

COUNCIL AGENDA

MONDAY, 2 OCTOBER 2017



GLENORCHY CITY COUNCIL

* *The General Manager certifies that the reports contained in this Agenda have been written by qualified persons under Section 65 of the Local Government Act 1993.*

Hour: 3.00 p.m.

Present:

In attendance:

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1. APOLOGIES

2. CONFIRMATION OF MINUTES

That the minutes of the Council Meeting held on 4 September 2017 be confirmed.

3. ANNOUNCEMENTS BY THE CHAIR

4. PECUNIARY INTEREST NOTIFICATION

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Mr. Ron Desmond, 171 Tolosa Street, Glenorchy

Q. Council currently uses recording devices for barking dogs. When will Council be getting Cameras for cats?

As I noted at the meeting, Council does not currently have any obligations under the *Cat Management Act 2009 (the Act)* to control cats in the municipality. The Act is administered by the State Government Department of Primary Industries, Water and Environment. There are changes proposed to cat management legislation in Tasmania, but it is not currently known when these will be enacted and what obligations they will place on Councils with regard to cat management.

As such, I confirm that Council does not currently have any plans to start using cameras to record cat movements. If, due to a change in legislation, Council is required to capture recordings of cat movements in the future, Council will, of course, comply with its obligations.

In the meantime, if you capture any cats on your property, you should treat them humanely and take them to the Ten Lives Cat Centre which is located at 12 Selfs Point Road, New Town.

Mr. George Burrows, 650 Main Road, Granton

Q. In relation to the extension of the painted cycle lanes through Austins Ferry and Claremont, Mr. Burrows understands that these lines are going to be extended, but asked why the cycleway is not positioned between the footpath and parked cars, rather than on the road side of parked cars as it currently is? The biggest danger to cyclists is from being car doored. Because all cars have drivers but many don't have passengers, Mr. Burrows was of the view that placing the cycleway on the inside close to the footpath would reduce the chances of car door accidents.

I have sought advice from Council's traffic engineer who has advised that Council made the decision to place the cycle lanes on the drivers' side of parking spaces for safety reasons.

Those reasons are as follows:

1. If the cycle lane were placed on the passengers' side of the parking spaces, cyclists would have nowhere to go to avoid a collision in the event that a passenger car door was unexpectedly opened. That is because the cycle lane would be between the kerb and parked cars. With the cycle lane positioned on the drivers (road) side of the parked car, cyclists have the space to turn into the roadway to avoid a collision with an open car door.
2. It is acceptable in certain circumstances to position the cycle lane on the passenger side of vehicles, however to avoid the space constraint issue described in point 1 (above) a 50 cm buffer is required between the edge of the cycle lane and the kerb. The width of the roadways in Austins Ferry and Claremont do not permit that buffer, so it is not possible to place the cycle lanes in the locations you describe.
3. Main Road in Austins Ferry and Claremont is directly accessed by large numbers of private driveways. Placing a cycle lane between the driveway exit and the parking spaces would create confusion for drivers entering and exiting driveways with regard to right of way, and would lead to a greater risk of collisions.

I have also confirmed (as I noted at the meeting) that the design and placement of the cycle lanes complies with the design guidelines set out in the Austroads Guides, which set the agreed guidelines for the design, construction, maintenance and operation of the road network in Australia and New Zealand.

6. PUBLIC QUESTION TIME (15 MINUTES)

7. PETITIONS/DEPUTATIONS

GOVERNANCE

8. COUNCIL POLICY: UPDATED MODEL PUBLIC INTEREST DISCLOSURES ACT PROCEDURES

Author: Acting Director, Corporate Governance (Simon Scott)

Qualified Person: Acting Director, Corporate Governance (Simon Scott)

ECM File Reference: Council Policy

Community Plan Reference:

Under the City of Glenorchy Community Plan 2015 – 2040, the Community has prioritised ‘transparent and accountable government’.

Strategic or Annual Plan Reference:

Annual Plan Reference 4.1.3.04 *Implement the Governance Strategy*.

Reporting Brief:

To seek Council’s adoption of the revised Public Interest Disclosures (**PID**) Procedures (**Model PID Procedures Manual**) and the rescission of the current PID Procedures.

Proposal in Detail:

Under section 60(1) of the *Public Interest Disclosure Act 2002 (PID Act)*, Council is required to establish procedures that comply with the Guidelines and Standards as published by the Tasmanian Ombudsman.

The Tasmanian Ombudsman adopted a set of updated procedures in June 2017. Council subsequently reviewed its own procedures for consistency with the Ombudsman’s procedures and, in accordance with section 60(3) of the PID Act, Council submitted a set of revised procedures to the Ombudsman for approval.

Council’s revised procedures were approved by the Ombudsman on 23 August 2017 (Attachment 1).

The revised procedures essentially replicate the model procedures manual adopted by the Ombudsman in June 2017. The main changes to the model procedures are:

- clarification that a disclosure does **not** need to expressly refer to the PID Act, rather the onus lies on Council to assess whether or not the PID Act applies to any compliant it receives from a ‘public officer’
- clarification that Council as a ‘public body’ **cannot** receive a disclosure about itself, only its ‘public officers’. All disclosures about Council need to be referred to the Ombudsman or the Integrity Commission. This includes all disclosures from contractors or members of the public who are purporting to make a disclosure under section 7A of the PID Act, and
- amendments to the flow chart summarising the process under the PID Act for public bodies.

It is recommended that Council adopt the attached approved PID procedures as set out in the 'Model PID Procedures Manual' ([Attachment 2](#)). The new procedures will replace the model procedures previously adopted by Council on 29 August 2016 (Item 12) ([Attachment 3](#)).

Consultations:

Tasmanian Ombudsman

Human Resource / Financial and Risk Management Implications:

There are no human resources or financial implications.

Risk Identification	Consequence	Probability	Rating	Risk Mitigation Treatment
If the identified policies are not adopted and rescinded as recommended, then governance control effectiveness is less optimal	Minor (C2)	Almost Certain (L5)	Notable (10)	Council adopt the 'Model PID Procedures Manual'. Council rescind the obsolete 'Model PID Procedures Manual'.

Community Consultation and Public Relations Implications:

Nil

Recommendation:

That Council resolves to:

1. NOTE that the 'Draft Model PID Procedures Manual' was approved by the Tasmanian Ombudsman, and
2. ADOPT the 'Model PID Procedures Manual', in the form of [Attachment 2](#), to establish a system for reporting disclosures of improper conduct or detrimental action by Glenorchy City Council or members, officers or employees of the public body, as required under the relevant legislation.

Attachments/Annexures

- 1 [Approval Letter \(Tasmanian Ombudsman\)](#)
- 2 [Draft Model PID Procedures Manual](#)
- 3 [Current Model PID Procedures Manual](#)

9. RISK MANAGEMENT DIRECTIVE AND POLICY

Author: Acting Manager, Governance and Risk (Bryn Hannan)

Qualified Person: Acting Director, Corporate Governance (Simon Scott)

ECM File Reference: Risk Management

Community Plan Reference:

Leading our Community

The communities of Glenorchy will be confident that Council manages the community's assets soundly for the long term benefit of the community.

Strategic or Annual Plan Reference:

Leading our Community

- 4.1 Govern in the best interests of our community
- 4.1.2 Manage the City's assets soundly for the long term benefit of the community

Reporting Brief:

This report:

- 1. briefs Council on the Council's updated Risk Management Directive which was recently endorsed by Council's Audit Panel, and
- 2. provides an update to Council on work being undertaken in the risk management area.

Proposal in Detail:

Identifying and managing risk is a critical governance function in any organisation.

Understanding Council's key risks in the context of our strategic and operational goals gives Council a better capacity to *act* rather than *react* to a threat that could detrimentally affect Council's ability to carry out its functions.

This report provides an update to Council on the risk management work currently being undertaken by Council, including Council's recently endorsed Risk Management Directive.

Risk Management Directive

Attachment 1 to this report is a copy of Council's Risk Management Directive (**Directive**). The Directive has been endorsed by Council's Audit Panel and is expected to be approved by the Acting General Manager prior to the present Council meeting.

The Directive is a high level document which sets out Council's approach to risk management. It provides direction on how Council identifies, assesses and manages risks, and contains Council's risk management matrix which forms the basis of Council's risk assessment procedures.

The Directive follows the principles in AS/NZS ISO 31000:2009 Risk Management – Principles and Guidelines, which is the agreed standard for risk management practices in Australia.

There are significant differences between the Directive and Council's previous "Risk Management Framework". The changes are primarily aimed at improving the risk consequence and risk likelihood tables to align them with Council's operational practices. This has the effect of more clearly setting out the framework for identifying Council's most significant risks, ensuring that they are managed appropriately and by the appropriate management level in the organisation.

Significant work has also been undertaken to make the directive more user friendly. The aim is to make the Directive accessible to Council staff at all levels, with the aim of having staff engage with it more fully and incorporate its principles into their day to day work.

The Directive was developed by Council's governance and risk team with extensive consultation undertaken with management. Council's Audit Panel reviewed an initial draft of the Directive at its meeting on 28 June 2017, and endorsed the final version of the Directive at its most recent meeting on 19 September 2017.

Risk Management Activities

Council's immediate objectives in the risk management area are to:

1. settle Council's updated risk management framework, practices and procedures
2. review Council's risk profile and ensure that all strategic and key operational risks are captured, and
3. continue to develop Council's risk management culture and ensure that risk management is incorporated into day to day practices and decision making.

The work to be carried out to achieve those objectives includes:

- developing terms of reference for a new Risk Advisory Committee. The committee will have representatives from across the organisation and will meet on a regular basis to discuss and deal with emerging key strategic and operational risks
- conducting Council's 'management risk workshop'. This is an interactive workshop (held approximately every three years) at which Council's current headline risks will be evaluated by management, key operational staff and the Audit Panel. The workshop will use the new framework that is articulated in the Directive to identify Council's 'strategic and key operational risks', so that adequate controls can be put in place to manage them. The workshop is currently proposed for November 2017.

- developing a suite of documents to support the Directive, including a Risk Management Procedure and other information and guidance documents.
- conducting risk management training for staff at all levels, focussing on the Directive and its principles. The aim will be to engage with staff in relation to risk management to build a greater culture of risk management awareness within the organisation.

Adoption of Updated Risk Management Policy

Attachment 2 is a copy of a draft updated Risk Management Policy (**the Policy**). Attachment 3 is a copy of the current version of the Policy, which was last updated in October 2010.

Whilst the Directive is an internal document that sets out Council's policies and procedures, Council's Risk Management Policy is an external document which sets out the overarching policy statements that guide Council's approach to risk management. Such a policy is necessary in order to give the general public confidence that Council has appropriate governance practices in place to manage the public funds and resources under its control.

The draft Policy has been updated to refer to the new Directive and to align more closely with Council's current risk management approach. It is recommended that Council adopts the updated Policy in the form of Attachment 2.

Consultations:

Executive Leadership Team
Departmental Managers
Audit Panel

Human Resource / Financial and Risk Management Implications:

There are no Human Resource implications.

The risk management implications from the adoption of the Policy are as follows:

Risk Identification	Consequence	Probability	Rating	Risk Mitigation Treatment
If the Risk Management Policy is not adopted as recommended, governance control effectiveness is less optimal due to the presence of an out of date policy that does not properly reflect or provide for Council's current practices.	Minor (C2)	Almost Certain (L5)	Notable (10)	Council adopts the updated Risk Management Policy, as recommended.

Community Consultation and Public Relations Implications:

The Directive is an internal Council document, meaning that community consultation was not required or undertaken.

There are no public relations implications.

Recommendation:

That Council:

1. RECEIVE and NOTE Council's Risk Management Directive, as approved by the Acting General Manager, and
2. ADOPT the Risk Management Policy in the form of Attachment 2.

Attachments/Annexures

- 1  Risk Management Directive
- 2  Risk Management Policy - Proposed
- 3  Risk Management Policy - Current

10. DELEGATION OF POWERS - ENVIRONMENTAL AMENITY BY-LAW 2017

Author: Acting Manager, Governance and Risk (Bryn Hannan)

Qualified Person: Acting Director, Corporate Governance (Simon Scott)

ECM File Reference: Delegations

Community Plan Reference:

Leading our Community

The communities of Glenorchy will be confident that Council manages the community's assets soundly for the long term benefit of the community.

Strategic or Annual Plan Reference:

Leading our Community

- 4.1 Govern in the best interests of our community
- 4.1.3 Maximise regulatory compliance in Council and the community through our systems and processes

Reporting Brief:

The purpose of this report is to recommend that Council delegates its powers under Council's recently enacted *Environmental Amenities By Law 2017 (No. 1 of 2017)* to the General Manager in accordance with section 22 of the *Local Government Act 1993*.

Proposal in Detail:

The provisions of Council's recently adopted *Environmental Amenities By-Law 2017 (the By-Law)* commenced on 28 August 2017 upon its publication in the Tasmanian Government Gazette.

The By-Law gives the majority of the powers that are necessary for the day to day administration and enforcement of the By-Law to either the General Manager or an authorised officer. However, a small number of other administrative functions that are necessary to administer certain provisions of the By-Law are reserved for 'the Council'.

Section 4 of the By-Law defines Council as:

"the Glenorchy City Council established under the Local Government Act 1993"

The powers given to Council under the Act include (among others):

- the power to 'appoint' an authorised officer (section 4)
- the power to receive various payments of fines and penalties, and

- the power to enter into 'resource recovery agreements' in relation to a waste management site (clause 31).

In order to remove any doubt as to whether the General Manager has the necessary powers to administer and enforce the By-Law without seeking the approval of Council, it is recommended that Council formally delegate all of its powers under the By-Law to the General Manager and authorise the General Manager to further delegate those powers, as required.

Consultations:

Acting General Manager
Acting Director, City Services and Infrastructure
Acting Manager, Environment and Development

Human Resource / Financial and Risk Management Implications:

None.

Community Consultation and Public Relations Implications:

None.

Recommendation:

That Council:

1. DELEGATE all of Council's functions powers under *Glenorchy City Council Environmental Amenity By-Law 2017 (the By-Law)* to the General Manager, and
2. AUTHORISE the General Manager to further delegate the functions and powers of Council under By-Law.

11. PROCUREMENT EXEMPTIONS

Author: Acting Manager, Governance and Risk (Bryn Hannan)

Qualified Person: Acting Director, Corporate Governance

ECM File Reference: Procurement

Leading our Community

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Strategic or Annual Plan Reference:

Leading our Community

- 4.1 Govern in the best interests of our community
 - 4.1.1 Manage Council for maximum efficiency, accountability and transparency
 - 4.1.2 Manage the City's assets soundly for the long term benefit of the community
 - 4.1.3 Maximise regulatory compliance in Council and the community through our systems and processes

Reporting Brief:

This report provides a monthly update to Council on exemptions that have been applied to the procurement requirements under Council's *Code for Tenders and Contracts*.

Proposal in Detail:

Council's *Code for Tenders and Contracts* has been made and adopted by Council as required under section 333B of the *Local Government Act 1993*.

Under clause 10.2 of the Code, the General Manager is required to provide a regular report to Council on exemptions that have been authorised to the procurement requirements under the Code. Clause 10.2 relevantly provides:

*"In accordance with Regulation 28(j), the General Manager will establish and maintain procedures for reporting to Council **at the first ordinary meeting of Council after the event** in relation to the procurement of goods and/or services **in circumstances where a public tender or quotation process is not used**. Such report will include the following details of each procurement:*

- a) a brief description of the reason for not inviting public tenders or quotations (as applicable);*
- b) a brief description of the goods or services acquired;*

- c) *the approximate value of the goods or services acquired; and*
- d) *the name of the supplier."*

A copy of the monthly Procurement Exemption report, which is delivered to Council as required under clause 10.2 is Attachment 1 to this report.

The Report covers the period from **8 August 2017** to **27 September 2017**.

Council should note that management is still in the process of updating its systems and processes to ensure that all information relating to procurement exemptions is accurately captured. If further exemptions for the period of the attached report are subsequently identified that have not been captured in the report, these will be reported to Council at the earliest available opportunity.

Consultations:

Executive Leadership Team
Manager, Business and Finance
Strategic Procurement Coordinator

Human Resource / Financial and Risk Management Implications:

Nil.

Community Consultation and Public Relations Implications:

Recommendation:

That Council:

RECEIVE and NOTE the monthly Procurement Exemptions Report for the period 8 August 2017 to 22 September 2017.

Attachments/Annexures

- 1  Purchasing Exemption Register

12. ACTIONS LIST (OPEN COUNCIL MEETING): UPDATE REPORT

Author: Acting Manager, Governance and Risk (Bryn Hannan)

Qualified Person: Acting Director, Corporate Governance (Simon Scott)

ECM File Reference: Actions List - Council Meetings

Community Plan Reference:

Under the City of Glenorchy Community Plan 2015 – 2040, the Community has prioritised ‘transparent and accountable government’.

Strategic or Annual Plan Reference:

Leading our Community

- 4.1 Govern in the best interests of our community
 - 4.1.1 Manage Council for maximum efficiency, accountability and transparency
- 4.2 Prioritise resources to achieve our communities’ goals
 - 4.2.1 Deploy Council’s resources effectively to deliver value

Reporting Brief:

To provide Council with the Actions List (Open Council Meeting), updated following the Council meeting on 4 September 2017.

Proposal in Detail:

Key actions arising out of Council resolutions and/or throughout the general business of Council meetings are captured and distributed throughout Council for completion and update by departmental staff on a monthly basis.

The Actions List (Open Council Meeting), which is Attachment 1 to this report, highlights the progress of the items on the list following the 4 September 2017 Council meeting.

Consultations:

Relevant Council officers

Human Resource / Financial and Risk Management Implications:

None.

Community Consultation and Public Relations Implications:

None.

Recommendation:

That Council:

NOTE the progress of the items on the Actions List (Open Council Meeting), as updated following the 4 September 2017 Council meeting.

Attachments/Annexures

- 1  Action List - Open Council Meeting

13. NOTICES OF MOTIONS – QUESTIONS ON NOTICE / WITHOUT NOTICE

CLOSED TO MEMBERS OF THE PUBLIC

14. APPLICATIONS FOR LEAVE OF ABSENCE

GOVERNANCE

15. GLENORCHY CITY COUNCIL ACCOMMODATION STRATEGY

This item is to be considered at a closed meeting of the Council by authority of the Local Government (Meeting Procedures) Regulations 2015 Regulation 15(2)(b) (Information that, if disclosed, is likely to confer a commercial advantage or impose a commercial disadvantage on a person with whom the Council is conducting, or proposed to conduct, business), 15(2)(c) (Commercial information of a confidential nature that, if disclosed, is likely to: prejudice the commercial position of the person who supplied it; confer a commercial advantage on a competitor of the Council; or reveal a trade secret) and 15(2)(f) (Proposals for the Council to acquire land or an interest in land for the disposal of land).

16. ACTIONS LIST (CLOSED COUNCIL MEETING): UPDATE REPORT

This item is to be considered at a closed meeting of the Council by authority of the Local Government (Meeting Procedures) Regulations 2015 Regulation 15(2)(g) (Information of a personal and confidential nature or information provided to the Council on the condition it is kept confidential).

17. NOTICES OF MOTIONS – QUESTIONS ON NOTICE / WITHOUT NOTICE (CLOSED)
