Reference	FIN/0701 and FIN/1205
Annexures	15.2.1 Rates Resolution 2022-23

INTRODUCTION

This year the Office of the Valuer General has issued new adjustment factors that apply to property valuations for rating purposes. Below is a summary of the adjustment factors gazetted for Flinders Council, that apply from 1 July 2022:

Location – General (all)	Residential	Commercial	Industrial	Primary Production	Community Services	Other
Land	1.60	1.25	1.25	1.50	1.25	1.25
AAV	1.10	1.00	1.00	1.50	1.00	1.00
Capital Value	1.50	1.30	1.30	1.60	1.30	1.30

The significant movements in Capital Values have resulted in the need to consider alternative valuations methods for rating to minimise the impact on ratepayers.

Council has considered several models including Assessed Annual Value (AAV) and Capital Value (CV) as well as variation to rates charges based on location and deemed use of the property.

This agenda item has been prepared based on the assumption that the recommendation in agenda item 15.1 Rate and Charges Policy, has been adopted.

PREVIOUS COUNCIL CONSIDERATION

Nil

PREVIOUS COUNCIL DISCUSSION

31 May 2022 Council Workshop
13 July 2022 Council Workshop
2 August 2022 Council Workshop

OFFICER'S REPORT

With the issue of new valuation adjustment factors, it was prudent to review the existing rating methodology and consider the most equitable method of rating for the current year within the constraints of the *Local Government Act 1993* (the Act).

Given the lower movements across land use classes, and capital values not being provided for tenancy properties, AAV has resulted in a lower shift across the land use classes than staying with capital value.

Within the Rates Resolution presented (Annexure 15.2.1), the general rate continues to comprise two components, a fixed charge which applies equally to all properties and a rate in the dollar based on the valuation of the property.

The reasons for varying the general rate have also been simplified. Two main factors have been identified for varying the rates for 2022/23, being the location of the property and the use of the property.

Those properties used for commercial or industrial purposes have the rate in the dollar increased by 10%.

All properties with a location of Bass Strait islands or Cape Barren Island have been given a general rate in the dollar which is 5% lower in all categories of use than the same on Flinders Island.

STATUTORY REQUIREMENT

In accordance with s90 of the *Local Government Act 1993* (the Act), Council is required to set the rates by 31 August of each year.

POLICY/STRATEGIC IMPLICATIONS

Rates and Charges Policy

Long-Term Financial Management Plan

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

BUDGET AND FINANCIAL IMPLICATIONS

The rates detailed in the Rates Resolution are in line with the draft Budget 2022/23 (agenda item 15.3), presented to Council for consideration at this meeting, and are also in line with the Long-Term Financial Management Plan.

RISK/LIABILITY

If Council does not adopt the Rates Resolution at this meeting, a Special Council meeting will need to be held to adopt an alternative resolution by 31 August 2022 to comply with the requirements of the Act.

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council, by absolute majority, adopts the Rates Resolution for 2022/23, as detailed in Annexure 15.2.1.

DECISION

154.08.2022 Moved: Cr V Grace

Seconded: Cr P Rhodes

That Council, by absolute majority, adopts the Rates Resolution for 2022/23, as detailed in Annexure 15.2.1.

CARRIED UNANIMOUSLY (6-0)

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

15.3 BUDGET ESTIMATES 2022/23

Action	Decision
Proponent	Council Officer
Officer	Marissa Walters Contract Accountant
File Reference	FIN/0701 and FIN/1207
Annexures	15.3.1 Budget Estimates 2022/23

INTRODUCTION

The Council's budget estimates for 2022/23 have been prepared in line with Council's Strategic Plan, and Long-Term Financial Management and Asset Management Plans.

PREVIOUS COUNCIL CONSIDERATION

Nil

PREVIOUS COUNCIL DISCUSSION

28 June 2022	Council Workshop
13 July 2022	Council Workshop
2 August 2022	Council Workshop

OFFICER'S REPORT

Like others across Australia, Council is currently being impacted by higher costs such as fuel, materials and insurance; above what was originally forecast in the Long-Term Financial Plan. Council is committed to ensuring that rate rises are contained as much as possible, and rate revenue has been budgeted based on increases previously communicated in the Long-Term Financial Plan.

Other factors impacting this budget this year:

- Is an increase in depreciation costs expected as a result of revaluing road and building assets? Whilst not a cash item, depreciation is an indicator of the level of funding required to maintain existing assets;
- Operating grant revenue is down due to the 'one off' nature of some grants. However, a higher level of Capital Grants is expected in 2022/23 with the inclusion of \$3.384 million for the Safe Harbour project and another round of Local Roads and Community Infrastructure grants announced by the Federal Government; and
- Employee costs are budgeted to increase due to wage increases in line with Council's Enterprise Agreement and the funding of new positions primarily in the Airport and Works areas. These may be partially offset by additional private works revenue for work completed for the State Government.

Overall, the estimated operating result (not including capital revenue) is a loss of \$1.818 million, and the net profit (including capital revenue) is \$3.54 million.

No new loan borrowings are budgeted for in 2022/23.

A total Capital Works program of \$6.513 million will be primarily funded by Capital Grant revenue of \$5.359 million.

Council's cash position at 30 June 2022 is \$9.0 million; with cash reserves being used to fund current principal loan repayments and council-funded capital works projects, including road works and upgrades to waste management facilities; leaving an estimated cash position at 30 June 2023 of \$8.0 million.

Several, primarily grant-funded capital projects from 2021/22, will need to be carried forward and will be identified and presented to Council later in the year once end of year figures are finalised and audited.

STATUTORY REQUIREMENT

In accordance with s82 of the *Local Government Act 1993* (the Act), Council is required to set the budget estimates by 31 August of each year.

POLICY/STRATEGIC IMPLICATIONS

Long-Term Financial Management Plan

Long-Term Asset Management Plan

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

BUDGET AND FINANCIAL IMPLICATIONS

The budget has been prepared in line with the Long-Term Financial Management Plan.

RISK/LIABILITY

If Council does not adopt the Budget 2022/23 at this meeting, a Special Council meeting will need to be held to adopt an alternative budget by 31 August 2022 to comply with the requirements of the Act.

There are a number of internal and external factors that influence the budget which are highly uncertain in the current times, like CPI and cost of fuel, materials and services. It is therefore expected that a midyear budget review will be required, along with close monitoring of Council's financial performance to budget and cash position during the year.

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That by absolute majority, Council adopts the Budget Estimates 2022/23, as presented in Annexure 15.3.1.

DECISION

155.08.2022 Moved: Cr P Rhodes

Seconded: Cr D Williams

That Council adopts the Budget Estimates 2022/23, as presented in Annexure 15.3.1, with the addition of a statement clarifying details around the net profit.

CARRIED UNANIMOUSLY (6-0)

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

Note: That overall, the estimated operating result (not including capital revenue) is a loss of \$1.818 million, and the net profit (including capital revenue) is \$3.54 million.

Marissa Walters, Contract Accountant, left the meeting at 2.38pm.

15.4 AMENDED SCHEDULE OF FEES AND CHARGES 2022/23

Action	Decision
Proponent	Council Officer
Officer	Warren Groves General Manager
File Reference	FIN/0701
Annexures	15.4.1 Fees and Charges Schedule 2022/23 – Amended August 2022

INTRODUCTION

Under Section 205 of the *Local Government Act 1993*, Council may 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, or registration granted by the Council.

PREVIOUS COUNCIL DISCUSSION

Nil

PREVIOUS COUNCIL CONSIDERATION

101.05.2022 17 May 2022

OFFICER'S REPORT

The Schedule of Fees and Charges 2022/2023 was adopted by Council at the 17 May 2022 Ordinary Council meeting as per the decision.

*“101.05.2022 Moved: Cr P Rhodes Seconded: Cr S Blyth
Pursuant to Section 205 of the Local Government Act 1993, that Council adopts the
2022/2023 Fees and Charges as per the attached schedule (Annexure 14.3.1).
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.”*

Since that time, staff have identified several amendments and additions which are now presented for council consideration. Annexure 15.4.1 shows the amendments and additions in red text and changes of position on the sheet in blue text. An explanation of these amendments follows.

Development Services

Enquiry fee

Council is now required to assess development applications under the Tasmanian Planning Scheme (TPS) system. The process to undertake assessment enquiries and provide pre-lodgement advice is far more extensive and time-consuming than it was. The assessment of these enquires would provide for an exemption certificate, a No Permit Required confirmation or instructions on how to proceed to Development Application (DA). It is proposed that if a DA were required, the Enquiry Fee would be credited against the DA fee applicable at the time it was submitted.

Outer Island Assessment

As development on outer islands is becoming more likely in the current climate, it is proposed that a fee for officers to visit an outer island for assessment and/or display of site notices, be established on an “at cost” basis.

Other proposed amendments

The wording of s43 Amendments has been changed to s40T due to changes in the *Land Use Planning and Approvals Act 1993* (LUPAA).

The building subsidy fees are to be removed as they have not been taken up by any applicant to date.

Burial and Funeral

To make the process of organising funeral costs less complicated, funeral services have been bundled together into Professional Service packages. Individual fees will remain as is, for customisation.

An Audio / Visual component for funerals is a new addition as an individual fee. An Application for Private Burial Site is to allow for assessment of the site and to make an application to State Government for approval.

Where duplications with other council services were listed in the schedule (i.e. photocopying), these have been removed.

Modifications to phrasing have been made throughout. 'Staff costs' and 'staff administration' have been changed to Professional Services.

STATUTORY REQUIREMENT

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS

No policy exists on this matter.

BUDGET AND FINANCIAL IMPLICATIONS

Nil

RISK/LIABILITY

From a fees and charges perspective, the risks and liabilities in the upcoming year are mainly associated with 'activity' (the level of usage) rather than the actual 'cost of the fee charged'.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

Pursuant to Section 205 of the *Local Government Act 1993*, that Council adopts the Fees and Charges 2022/2023 as per the attached schedule (Annexure 15.4.1).

DECISION

156.08.2022 Moved: Cr D Williams Seconded: Cr V Grace

Pursuant to Section 205 of the *Local Government Act 1993*, that Council adopts the Fees and Charges 2022/2023 as per the attached schedule (Annexure 15.4.1).

CARRIED UNANIMOUSLY (6-0)

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

Jade Boyes, Corporate Services - Human Resources Officer, left the meeting at 2.50pm.

16. GOVERNANCE

16.1 REVIEW OF INSTRUMENT OF DELEGATION

Action	Information
Proponent	Council Officer
Officer	Warren Groves General Manager
File Reference	GOV/0400
Annexures	16.1.1 Council's Instrument of Delegation – revised August 2022

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
108.5.2020	26 May 2020
216.10.2020	20 October 2020
228.11.2021	16 November 2021
118.06.2022	14 June 2022

OFFICER'S REPORT

Section 22 of the *Local Government Act 1993* (the Act) 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 Act]. 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 ensure that the business of Council can be conducted efficiently and effectively. The most recent review of Council's delegations register was performed to ensure compliance and provide tighter guidelines in relation to expenditure as per s74 of the Act.

Council's recent organisational restructure has resulted in staff and position description changes that require adjustments to delegations. Some new roles require access to funds for expenditure in accordance with Council's annual plan, budget estimates and staff expenditure procedure.

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 to reduce Council's exposure to risk in this area.

VOTING REQUIREMENTS

Two-thirds majority of councillors in attendance (as per s124(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 (August 2022), by exercising the powers of delegation and authorisation referred to in that Instrument;
2. adopt the revised Instrument of Delegation (August 2022) 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 (August 2022) by executing the document and applying the common seal of Council; and
4. direct the General Manager to keep the new Instrument of Delegation (August 2022) and make it available for inspection at Council's offices as the Delegations Register, as required by s22(4) of the *Local Government Act 1993*.

DECISION

157.08.2022 Moved: Cr A Burke Seconded: Cr P Rhodes

That Council resolves to:

- 1. make each of the delegations and authorisations in the terms set out in the revised Instrument of Delegation (August 2022), by exercising the powers of delegation and authorisation referred to in that Instrument;**
- 2. adopt the revised Instrument of Delegation (August 2022) 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 (August 2022) by executing the document and applying the common seal of Council; and**
- 4. direct the General Manager to keep the new Instrument of Delegation (August 2022) and make it available for inspection at Council's offices as the Delegations Register, as required by s22(4) of the *Local Government Act 1993*.**

CARRIED UNANIMOUSLY (6-0)

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

16.2 ANNUAL PLAN 2022-23

Action	Decision
Proponent	Council Officer
Officer	Warren Groves General Manager
File Reference	ADM/0200
Annexures	16.2.1 Annual Plan 2022-23

INTRODUCTION

Section 71 of the *Local Government Act 1993* requires Council to prepare an Annual Plan for the municipal area each financial year. An Annual Plan is to be consistent with the Strategic Plan and include a statement of the manner which Council is to meet the goals and objectives of the Strategic Plan. A summary of the major strategies to be used in relation to its public health goals and objectives, is also required.

PREVIOUS COUNCIL CONSIDERATION

Annually

PREVIOUS COUNCIL DISCUSSION

3 May 2021 Council Workshop
2 August 2022 Council Workshop

OFFICER'S REPORT

The Annual Plan is the document upon which Council's operations and service delivery will be based for 2022/2023. The Plan sets out actions, tasks and projects to be undertaken in the year ahead and how these relate to Council's Strategic Plan.

Of utmost importance is that this document forms part of the budget process. The Annual Plan identifies Council's significant service delivery activities and provides the link between the budget, strategic objectives and measurement tools to track achievements towards these outputs.

The 2022/2023 year will see Council continue to provide cost-effective and community-focused service provision, combined with the development and implementation of important strategic documents to guide the Council, Community and service delivery in the years ahead.

Council has a statutory requirement to align its services and operations with a Strategic Plan. This Plan is critical to ensuring that the goals and aspirations of the Municipality are taken into account when Council sets its annual priorities, operational plans and budget allocations.

Adoption of the Annual Plan is recommended.

STATUTORY REQUIREMENT

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS

Nil

BUDGET AND FINANCIAL IMPLICATIONS

Minimal. Budget implications are contained in the Budget Estimates.

RISK/LIABILITY

No unforeseen risks based on the adoption of the Annual Plan.

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That Council receives and adopts the Flinders Council Annual Plan 2022/2023 and authorises the General Manager to:

1. make a copy of the Annual Plan available for public inspection at the Council office during ordinary business hours; and
2. provide the Director of Local Government and the Director of Public Health with a copy of the Annual Plan.

DECISION

158.08.2022 Moved: Cr V Grace Seconded: Cr A Burke

That Council receives and adopts the Flinders Council Annual Plan 2022/2023 and authorises the General Manager to:

- 1. make a copy of the Annual Plan available for public inspection at the Council office during ordinary business hours; and**
- 2. provide the Director of Local Government and the Director of Public Health with a copy of the Annual Plan.**

CARRIED UNANIMOUSLY (6-0)

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

Note: Cr Vanessa Grace expressed her pride in the plan and that she was excited to see it roll out. She also expressed her thanks to the staff in preparing the plan.

16.3 AUDIT PANEL MEMBERSHIP - CHAIRPERSON

Action	Decision
Proponent	Council Officer
Officer	Warren Groves General Manager
File Reference	FIN/0401
Annexures	16.3.1 Expressions of Interest for Audit Panel Chair (Elected members only)

INTRODUCTION

On 20 March 2022, the Flinders Council Audit Panel Chairperson Mark Scanlon resigned from the position after a 4 year, 4 month tenure. Council is very appreciative of Mark's dedication to the role over these years.

At the April 2022 council meeting, Council authorised the General Manager to *'seek out suitable candidates for the Audit Panel Chairperson position for presentation to Council for review and decision.'*

An initial Expression of interest process was conducted over April and May of 2022, which unfortunately did not result in any applications.

A further Expression of Interest process for the role was implemented in July and August 2022 and applications received are now presented for consideration.

PREVIOUS COUNCIL CONSIDERATION

76.03.2015	26 March 2015
50.03.2017	23 March 2017
239.09.2017	21 September 2017
83.04.2022	12 April 2022

PREVIOUS COUNCIL DISCUSSION

31 August 2017	Council Workshop
16 August 2022	Council Workshop (prior to council meeting)

OFFICER'S REPORT

The Expression of Interest process for the Audit Panel Chairperson has resulted in three applications – one from a Victorian candidate and two from local candidates.

Section 6(1) of the Local Government (Audit Panels) Order 2014 (the Order) requires that:
'The chairperson of an audit panel may only be an independent person who is a member of the audit panel.'

Section 3(1) of the Order defines independent person as *'a person who is not a councillor or employee of the relevant council'*.

During its 3 February 2017 meeting, the Audit Panel discussed the composition of the Panel and its method of operation.

It was agreed at that time that the perception of independence was highly desirable. Some of the benefits of having an off-island Chairperson were seen as providing a greater opportunity for significant expertise in Local Government and Council being exposed to this wider experience, knowledge and insight.

At that time, the Audit Panel Committee recommended the following:

“Flinders Council Audit Panel membership to be altered so that it be made up of an independent chairperson from off-island and it is to include the two current independent members. The two Councillor members step down from the Panel. Further it is recommended that the Mayor or any another Councillor have a standing invite to attend the meetings as an observer.”

The 2017 recommendation of Council’s Audit Panel in including an independent off-island chairperson resulted in Launceston-based Mark Scanlon being appointed as the Audit Panel chair, which has reflected positively on Council’s financial and governance performance. The benefits to Council from inclusion of an independent ‘off-island Chair’ are potentially significant and again demonstrate that the Council is serious about obtaining quality oversight of its financial performance. Having a strong independent Audit Panel is not just a financial governance and compliance mechanism, but also assists to address public perception issues.

However, as per the Order, an off-island chairperson is not mandatory.

At the Council Workshop of 5 July 2022, Councillors supported the view that an independent off-island Chair is not a mandatory component of the recruitment of the independent Audit Panel Chair position.

Council will review the chairperson applications at a workshop prior to the Council Meeting to allow informed consideration, selection and adoption of a chairperson at this meeting.

STATUTORY REQUIREMENT

Local Government (Audit Panels) Order 2014

Local Government Act 1993

Local Government (General) Regulations 2015

Local Government (Miscellaneous Amendments) Act 2013

POLICY/STRATEGIC IMPLICATIONS

4. Good Governance - Effective, efficient and transparent management and operations.
 - 4.1.1 An organisation that provides good governance, effective leadership and high-quality services, within our means.
 - 4.1.2 Skilled, committed and professional employees in a supportive environment.
 - 4.2.1 Ensure Council meets its statutory obligations to manage risk, achieve financial sustainability and model good governance.

RISK/LIABILITY

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

For Council to decide.

DECISION

159.08.2022 Moved: Cr A Burke

Seconded: Cr V Grace

That Council appoints John Watson to be the chair of the Flinders Council Audit Panel.

CARRIED (5-1)

For: A/Deputy Mayor R Summers, Cr S Blyth, Cr A Burke, Cr V Grace and Cr D Williams.

Against: Cr P Rhodes (abstained)

16.4 TRAVEL AND ACCOMMODATION POLICY AND PROCEDURE

Action	Information
Proponent	Council Officer
Officer	Warren Groves General Manager
File Reference	FIN/1300
Annexures	16.4.1 DRAFT Travel and Accommodation Policy 16.4.2 DRAFT Travel and Accommodation Procedure

INTRODUCTION:

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

PREVIOUS COUNCIL CONSIDERATION

26 March 2015 80.03.2015

PREVIOUS COUNCIL DISCUSSION

2 August 2022 Council Workshop

OFFICER'S REPORT

The Travel and Accommodation Policy has been reviewed and amended to reflect current practice. A Travel and Accommodation Procedure has been created to detail procedures for staff and elected members as well as reimbursement amounts.

POLICY/STATUTORY REQUIREMENT

Elected Members Allowances, Reimbursements and Equipment Policy (G6)
Income Tax Assessment Act 1997
Local Government Act 1993
Travel and Accommodation Procedure (F6-P)

STRATEGIC IMPLICATIONS

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

RISK/LIABILITY

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

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council adopts the Travel and Accommodation Policy and Procedure and allows the policy to lay on the table for 28 days for public comment.

DECISION

160.08.2022 Moved: Cr D Williams

Seconded: Cr V Grace

That Council adopts the Travel and Accommodation Policy and Procedure and allows the policy to lay on the table for 28 days for public comment.

CARRIED UNANIMOUSLY (6-0)

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

16.5 COUNCILLOR RESOLUTION REPORT

Action	Information
Proponent	Council Officer
Officer	Warren Groves General Manager
File Reference	GOV/0300
Annexures	16.5.1 Councillor Resolution Report August 2022

INTRODUCTION

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

PREVIOUS COUNCIL CONSIDERATION

The Report is presented on a monthly basis.

OFFICER'S REPORT

Please read Annexure 16.5.1 – Councillor Resolution Report August 2022.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Councillor Resolution Report August 2022 be noted.

DECISION

161.08.2022 Moved: Cr P Rhodes Seconded: Cr V Grace
That the Councillor Resolution Report August 2022 be noted.

CARRIED UNANIMOUSLY (6-0)

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

A/Mayor Rachel Summers closed the meeting at 2.55pm.

MEETING CLOSED 2.55PM
