

COUNCIL AGENDA

MONDAY, 4 JULY 2016



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:

Leave of Absence:

**Workshops held since
last Council Meeting**

Date: Monday, 14 June 2016

Purpose: To discuss:

- New Code of Conduct Legislation

Date: Monday, 20 June 2016

Purpose: To discuss:

- Smoke Free Cycleway Discussions

RESUMPTION OF ADJOURNED MEETING OF 6 JUNE 2016

Local Government (Meeting Procedures) Regulations 2015

Under Regulation 11, Council did not have a quorum at one point during the meeting held on Monday, 6 June 2016. As a result, under Regulations 11(6) and 13 the Chair adjourned that meeting until 4 July 2016 at 3.00 p.m.

Regulation 13(3)

If a meeting is adjourned, the Chairperson is to ensure that any business of the meeting not then disposed of is given precedence at the resumption of the adjourned meeting.

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1. APOLOGIES

4. PECUNIARY INTEREST NOTIFICATION

CLOSED TO MEMBERS OF THE PUBLIC

23.2 QUESTION ON NOTICE 2 - ALDERMAN K. JOHNSTON

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)

23.3 QUESTION ON NOTICE 1 - ALDERMAN M. STEVENSON

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)

23.4 QUESTION ON NOTICE 2 - ALDERMAN M. STEVENSON

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)

23.5 QUESTION ON NOTICE 4 - ALDERMAN M. STEVENSON

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)

4 July 2016 Meeting

OPEN TO MEMBERS OF THE PUBLIC

1. APOLOGIES

2. CONFIRMATION OF MINUTES

That the minutes of the Special Council Meeting held on 20 June 2016 be confirmed.

3. ANNOUNCEMENTS BY THE CHAIR

4. PECUNIARY INTEREST NOTIFICATION

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

6. PUBLIC QUESTION TIME (15 MINUTES)

7. PETITIONS/DEPUTATIONS

COMMUNITY

8. ANNOUNCEMENTS BY THE MAYOR

Author: General Manager (Peter Brooks)

Qualified Person: General Manager (Peter Brooks)

ECM File Reference: Mayoral Announcements

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 *4.2.4.03 Implement the Governance Strategy*.

Reporting Brief:

To receive the announcement of events by the Mayor.

Proposal in Detail:

Announcements by the Mayor

The following is a list of events the Mayor has attended during the period 1 June to 28 June 2016.

Wednesday, 1 June 2016

- Attended a meeting with a business representative
- Attended a dinner with the Claremont RSL Executive

Thursday, 2 June 2016

- Attended the Windermere Primary School Association meeting
- Attended a meeting with Audit Panel Chair, Paul Oxley
- Attended a meeting with the Chigwell Child and Family Centre
- Attended a meeting with representatives from Prince of Wales Bay
- Attended the Greater Claremont Precinct meeting

Friday, 3 June 2016

- Participated in the ActivePaths walk at Bowen Road Primary School
- Attended a meeting with a business representative
- Participated in the launch of the ActivePaths launch at Austins Ferry Primary School
- Attended the launch of Jack Allen’s book “Recollections of My Life”

Sunday, 5 June 2016

- Attended the Boer War Commemorative Service

Monday, 6 June 2016

- Chaired an Extra Council Workshop
- Chaired the Council Meeting

Wednesday, 8 June 2016

- Attended a meeting with representatives of the Country Music Club
- Attended a meeting with community representative
- Attended a meeting regarding the Glenorchy Community Fund
- Guest Speaker at the Claremont Rotary meeting

Thursday, 9 June 2016

- Attended the TasWater Owners Representative Meeting in Launceston
- Attended the Queen's Birthday Charity Fundraiser event

Friday, 10 June 2016

- Attended the Greater Hobart Traffic Meeting
- Attended the Supreme Court for the judgment in the matter of *Branch-Allen v Easter & Mason*

Tuesday, 14 June 2016

- Attended a meeting with a resident
- Chaired an Extra Council Workshop
- Chaired the Glenorchy Planning Authority Meeting
- Attended the Moonah and Glenorchy Business Association Committee meeting

Wednesday, 15 June 2016

- Attended the Claremont Bowls Club Soup and Sandwich Luncheon
- Attended the launch of Tastex's Community Solar Project
- Attended the Precinct tour of KGV
- Attended the KGV Next Development Information Session for stakeholders

Thursday, 16 June 2016

- Attended a meeting with Labor Denison Candidate Jane Austen
- Attended a meeting with GASP Chair, Christine Edwards

Friday, 17 June 2016

- Attended the Rail Corridor Working Group meeting
- Attended a Hazara Women Information Session

Saturday, 18 June 2016

- Attended the Glenorchy Knights Sponsors and Supporters Afternoon Tea
- Attended the launch of the Red Rope Project at MAC

Monday, 20 June 2016

- Chaired Council Workshop
- Chaired Special Council meeting
- Attended the Glenorchy Community Fund Board meeting

Tuesday, 21 June 2016

- Attended the Goodwood Community House and volunteered with their Food Co-op Project
- Attended the Montrose Bay High School musical performance of "Popstars"

Wednesday, 22 June 2016

- Attended a meeting with a resident
- Attended the Staff Achievement Awards

Thursday, 23 June 2016

- Participated in the Give Me 5 For Kids Wheelie Bin Walk from Austins Ferry to Glenorchy
- Attended the Destination Southern Tasmania Board meeting
- Attended a meeting with State Growth representatives
- Attended the Greater Glenorchy Precinct meeting

Friday, 24 June 2016

- Attended a meeting with a community representative
- Attended the University of Tasmania Dinner

Saturday 25 June 2016

- Volunteered for the Glenorchy Community Fund Bunnings BBQ
- Attended a Glenorchy Lions and Leos Changeover Dinner

Monday, 27 June 2016

- Attended the STCA meeting
- Chaired the Extra Council Workshop

Tuesday, 28 June 2016

- Attended the West Moonah Community House Brain Teaser Luncheon
- Attended the Glenorchy Youth Taskforce meeting

Numerous internal meetings and administrative duties were also undertaken.

Consultations:

Nil.

Human Resource / Financial and Risk Management Implications:

Nil.

Community Consultation and Public Relations Implications:

Nil.

Recommendation:

That Council:

1. RECEIVE the announcements about the activities of the Mayor's office for the period 1 June to 28 June 2016.

Attachments/Annexures

9. REQUEST TO JOIN COALITION OF COMMUNITY ORGANISATIONS CONCERNED ABOUT GAMBLING

Author: Manager Community & Customer Service (David Ronaldson)
Qualified Person: Acting Director Community, Economic Development & Business (Tony McMullen)
ECM File Reference: Gambling

Community Plan Reference:

Our Community's Goals

Making Lives Better – “Our social, recreational and cultural facilities, events and experiences will attract and retain people in Glenorchy to share our wonderful way of life.”

Open for Business – “We will create a strong economy and jobs for the future. We will encourage business diversity, innovation and new technologies to stimulate jobs, creativity and collaboration. We will be a place where business can establish and continue to flourish.”

Strategic or Annual Plan Reference:

Annual Plan References

Making Lives Better

- 1.1 Know our communities and what they value.
- 1.2 Facilitate and / or deliver services to our communities.

Open for Business

- 2.1 Stimulate a prosperous economy.
- 2.2 Identify and support priority growth sectors.

Reporting Brief:

The State Government's Deed with Federal Hotels is due to expire on 30 June 2018. Council have been approached to join the Coalition of Community Organisations Concerned About Gambling and to write to the State Government to support the removal of electronic gambling machines from local suburbs.

The purpose of this report is for Council to consider its position in relation to this issue.

Proposal in Detail:Background

The Tasmanian State Government has foreshadowed that there will be a parliamentary inquiry into the future of electronic gambling machines (EGMs) in Tasmania. Councils and the public will be advised when there will be the opportunity to make submissions. In response to this Council has recently been approached to hear from two sides of the discussion, the Coalition of Community Organisations Concerned About Gambling (the Coalition) ([Attachment 1](#)) and the Tasmanian Hospitality Association (THA) ([Attachment 2](#)), to present their thoughts on the matter. The parties presented to Council Workshops on 2 May (Coalition) and 23 May 2016 (THA) respectively. The Coalition encouraged Council to join with them and call for the removal of poker machines from suburban clubs and hotels. The THA requested Council to encourage the State Government to leave the existing arrangements in place.

Poker machines were introduced into Tasmanian casinos in 1986. They were extended into hotels and clubs in 1997. The license for poker machines and casinos expires in June 2018, with an optional five (5) year renewal.

Gambling is a legal and legitimate activity that is carried out in a variety of forms across the community. For the majority of participants, gambling is a source of recreation. However, unlike many other recreational activities, gambling has the potential for significant negative impacts on the health and wellbeing of whole communities.

The Australian Productivity Commission has completed a number of reviews and inquiries into gambling in Australia over a number of years. In 2009 the Productivity Commission handed down its second report on gambling in Australia to the Federal Government ([Productivity Commission Inquiry Report](#), Volume 1, No.50 2010). The Commission's work followed a number of other studies nationally and international that has outlined the effects of gambling and the potential for participants to acquire a 'problem' with their participation. Further, the Commission reported strong evidence that gambling can have adverse health, emotional and financial impacts on those involved and those surrounding the problem 'gambler'.

Australians are the world's most prolific gamblers. Of the \$19 billion gambled by Australians every year, 60% (or around \$12 billion) goes into electronic gaming machines (EGMs), most commonly known as 'pokies'. (Productivity Commission, Gambling Vol.1, 2010, p.48).

Historically, the State Government has been the level of government responsible for the regulation of EGM's in Tasmania and also the beneficiary of most revenue raised by gambling taxation. Thus, the argument can be put that this issue is outside Local Government's jurisdiction and as such Council is not in a position to comment.

However, the alternative argument is that the Local Government Act requires Councils 'to provide for the health, safety and welfare of the community' and 'to represent and promote the interests of the community'. Thus, Council should in fact advocate on behalf of its residents to other levels of government, if it believes there is a significant community issue to be discussed.

Glenorchy currently has 270 EGMs in nine venues (Attachment 3). Comparison of figures from across the State shows that the municipality also has the highest monthly EGM player expenditure (Attachment 4, Tasmanian Department Treasury and Finance). The statistics however do not show the number of people travelling into Glenorchy from other municipal areas to access EGMs versus the number of Glenorchy residents accessing EGMs.

The Glenorchy Local Government Area (LGA) has a problem gambling rate of 3.9% (compared to 2.5% for the rest of the State), meaning our community is experiencing the worst of problem gambling in Tasmania. (Social and Economic Impact Study of Gambling in Tasmania, 2011, volume 2, of Vol.1-4, Chapter 8, p. (119).)

The *Social and Economic Impact Study of Gambling in Tasmania* (SEIS, 2011) indicated that combined moderate risk and problem gambling rates are highest in low socio-economic Local Government areas, including Glenorchy.

The immediate personal harm associated with problem gambling is poor mental and physical health, and this is consistently associated with disruptions to social and family relationships.

The SEIS found that in 2010-11 problem and moderate risk gamblers were responsible for 25.3% of gambling spending and 47.7% of EGM spending in Tasmania.

Community service providers in Glenorchy continue to report the impact of problem gambling on people's lives through the co-morbidities of alcohol and drug dependence, depression, anxiety and other mental health issues (SEIS, 2011). The study confirmed a relationship between problem gambling and lower socio-economic LGA is in particular for losses incurred with EGMs.

The Tasmanian Hospitality Association

The Tasmanian Hospitality Association (THA) in their correspondence to Council state that any change to the current circumstances would impact significantly on employment rates within the individual venues and mean significant loss of income for the venue. The stated impact of removal of EGM's completely from local venues is up to 107 jobs (Attachment 5). A number of individual venues also state their operations would be unviable without the revenue and patronage created through EGMs.

Further, the THA state that their members also make significant contributions back into the community via the Community Support Levy (CSL). The CSL is four (4) percent of funds from gaming machines gross profits and is distributed by the minister as follows:

- 25 per cent for the benefit of sport and recreation clubs;
- 25 per cent for the benefit of charitable organisations; and
- 50 per cent for the provision of:
 - research into gambling;
 - services for the prevention of compulsive gambling;
 - treatment for the rehabilitation of compulsive gamblers;
 - community education concerning gambling; and
 - other health services.

This funding support from the industry and would not be available if EGMs were not in pubs or clubs as the CSL is not paid by Casinos.

The THA also quote a recent study by the SA Centre for Economic Studies, University of Adelaide noted 75 per cent of venues in South Australia (Australia 67 per cent) stated they would not continue to operate if gambling facilities were removed’.

The THA believe that the hotels in the Glenorchy municipality donate a range of funds and assistance to the local community. This is in the form of cash and local sponsorship, meal vouchers, accommodation vouchers, bar vouchers, room and meeting hire, free food and drinks for local groups, free tickets to events for clubs and groups to raise funds. The THA argue that hospitality venues are the backbone of local communities and venues with gaming are some of the most generous in the state.

Currently there is no clear figure for support provided back into the community but the THA state that the owner of the Club Hotel estimates his average for the past five (5) years is around \$30,000 per annum. Based on that the THA estimate the sponsorship and support to local groups and people in Glenorchy could be anywhere between \$250,000 to \$400,000 per annum. The THA believe this in concert with the CSL and there is a significant financial impact on the region.

The Coalition of Community Organisations Concerned About Gambling

The Coalition say that there is overwhelming international and local evidence that supports proof of the harm caused by EGMs in the community. The coalition also state they are not trying to put legitimate venues (Clubs and Pubs) out of business, rather to find a transitional way EGMs can be removed from local environments and support can be found to assist businesses readjust to a new environment ultimately without EGMs.

Reducing the problem-gambling rate for Glenorchy would have economic, social and health benefits, not only for individuals but also for the whole community. Reducing the problem gambling prevalence rate in Glenorchy would also free up a good proportion of these losses for more positive expenditure in Glenorchy.

By agreeing to join the coalition Council would be making a statement of support for the Coalition's stated objectives (as per Attachment 1). If supported the Coalition may ask Council to become further involved in public consultation on the matter.

Options

1. Council may choose not to participate in the State Parliamentary Enquiry.
2. Council may choose to support the hospitality industry to retain the status quo in respect to EGMs.
3. Council may choose to join the Coalition of Community organisations Concerned About gambling.
4. Council may choose to independently write to the State Government expressing its concern over the high number of EGM in Glenorchy's Clubs and Hotels. The submission may also enquire, if the State Government choose to make change to the industry, how it will assist existing venues to transition their businesses into the future.

Consultations:

The following internal Council Departments/Sections have been consulted in the preparation of this report:

- Community Development
- City Strategy and Economic Development
- Acting Director Community, Economic Development & Business

Human Resource / Financial and Risk Management Implications:

At this time there are no financial implications for this report.

If Council choose there could be significant officer time involved in preparing a submission for the State Government to consider and/or a consultation process with the Glenorchy Community.

Community Consultation and Public Relations Implications:

At this time there has been no direct community consultation on this issue. Rather there has been debate in the State lower house which is due to proceed to the State upper house shortly. Councils and the public will be advised when there will be the opportunity to make submissions. By taking a position on this issue, Council need to be aware sections of the community could see the position taken as positive or negative to their specific interests.

Recommendation:

That Council:

- 1) AGREE to join the Coalition of Community Organisations Concerned About Gambling.

- 2) AUTHORISE the General Manager to provide a submission on Council's behalf to the State Government expressing its concern over the high number of EGMs in Glenorchy's Clubs and Hotels and the consequent impact on the Glenorchy Community. The submission also strongly urge, that if the State Government choose to make change to the industry, transitional arrangements be put in place to manage any potential impact on the industry and employment.

Attachments/Annexures

- 1 Letter to Aldermen from Chris Jones on behalf of the Coalition of Community Organisations concerned about Gambling
- 2 Letter to General Manager from Steve Old, General Manager, Tasmanian Hospitality Association
- 3 2015-16 Glenorchy Gambling Venues
- 4 2015-16 Monthly EGM Player Expenditure by Municipality
- 5 THA Forecast of Employment Impact if EGMs Removed Completely

10. CHILD CARE CONNECTIONS POLICY AND PROCEDURES REVIEW

Author: Manager Community & Customer Service (David Ronaldson)

Qualified Person: Acting Director Community, Economic Development & Business (Tony McMullen)

ECM File Reference: Child Care Connections 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 References:

4.2.4.03 *Implement the Governance Strategy.*

1.2.2.09 *Operate Council's Child Care Centres in accordance with the Education and Care Services National Law and Regulations.*

Reporting Brief:

This report is to seek Council’s adoption of eight (8) revised Child Care Connections Policies and Procedures.

Proposal in Detail:

Previous recent reports to Council, 25 January 2016 and 9 May 2016, have presented groups of Child Care Connections policies and procedures for adoption as per the Education and Care Service National Law. This is the third of four groups of policies being reviewed and presented to Council for adoption.

Compliance

This Report follows the Aldermanic Workshops (25 May and 12 October 2015) in which Management presented to Council the current and proposed actions with respect to the ongoing Council Policy review.

Council has certain statutory requirements with respect to policies under the *Local Government Act 1993* (LG Act). Of note, in accordance with section 28(2)(b) of the LG Act, all Council policies must be approved by Council.

Council currently provides two approved child care centres within the municipality which are covered the relevant Education and Care Services legislation (Benjafield Centre, Moonah and Berriedale Centre).

Under the *Education and Care Services National Law (Application) Act 2011* (Tas), section 4 provides for the adoption of the Education and Care Services National Law (as set out in the Schedule 1 to the *Education and Care Services National Law Act 2010* (Vic)(the Act).

Under the Act, it is a mandatory requirement for an approved provider of an education and care service to keep prescribed documents available for inspection by an authorised officer: section 175.

The *Education and Care Services National Regulations* (regulation 168) provides that Council must ensure that the child care centres have in place a range of legislated policies and procedures (see Attachment 1).

Policy Updates

In line with the continuing review of Council policies, the Council's Child Care Connections Team headed by the Child Care Delivery Co-ordinator (Kate Whitbread) has reviewed the following Child Care Connections Policies and Procedures:

Policy/Procedure Title	Summary of changes
1. Abandoned Child Policy	• Updated Terminology
2. Emergency Evacuation – Invacuation Policy	• Updated Terminology
3. Enrolment Orientation Policy	• Updated Terminology
4. Environmental Sustainability Policy	• Updated Terminology
5. Excursion Policy	• Updated Terminology
6. Infectious Disease & Illness Policy	• Updated Terminology
7. Medical Conditions Policy	• Updated Terminology
8. Lost Child Policy	• Updated Terminology

The Child Care Connections Policy and Procedures Review also included the following:

- consultation and feedback with key stakeholders, educators, families and Council management
- updated information made in line with current recommendations by recognised child care specific authorities, and
- updated requirements in line with changes to the Act, Regulations and the relevant National Quality Standard.

It is noted that due to the specific nature of the Child Care Connections Policies and Procedures, these have not been reformatted to comply with the 'normal' Council policy template.

Consultations:

Key stakeholders, educators, families and Council management were consulted and provided input into the revised Child Care Connections policies and procedures.

Human Resource / Financial and Risk Management Implications:

There are no human resources or financial implications.

From compliance perspective, under the Act Council could be liable for a penalty of \$20,000 if it did not keep the prescribed policies and procedures (and other prescribed documents) available for inspection by an authorised officer: section 175(1).

Furthermore, it is an offence under the Regulations:

- not to have the policies and procedures in place ((\$1,000 – regulation 168(1))
- not ensuring policies and procedures are being followed by the nominated supervisor, staff and volunteers (\$1,000 – regulation 170(1)), or
- are readily available ((\$1,000 – regulation 171(1)).

Risk Identification	Consequence	Probability	Rating	Risk Mitigation Treatment
If recommended Childcare Connection policies and procedures are not adopted, then governance control effectiveness is less optimal	Minor	Almost Certain	Medium	Council adopt recommended policies

Community Consultation and Public Relations Implications:

Key stakeholders, educators, families and Council management were consulted and provided input into the revised Child Care Connections policies and procedures.

It is noted that under regulation 172, Council as the approved provider of an education and care service must ensure that parents of children enrolled at the service are notified at least 14 days before making any change to a policy or procedure referred to in regulation 168 that may have a significant impact on:

- the service's provision of education and care to any child enrolled at the service; or
- the family's ability to utilise the service.

Recommendation:

That Council:

ADOPT the following Child Care Connections Policies and Procedures, as outlined below:

- Abandoned Child Policy
- Emergency Evacuation – Invacuation Policy
- Enrolment Orientation Policy
- Environmental Sustainability Policy

- Excursion Policy
- Infectious Disease & Illness Policy
- Medical Conditions Policy
- Lost Child Policy

Attachments/Annexures

- 1 Education and Care Services National Regulations Extract
- 2 Abandoned Child Policy
- 3 Emergency and Evacuation - Invacuation Policy
- 4 Enrolment and Orientation Policy
- 5 Environmental Sustainability Policy
- 6 Excursion Policy
- 7 Infectious Diseases & Illness Policy
- 8 Medical Conditions Policy
- 9 Lost Child Policy

11. ACQUISITION AND DISPOSAL OF LAND - BOSCO DRIVE AND DALMACIA PLACE

Author: Manager Legal and Property (Kim Hudson)

Qualified Person: Director Corporate Governance & General Counsel (Seva Iskandrli)

ECM File Reference: Boscoe Drive & Dalmacia Place

Community Plan Reference:

Making Lives Better - our lives will be enhanced by using good design to create safer, more welcoming public spaces.

Valuing Our Environment – Our walking path and bike path networks will be extended, connecting our natural environment and open spaces to the built environment, and created open spaces will be inviting places to be.

Strategic or Annual Plan Reference:

3.1.1 Set priorities for management of our natural and built environments in partnership with our communities - Implement the open space strategy.

3.1.2 Deliver services that sustainably manage our natural environments.

Open Space Strategy

Equitable Distribution

To create an equitable distribution of local parks and reserves throughout all Glenorchy Municipal Precincts.

Healthy Community Plan

- Provide an equitable distribution of places and spaces that encourages all residents to lead healthy, physically and socially active lives.
- Enhance the quality and viability of community and sporting facilities, and maximise opportunities for sharing and multi-use public places and spaces.
- Enhance the quality and play value of local parks.

Reporting Brief:

This Report is to obtain Council support to:

1. Purchase land to connect an existing walkway between Bosco Drive through to Dalmacia Place.
2. Sell a portion of Bosco Drive reserve to extend a private residence rear yard.

Proposal in Detail:**1. ACQUISITION OF PRIVATE LAND – 2/1 DALMACIA PLACE (Section 175 Local Government Act 1993)**

It was been identified through the Open Space Strategy and community consultation that a Council owned walkway from 23 Bosco Drive, Glenorchy is directing pedestrians through private land onto part of 2/1 Dalmacia Place (Portion C below in Table 1).

Council's Property Officers commenced discussions with the owner, who is willing to sell the land to Council, as she has had issues in regard to insurance, fire hazard and security. There is currently a risk for the current property owner as pedestrians are walking along a formed track across her private land to access a Council sealed walkway. In addition, to maintain the Council land, Council officers are currently trespassing onto this private land for their access. If the current owner erects a fence around her land (which she is more than entitled to do), Council would lose vehicle access to Bosco Reserve.

The land provides good passive surveillance from the street, and formalises an existing utilised walkway which allows access between the two cul-de-sac streets of Bosco Drive and 2/1 Dalmacia Place. Due to its flat topography, the land holds the potential to be developed as a park and walkway which provides ease of access between roads for residents in the surrounding areas. This would address and satisfy one of the equitable distribution statements within the Open Space Strategy which nominates:

.....in the south, areas around Brent Street and Merton Street lack local open space.

Council officers have conducted a *Safer By Design Audit*, and found the land poses no great risk to the general public.

Therefore, the purchase of this land would enable Council to formalise and obtain ownership for a walkway from 23 Bosco Drive to 2/1 Dalmacia Place, which is regularly used by pedestrians. To conduct the purchase a boundary adjustment will be required.

Under Section 175 of the Local Government Act 1993 (Tas) Council may purchase land for any purpose for which it considers it to be of benefit to the Council or the Community. It is submitted that such a purchase meets the broad parameters of this section and further meets the outlined targets of the Open Space Strategy, Community Plan, Annual Plan and Healthy Community Plan.

The cost to purchase this land will be \$30,000 which has been negotiated between the parties.

2. DISPOSAL OF COUNCIL LAND – 23 BOSCO DRIVE (Section 178 Local Government Act 1993)

Council staff have been in discussion with the owner of 19 Bosco Drive, who has previously contacted Council, expressing an interest to purchase part of 23 Bosco Drive reserve (Portion **A** below in Table 1).

Council is required to approve of the disposal of this public land under section 178 of the *Local Government Act 1993*. If the Council approves, Council Officers will advertise the intention to dispose of the land (in accordance with section 178 (4)) on two occasions. A further report to finalise the disposal will then come to Council for its consideration together with any representations received.

The land is vegetated and steep, providing issues for Council with maintenance and security issues for the public. Due to the internal nature of the site, it provides a place of entrapment, with no ability of passive surveillance. This fact was also noted within *Safer By Design Audit* report (Attachment 1).

An alternate option would be to approach the owners of 21 Bosco Drive with a proposal to sell a substantive area of Portion **B** below in Table 1 (not including the walkway). This would further reduce the cost of transferring the land. As part of the sale process, Portion **A** (and potentially Portion **B**) shown in Table 1 below would require rezoning prior to entering into any sale or purchase contract.

The negotiated amount of the portion of land to be sold to the owner of 19 Bosco Drive (Portion **A**) is \$7,000.



Table 1 - Aerial View

LEGEND

- A Land proposed for disposal to resident of 19 Bosco Drive (Lower part of Bosco Reserve)
- B Land to be retained or potential partial sale (Upper part of Bosco Reserve)
- C Privately owned land proposed to be acquired – 2/1 Dalmacia Place

There are supporting reasons for undertaking these transactions in Council's Community Plan, Annual Plan, Open Space Strategy and Healthy Community Plan. In addition, the cost to Council is minimal for a good outcome for all involved – Council, the land owners and residents of the area.

Consultations:

Council officers completed the following internal consultation:

Manager Legal & Property

Coordinator of Parks and Maintenance

Members from SEPTED (safer by design) committee

Project Manager

Director Corporate Governance & General Counsel

Human Resource / Financial and Risk Management Implications:

Human Resources - Council staff will facilitate the process of sale and purchase

Financial - Approximately \$30,000 expense for the purchase of the land at 2/1 Dalmacia Place. Approximately \$7,000 revenue for the partial land sale of the land at 23 Bosco Drive.

Costs of any boundary adjustment will be negotiated with the relevant parties.

The funds for the acquisition will come from Council's land sale account.

Risk Management -

Risk Identification	Consequence	Probability	Rating	Risk Mitigation Treatment
If approval is not granted to enter negotiations for the land sale and purchase then the risk is that: - The general public utilising the Reserve due to its internal nature, with poor and visual passive surveillance and possibility of entrapment. - The current property owner as pedestrians are walking along a formed track across her private land to access a Council sealed walkway	Severe	Probable	Medium	- Council adopts the recommendation to dispose of part of 23 Bosco Drive which will be advertised in accordance with Section 178 of the <i>Local Government Act 1993</i> (Tas). - Council adopts the recommendation to purchase part of 2/1 Dalmacia Place in accordance with Section 175 of the <i>Local Government Act 1993</i> (Tas).

Community Consultation and Public Relations Implications:

The intention to dispose and purchase the Land will be advertised in accordance with section 178 of the *Local Government Act 1993*.

In addition, Council will action a community engagement plan where letters will be sent to property owners.

Recommendation:

That Council:

1. APPROVE Council Officers negotiations and settlement of the purchase of private land at 2/1 Dalmacia Place for the purpose of allowing Council to formalise and maintain a public walkway through Dalmacia Place to Bosco Drive.

2. APPROVE Council Officers to continue negotiations to dispose of part of the public land at 23 Bosco Drive for the purpose of extending the private rear yard of 19 Bosco Drive, subject to the compliance of the requirements of section 178 of the *Local Government Act 1993* (noting the investigation of the possibility of a similar sale to the owners of 21 Bosco Drive, to establish a safe, easily maintained and monitored piece of land which will comprise part of the public walk way).
3. APPROVES the advertising of Council's intention to dispose of any part of the public land at 23 Bosco Drive under section 178 of *the Local Government Act 1993*

Attachments/Annexures

- 1 Safer By Design Audit Report

12. PROPOSED MERGE OF COMMUNITY ROAD SAFETY PARTNERSHIP COMMITTEE AND SAFER COMMUNITIES COMMITTEE

Author: Transport Engineer (Amir Mousavi)
Qualified Person: Director City Services & Infrastructure (Emilio Reale)
ECM File Reference: Community Road Safety Partnership Committee

Community Plan Reference:

Making Lives Better

Our city is easy to get around, with a range of transport choices available to visit family or friends or to access services. The city is well-connected by extensive and well-maintained walking and bike paths, public transport and road networks.

Strategic or Annual Plan Reference:

- 1.1.2 Identify roles, responsibilities, and contributions of key stakeholders to address identified community needs.
- 1.2.2 Facilitate the delivery of services that build community capacities and capabilities.
- 1.3.3 Advocate for, partner with, or deliver services that address identified levels of community need.

Reporting Brief:

The purpose of this report is to inform Council on the background to the Community Road Safety Partnership (CRSP) Committee and the recent changes to the CRSP program initiated by the Department of State Growth. The report recommends that the CRSP Committee be discontinued and the applications and activities associated with the Community Road Safety Grants program be coordinated by the Safer Communities Committee.

Proposal in Detail:

The Department of State Growth (DSG, previously the Department of Infrastructure, Energy and Resources – DIER) introduced the Community Road Safety Partnership (CRSP) program in 2003 with the aim of partnering with local government authorities to promote ownership of road safety at the local level and to inspire and enlist the involvement of communities in the “battle against road trauma”. The rationale behind this was that local communities are able to better recognise local road safety concerns and develop innovative strategies, particularly non-infrastructure strategies, which address the issues they have identified.

In 2004, Glenorchy City Council established the CRSP Committee through the DIER Partnership Agreement, to develop and implement projects aimed at improving community road safety. Members of the committee included:

- An aldermanic representative;
- Council's Traffic Engineer;
- Council's Safer Communities Co-ordinator;
- State Growth's Road Safety Branch Officer;
- RACT representative;
- Glenorchy Police representative;
- Community members.

In early 2015, the Department of State Growth informed Council that the direction and operation of community road safety was being changed and the CRSP program would cease from 1st March 2015. The Department of State Growth no longer provides representation on the Council Committee to facilitate the implementation of projects. Instead, the Department of State Growth replaced the CRSP program with a direct funding or grants model approach.

At the Council meeting of 16 March 2015, it was resolved that that CRSP Committee activities and meetings be placed on hold until receiving detailed information associated with the new Community Road Safety Grant program and the Committee's term of reference then be reviewed, based on the new funding program.

Detailed information in relation to the new program shows that the new program, named Community Road Safety Grant (CRSG), requires councils and community organisations to submit funding applications to the Department of State Growth against funding criteria. The proposed initiatives will then be funded through CRSG program subject to approval by the Department of State Growth.

In the absence of CRSP Committee, meetings have been conducted by Glenorchy City Council staff with other Councils and community organisations to nominate proposed initiatives for funding through the CRSG program. To date, the following initiatives have been submitted to CRSG program for funding:

- Driver Simulator – The Dangers of Distraction: an initiative by Glenorchy City Council in partnership with Hobart, Clarence, Kingborough and Derwent Valley Councils to educate young people about the dangers of using mobile phones (successful for \$24,979.80 shared funding through CRSG program).
- Digital Speed Display: an initiative by Glenorchy City Council for the installation of Council's Speed Check Trailer (by the local Lions Club) to encourage drivers to drive to the posted speed limit (successful for \$4,950 funding through CRSG program).
- Full Gear – Motorbike Safety Project: an initiative by Glenorchy City Council to deliver a safety expo and training in Chigwell (yet to be funded).

The nature of the CRSP Committee and its past activities has always closely aligned to the Safer Communities Committee (SCC). The SCC Committee is a Special Committee of Council and the purpose of the SCC is to gather and disseminate information through the groups represented, as well as the wider community and to develop action campaigns to address crime prevention and community safety issues identified by the community of Glenorchy.

The Membership for the SCC comprises:

- 3 Aldermen (The Chair is the Mayor);
- Council's Community Development Officer - Safer Communities;
- Council's Youth Participation Officer/Program;
- RACT representative;
- Tasmanian Police representative;
- Community Members/Organisations.

The membership of the SCC is very similar to the membership of CRSP. By including Council's Transport Engineer on the SCC Committee, this Committee will have the ability to consider and address community road safety issues and to coordinate grant applications under the Community Road Safety Grant Program.

Under the past CRSP model, the role of the State Government Road Safety Branch Officer was critical in coordinating and running meetings, securing funding, sharing knowledge between CRSP Committees across the State and taking advantage of economies of scale, in aligning similar projects between groups of Councils. With this role no longer funded by the State Government it is considered that community road safety issues and applications for funding through the Community Road Safety Grant Program should be brought within the terms of reference for the SCC.

Consultations:

Alderman Branch-Allen (CRSP Aldermanic representative)
Manager Community and Customer Service
Coordinator Community Development
Executive Leadership Team

Human Resource / Financial and Risk Management Implications:

No human resource or financial implications apply to this change.

Community Consultation and Public Relations Implications:

It is considered that no community consultation is required with the exception of CRSP Committee members, who should be informed of the changes.

Recommendation:

That Council:

- 1) ENDORSE the discontinuation of the Community Road Safety Partnership Committee.
- 2) ENDORSE that community road safety and funding applications associated with the Community Road Safety Grants program to be coordinated by the Safer Communities Committee.
- 3) RESCIND the resolution to establish of the Community Road Safety Partnership Committee and its Terms of Reference.

GOVERNANCE

13. CORPORATE PERFORMANCE INDICATORS - MAY 2016

Author: Reporting Officer (Len Newton)
Qualified Person: Acting Director Community Economic Development & Business (Tony McMullen)
ECM File Reference: Traffic Lights

Community Plan Reference:

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:

The Corporate Performance Indicators are provided to Council in accordance with Strategy:

- 4.1.2 Ensure Council is open and transparent in its communication and dealings with our communities; and
- 4.2.1 Deploy the Council's resources in a way that maximises the effectiveness of the organisation and delivers value for money.

Reporting Brief:

To present the Corporate Performance Indicators as at the end of May 2016 for Aldermen's information.

Proposal in Detail:

The Corporate Performance Indicators are attached ([Attachment 1](#)) along with Appendix B ([Attachment 2](#)). Appendix B outlines expected year-to-date variances within the various Capital Works programs for this financial year.

Please note the Indicators include the 2014/2015 Budget Carry Forwards as approved in the August 2015 Council Meeting.

For May 2016 we have one (1) red light, four (4) yellow lights with the remainder green lights:

Red light:

Lost Time Injury Frequency Rate (LTIFR): Month (MTD) 103.05 LTIFR for May (page 29). There were no LTI's for May and the rolling 12 month LTIFR is 21.39, down on April (31.39) and significantly lower than for the same time last year which was 52.07. Safety remains a priority for the organisation and all incidents are reviewed to ensure policies and practices are refined to avoid future incidents.

Yellow lights:

Corporate Governance, Revenue (page 15): Corporate Governance revenue streams, particularly water sales, remain behind budget due to system maintenance and faults and low rainfall. Forecasts suggest that the underperformance in water sales will continue for the remainder of the year.

Total Capital Expenditure, Property (page 18): The capital program for 2015/16 remains under budget. Forecasts suggest that the program will be underspent for the full year, with several projects being deferred or completed next year.

Accounts Receivable (page 22): Overdue debtors are above the target due primarily to secured property debts of \$55k, Derwent Park Reuse Scheme Contractor \$1,597k and DEC debtor \$36k under arrangement.

Capital salaries and wages including on-costs (page 24): Capital salaries for 2015/16 remains considerably under budget due to increased use of external contractors on major projects. Forecasts suggest that this trend will continue for the remainder of the year.

Consultations:

Capital and Operational Expenditure Program Leaders
Relevant Staff

Human Resource / Financial and Risk Management Implications:

As outlined in the Corporate Performance Indicators reports.

Community Consultation and Public Relations Implications:

No public relations implications are known at this point, and no community consultation has been undertaken.

Recommendation:

That Council:

ACCEPT the information provided by the Corporate Performance Indicators for May 2016.

Attachments/Annexures

- 1 Corporate Performance Indicators - May 2016
- 2 Appendix B

14. GREATER HOBART TRAFFIC CONGESTION SUMMIT MEETING 2

Author: Director City Services and Infrastructure (Emilio Reale)

Qualified Person: Director City Services and Infrastructure (Emilio Reale)

ECM File Reference: Traffic Congestion Summit

Community Plan Reference:

Making lives better

The city is well-connected by extensive and well-maintained walking and bike paths, public transport and road networks.

Strategic or Annual Plan Reference:

- 1.3.1 Identify the service expectations of our different communities and respond appropriately.
- 3.1.3 Deliver services that create sustainable and liveable built environments.
- 4.3.1 Develop and manage collaborative relationships with other levels of Government.

Reporting Brief:

On Friday 10 June 2016, the Minister for Police, Emergency Management and Infrastructure the Hon. Rene Hidding MP held the Greater Hobart Traffic Congestion Summit Meeting 2, which included the Lord Mayor of Hobart and Mayors of Glenorchy, Clarence and Kingborough.

This meeting was the second of what is to become a regular event possibly once every two (2) months, to work through a number of solutions to reduce the traffic congestion issue in the Greater Hobart Region. The Agenda included a presentation on traffic flow and volumes (Attachment 3), a briefing from Metro, a list of priority actions for the Greater Hobart region, strategic contexts and possibilities and a possible funding model for the development of an ongoing Greater Hobart Transport Model.

Proposal in Detail:

Due to the worsening traffic congestion in the Hobart CBD and generally in the Greater Hobart area, the Minister for Police, Emergency Management and Infrastructure the Hon. Rene Hidding MP called a Traffic Congestion Summit to look at ways of dealing with the escalating situation.

Hobart Traffic Flows and Volumes

The volume of traffic on Hobart's network has grown dramatically, particularly on the Davey Street/Macquarie Street Couplet over the last decade.

The CBD and surrounds attract a lot of daily traffic volume particularly in the AM and PM peak hours and rely on the three major arterial routes for access; Tasman Highway across the Bridge, Brooker Highway and the Southern Outlet. In parallel with traffic growth there have been multiple changes to land use and transport systems which have increased congestion. Hobart's traffic network is near capacity during peak periods, recent heavy congestion issues are a reflection of a traffic system impacted by unusual events or changes to normal traffic (e.g. adverse weather, road works, school recommencement etc.).

The Department of State Growth have used Origin-Destination data sourced from HERE Bluetooth data analysis to assess where traffic is coming from and where it is going to. The sample data assessed over 250,000 vehicle movements across Hobart over a 12 month period from 1 January 2015 to 31 December 2015. The model developed with this data confirms that the Hobart CBD is the destination of the majority of traffic on key routes heading towards the City, indicating that the construction of tunnels and ring roads is not the solution to Hobart's congestion issue.

Priority Congestion Actions Completed

After the last Summit meeting a number of priority actions were determined and have since been completed which include:

- road works at the Tasman Highway off the end of the Tasman Bridge have been completed with night traffic construction works used to reduce congestion issues
- junction upgrades at the corner of Barrack Street and Collins Street Hobart complete
- traffic data collection and traffic models upgrades are underway for use as a tool to reduce traffic congestion
- enforcement of current clearways and intersection queuing, and
- technical analysis of traffic flow in the Hobart CBD assessed and key locations identified in a report for future improvements to the road network.

Implementation of Further Measures

The agenda for the Greater Hobart Traffic Congestion Summit Meeting 2 (attachment 1) identified a number of further actions that were recommended for immediate implementation which included:

- Hobart traffic models (Greater Hobart Transport Demand Model, Hobart Mesoscopic Model, Hobart CBD Microsimulation Model and the Hobart City Street Model) to be updated and used as a future key planning tool for the management of traffic on key arterial routes and within the Hobart CBD. This includes scenario testing of potential changes to clearways and lane configuration, impact of new developments, roadworks and other potential impacts on traffic and pedestrian flow.

- Whilst this action is mostly focussed on the Hobart CBD congestion issue, once the models are completed the Department of State Growth and other City Councils will work together to operate and use the models to identify and manage traffic congestion issues which may originate from activities in other City Centres such as Glenorchy. This will also benefit resident/workers from the greater Hobart area by reducing journey times into the City.
- The Department of State Growth and Hobart City Council to establish a Traffic Management Working Group. This working group will coordinate the development of mechanisms to reduce the impact of unexpected incidents on Hobart traffic flow, develop incident management procedures, traffic signal management and coordinate road work permits. The work permit approval system will include a communication protocol and a process of review for all significant road work permits. This system may extend to other City Councils after its implementation in Hobart.
- The Department of State Growth and City Councils to establish a Hobart Congestion Project Team to develop a Network Operational Plan for greater Hobart. The Hobart Congestion Project Team will develop a Network Operational Plan that defines a hierarchy of road users across the traffic network to improve the management of key vehicular traffic, pedestrians and public transport. This Team will be at officer level and may include Traffic Engineering staff.
- Recently Glenorchy City Council, along with all other Summit member Councils, was contacted by INCAT Tasmania Pty Ltd to consider a Derwent Highway Ferry Terminal Proposal, (attachment 2). This proposal is heavily reliant on the State Government to fund the floating berths and Councils to provide all on ground infrastructure and car parks. Therefore it was decided that this proposal should be considered as a regional project as part of the overall Network Operational Plan and not by individual Councils. The Network Operational Plan will include the identification of a number of alternative transport options for improving access to greater Hobart through active transport (walking and cycling), bus priority measures, Derwent ferries and the Northern suburbs rail corridor (integrated public transport).
- Development of a set of key performance targets for travel time reliability into the CBD to ensure Hobart remains as one of the world's most liveable cities.
- Development of a parking policy to support long term network operational planning. This may become a regional standard that local policies can reference.

It was requested that the implementation of the further measures that were recommended be supported by Summit members where Councils will:

- Support further changes to traffic management arrangements for Greater Hobart that prioritise and enable passenger transport solutions;

- Focus further efforts and analysis on the five key arterial links: the Tasman Bridge; the Southern Outlet; the Brooker Highway; Main Road and Macquarie/Davey Street couplet.
- Seek resolution from their respective Councils to endorse the above implementation of future measures within the next 60 days.

Recommendations for Consideration over the Long Term

As there is no 'quick fix' to traffic congestion, Summit members were briefed on the long term strategy that the Department of State Growth are considering due to a forecast that the congestion problem will worsen if ongoing actions are not implemented progressively into the future. The Department of State Growth in conjunction with member Council are proposing to:

- develop and extend the use of real time driver information including dynamic signage, apps, websites and public transport travel times
- consider planning measures that reduce the need for increased traffic flow into the City, and
- consider major intersection upgrades at key locations to enable more efficient traffic movement from key arterial routes into the city.

State/Council Contribution Recommendation

In line with the Department of State Growth's long term strategy, the Minister is seeking in-principle support from Summit members for the development and on-going use of a Greater Hobart transport model. The model will supply valuable information to State Growth's Transport Division and member Councils that will be used to improve journey times for the travelling public. This support is in the form of a cash contribution from all summit members on the basis that:

- the model will support a journey management approach to traffic management in Greater Hobart
- the model is funded on a 50:50 basis by State and Local Government where the State Government will fund 50% of the overall cost and the remaining 50% will be split evenly between the four member Councils being Hobart, Glenorchy, Clarence and Kingborough
- Summit Council members agree a basis for allocating their share of cash
- the model will be housed in the Department of State Growth but will be available to Summit councils as reasonably required and
- officers from Summit Councils and the Department of State Growth develop and resolve detailed arrangements consistent with the above.

The quantum of the required budget for the model has not yet been determined. However it was estimated to be in the vicinity of \$300,000, which, based on the funding model proposed by the Minister, would make each member Council's contribution approximately \$37,500.

Consultations:

Minister for Police, Emergency Management and Infrastructure the Hon. Rene Hidding MP (Chair)

Deputy Secretary, General Manager and representatives of the Department of State Growth

Lord Mayor Hobart City Council

Mayor Kingborough Council

Mayor Clarence City Council

Deputy Commissioner Tasmania Police

Glenorchy City Council's Executive Leadership Team

Human Resource / Financial and Risk Management Implications:

The Department of State Growth is the lead agency in the management of this project. Officer level participation will be required in the establishment of a Hobart Congestion Project Team to develop a Network Operational Plan for the Greater Hobart region. This will involve participation at other Summit meetings and communication between officers to provide information as requested or as issues are identified.

The Minister is seeking in-principle support from Summit member Councils for a budget contribution for a Greater Hobart transport model. The exact amount for this contribution has not yet been determined, however it was estimated to be in the vicinity of \$300,000, which, based on the funding model proposed by the Minister, would make each member Council's contribution approximately \$37,500. As no such contribution has been included in Council's 16/17 Budget a variation for these funds will be submitted for Council consideration once the exact amount is confirmed.

Community Consultation and Public Relations Implications:

The Department of State Growth has established a contact point for public input into traffic congestion problems and solutions for consideration at future Summits.

Recommendation:

That Council:

- 1) RECEIVE and NOTE the Traffic Congestion Summit Meeting 2 report.
- 2) ENDORSE the Implementation of Future Measures that:
 - a. Support further changes to traffic management arrangements for Greater Hobart that prioritise and enable passenger transport solutions; and
 - b. Focus further efforts and analysis on the five key arterial links: the Tasman Bridge; the Southern Outlet; the Brooker Highway; Main Road and Macquarie/Davey Street couplet.

- 3) ENDORSE in-principle support for a budget contribution for a Greater Hobart transport model for an estimated amount of \$37,500, which is to be confirmed and approved as a budget variation when the exact amount is established.

Attachments/Annexures

- 1 Greater Hobart Traffic Congestion Summit Meeting 2 Agenda
- 2 Derwent Highway Ferry Terminal Proposal
- 3 Presentation on Traffic Flows and Volumes

15. ALDERMANIC CODE OF CONDUCT

Author: Manager Governance & Risk (Simon Scott)

Qualified Person: Director, Corporate Governance & General Counsel (Seva Iskandarli)

ECM File Reference: Code of Conduct

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 4.2.4.03 *Implement the Governance Strategy.*

Reporting Brief:

This report is to seek Council’s adoption of the new Model Code of Conduct, Glenorchy City Council, rescission of the following policies (‘Code of Conduct’ and ‘Bullying by Aldermen’) and the future termination of the membership of the current Code of Conduct Panel.

Proposal in Detail:

At the Council Workshop held on Tuesday, 14 June 2016, Aldermen were presented with the key aspects of the new Code of Conduct Framework as a result of the *Local Government Amendment (Code of Conduct) Act 2015*. In summary, the new Code of Conduct Framework includes:

- a Model Code of Conduct which prescribes the standards of behaviours that all Tasmanian councillors are required to meet
- an independent Code of Conduct Panel that is responsible for the investigation and determination of Code of Conduct complaints
- Code of Conduct complaints are lodged with the General Manager and must be made within six (6) months of the Alderman allegedly contravening the Code of Conduct
- new powers of the Panel to suspend Aldermen for serious breaches of the Code
- new power for the Panel to dismiss frivolous and vexatious complaints
- new power of the Minister to remove an Alderman from office if he/she has received a suspension sanction for three (3) Code of Conduct breaches during a term of office or two (2) consecutive terms of office
- new provisions providing if an Alderman fails to comply with a sanction, a penalty not exceeding 50 penalty units may be imposed (currently \$7,700), and

- an appeal right from a Panel determination to the Magistrates Court on the basis that the Panel failed to comply with the rules of natural justice.

The Act also requires Council to report in its annual report the number of Code of Conduct complaints that were upheld during the proceeding financial year and the total costs met by Council in respect to those complaints.

Model Code of Conduct

The *Local Government (Model Code of Conduct) Order 2016* makes the Model Code of Conduct for Tasmanian Councillors. The Model Code of Conduct has been incorporated into the Aldermanic Code of Conduct (Attachment 1). Council must adopt the Model Code of Conduct (with or without permitted variations) by no later than 12 July 2016.

Any variations made to the Model Code of Conduct must be approved by the Minister responsible for Local Government. Whilst it is open for Council to amend the Model Code of Conduct, it is not recommended at this stage. Of note, the Aldermanic Code of Conduct has been drafted to take into account the recommended content to accompany the Model Code of Conduct, as prepared by the Director of Local Government, Tasmanian Department of Premier and Cabinet.

Of note, under section 28T(7) of the *Local Government Act 1993* (LG Act), Council is required to review its Code of Conduct within three (3) months after each ordinary election.

The standards of conduct prescribed under the Model Code of Conduct for Aldermen include:

- Decision making - open and unprejudiced mind, made in best interest of the community
- Conflict of interest - personal or private interests don't or are not seen to influence the performance of his or her role
- Use of office - uses his or her office solely to represent and serve the community
- Use of resources - uses council resources and assets strictly for the purpose of performing his or her role
- Use of information - uses information appropriately to assist in performing his or her role in the best interest of the community
- Gifts and benefits - adheres to the highest standards of transparency and accountability and isn't being influenced by gifts or benefits
- Relationships with community, Aldermen and Council employees - be respectful in his/her conduct, communication and relationships in a way that builds trust and confidence in Council, and
- Representation – an alderman is to represent himself/herself and the Council appropriately and within the ambit of his/her role, and clearly distinguish between his or her views as an individual and those of the Council.

With respect to relationships with Council employees, it is noted that under Part 7 Clause 5 of the Model Code of Conduct:

A councillor must not contact an employee of the Council in relation to Council matters unless authorised by the General Manager of the Council.

In the interests of efficiency, effectiveness and ethical management of Council operations, the General Manager will provide direction to Council officers as to what every day matters are appropriate for direct Aldermanic contact and inform Aldermen of the same.

Furthermore, with respect to the Model Code of Conduct, it is recommended that Council consider rescinding the following Council policies being that they are now effectively redundant: 'Code of Conduct' and 'Bullying by Aldermen' (Attachments 2 and 3).

Code of Conduct Panel

A new Local Government Code of Conduct Panel has also been appointed by the Minister and is comprised of seven women and five men. The membership has been drawn from across the State and will allow for complaints to be heard right around Tasmania.

Council at the 24 November 2014 Council Meeting has established its Code of Conduct Panel and appointed three (3) members to the Panel: Aldermen King and Pearce and Mr. Doug Lowe as the Chair.

Schedule 8A(4) of the LG Act states that a council is to terminate the membership of its previous Code of Conduct Panel once the Council is satisfied that the Panel will not be required to deal with any Code of Conduct complaints under the previous Code of Conduct Framework. Accordingly, it is recommended that Council terminates its Code of Conduct Panel because at the date of this report there is no pending matter to be dealt with Council's Code of Conduct Panel.

Consultations:

Aldermen
Executive Leadership Team

Human Resource / Financial and Risk Management Implications:

There are no human resources or financial implications.

Risk Identification	Consequence	Probability	Rating	Risk Mitigation Treatment
If Model Code of Conduct (as incorporated in the Aldermanic Code of Conduct Policy) is not adopted, then Council is breach of the <i>Local Government (Model Code of Conduct) Order 2016</i>	Minor	Almost Certain	Medium	Council adopt the Model Code of Conduct (as incorporated in the Aldermanic Code of Conduct Policy)

Community Consultation and Public Relations Implications:

Nil

Recommendation:

That Council:

1. REVOKE its current Code of Conduct under section 27T of the *Local Government Act 1993*.
2. ADOPT the new Glenorchy City Council Code of Conduct under section 27T of the *Local Government Act 1993*.
3. RESCIND Council's Policy 'Bullying by Alderman'.
4. TERMINATE the membership of Glenorchy City Council's Code of Conduct Panel under Schedule 8A(4) of the *Local Government Act 1993* after being satisfied that the Panel will not be required to deal with any Code of Conduct complaints made under the previous Code of Conduct framework.
5. AUTHORISE the General Manager to provide a copy of the adopted Model Code of Conduct to the Director of Local Government within 14 days of the Council's approval.
6. AUTHORISE the General Manager to write to Mr. Doug Lowe, Chair of Glenorchy City Council's previous Code of Conduct Panel informing him of Council's decision of terminating the Code of Conduct Panel.

Attachments/Annexures

- 1 Draft Council Policy - Code of Conduct (Jun 2016)
- 2 Code of Conduct (Adopted 30 July 2012)
- 3 Bullying by Aldermen Policy

16. COUNCIL POLICY

Author: Manager Governance & Risk (Simon Scott)
Manager - Environment & Development (Paul Garnsey)

Qualified Person: Director, Corporate Governance & General Counsel (Seva Iskandarli)

ECM File Reference: Council Policies

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 *4.2.4.03 Implement the Governance Strategy*.

Reporting Brief:

This report is to seek Council's adoption of a revised Council policy ('Planning Appeals and Enforcement').

Proposal in Detail:

This Report follows the Aldermanic Workshops (25 May and 12 October 2015) in which Management presented to Council the current and proposed actions with respect to the ongoing Council Policy review.

With respect to the 'Distribution of Building Plans' policy (Attachment 1), this addresses the issue with respect to indemnifying the Council from future potential copyright infringement actions with respect to Council releasing copies of building plans to third parties. This was last reviewed and adopted by Council in January 2004 (Attachment 2).

Consultations:

The Executive Management Team and their respective Departmental Managers were consulted and provided input into the aforementioned policy.

Human Resource / Financial and Risk Management Implications:

There are no human resources or financial implications.

Risk Identification	Consequence	Probability	Rating	Risk Mitigation Treatment
If identified policy is not adopted as recommended, then governance control effectiveness is less optimal	Minor	Almost Certain	Medium	Council adopt 'Distribution of Building plans' policies

Community Consultation and Public Relations Implications:

Nil

Recommendation:

That Council:

1. ADOPT the 'Distribution of Building Plans' policy, as attached, to assist in indemnifying the Council from future potential copyright infringement actions with respect to Council releasing copies of building plans to third parties.

Attachments/Annexures

- 1 Draft Distribution of Building Plans Policy
- 2 Current Distribution of Building Plans Policy (January 2004)

17. ITEM THAT LAY ON THE TABLE FROM 9 MAY 2016 COUNCIL MEETING

SLADE/PEARCE

In accordance with Regulation 16 of *Local Government (Meeting Procedures) Regulations 2015*, Council requests the General Manager to write to Local Government Association of Tasmania and other 28 Councils in Tasmania on behalf of Council and informs them about the Councils' decision of 15 March 2016 and advises them that the information provided by the Mayor at the LGAT meeting on 22 April 2016 about the 15 March Council Resolution was incorrect.

BRANCH-ALLEN/QUICK

This item lay on the table in order to seek further information from the Local Government Association of Tasmania.

The motion was put.

FOR: Aldermen Pearce, Branch-Allen, Dunsby, Slade, Quick, Johnston, Nielsen and King.

AGAINST: Alderman Stevenson.

The motion was CARRIED.

18. ACTIONS LIST - UPDATE REPORT

Author: General Manager (Peter Brooks)
Qualified Person: General Manager (Peter Brooks)
ECM File Reference: Actions Register - 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:

Annual Plan Reference *4.2.4.03 Implement the Governance Strategy*.

Reporting Brief:

Actions List updated following 6 June 2016 Council meeting.

Proposal in Detail:

Key actions arising out of Council resolutions and/or throughout the general business of Council meetings are captured as appropriate and distributed throughout Council operations for completion. The Actions List (Open Council) (Attachment 1) highlights the progress to date following the 6 June 2016 Council meeting.

Consultations:

Relevant Council officers

Human Resource / Financial and Risk Management Implications:

No cost

Community Consultation and Public Relations Implications:

Nil applicable

Recommendation:

That Council:

1. NOTE the Actions Register, as updated following the 6 June 2016 Council meeting.

Attachments/Annexures

- 1 Actions List

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

19.1 NOTICE OF MOTION 1 - ALDERMAN M. STEVENSON

Author: General Manager (Peter Brooks)

Qualified Person: General Manager (Peter Brooks)

ECM File Reference: Notice of Motion

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:

The strategic and annual plans are based upon the Community Plan which is outwardly focussed. Since this item discusses a management/governance issue there is no applicable reference to this matter.

Reporting Brief:

To consider a notice of motion by Alderman M. Stevenson submitted in accordance with the requirements of Regulation 16(5) of the *Local Government (Meeting Procedures) Regulations 2015*.

Proposal in Detail:

That Council refer the budget development process to the Audit Panel for their review and request that a report on their findings be presented to Council for consideration.

Officer’s Response:

Under the *Local Government (Audit Panels) Order 2014*, Regulation 4(2) states:

(2) For the purposes of section 85A(1)(d) of the Act, the following matters are specified as the matters that an audit panel is to consider in a review of the relevant council's performance:

...

(b) whether and how the Part 7 plans are integrated and the processes by which, and assumptions under which, those plans were prepared;

(c) the accounting, internal control, anti-fraud, anti-corruption and risk management policies, systems and controls that the council has in relation to safeguarding its long-term financial position;

Under that Regulation, a Part 7 plan means:

a strategic plan, an annual plan, a long-term financial management plan or a long-term strategic asset management plan of a council prepared under Division 2 of Part 7 of the (Local Government) Act

Furthermore, under Regulation 12 of that Order:

On conducting a review under section 85A of the Act, the audit panel is to provide the relevant council with a written report of its conclusions and recommendations, if any.

It would be open to Council to request the Audit Panel to consider reviewing Council's budget development process.

Recommendation:

That Council:

REFER the budget development process to the Audit Panel for their review and request that a report on their findings be presented to Council for consideration.

19.2 NOTICE OF MOTION 2 - ALDERMAN M. STEVENSON

Author: General Manager (Peter Brooks)

Qualified Person: General Manager (Peter Brooks)

ECM File Reference: Notice of Motion

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:

The strategic and annual plans are based upon the Community Plan which is outwardly focussed. Since this item discusses a management/governance issue there is no applicable reference to this matter.

Reporting Brief:

To consider a notice of motion by Alderman M. Stevenson submitted in accordance with the requirements of Regulation 16(5) of the *Local Government (Meeting Procedures) Regulations 2015*.

Proposal in Detail:

That Council request the Audit Panel to review, monitor and report to Council regularly on the productivity dividend provisions totalling \$2.32million in the 2016/17 budget.

Officer's Response:

Under the *Local Government (Audit Panels) Order 2014*, Regulation 4(2) states:

(2) For the purposes of section 85A(1)(d) of the Act, the following matters are specified as the matters that an audit panel is to consider in a review of the relevant council's performance:

...

(c) the accounting, internal control, anti-fraud, anti-corruption and risk management policies, systems and controls that the council has in relation to safeguarding its long-term financial position;

(d) whether the council is complying with the provisions of the Act and any other relevant legislation;

Furthermore, under Regulation 12 of that Order:

On conducting a review under section 85A of the Act, the audit panel is to provide the relevant council with a written report of its conclusions and recommendations, if any.

It would be open to Council to request the Audit Panel to consider reviewing, monitoring and reporting to Council regularly on the productivity dividend provisions totalling \$2.32million in the 2016/17 budget.

Recommendation:

That Council:

REQUEST the Audit Panel to review, monitor and report to Council regularly on the productivity dividend provisions totalling \$2.32million in the 2016/17 budget.

19.3 QUESTION ON NOTICE 1 - ALDERMAN M. STEVENSON

Author: General Manager (Peter Brooks)

Qualified Person: General Manager (Peter Brooks)

ECM File Reference: Question on Notice

Question on Notice:

To consider a Question on Notice by Alderman Matt Stevenson submitted in accordance with the requirements of Regulation 30 of the *Local Government (Meeting Procedures) Regulations 2015*.

Question on Notice:

When will the Council receive the monthly major projects report (as required by Council in a motion adopted in June 2015)?

Answer:

The Council workshop for reporting options discussions (inclusive of the major projects report) has been scheduled for 22 August 2016.

CLOSED TO MEMBERS OF THE PUBLIC

20. APPLICATIONS FOR LEAVE OF ABSENCE

GOVERNANCE

21. ACTIONS LIST - 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)

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

22.1. QUESTION ON NOTICE 2 - ALDERMAN M. STEVENSON

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)