

**Minutes of the Meeting
of the Glenorchy City Council
held at the Council Chambers
on Monday, 4 September 2017 at 3.00 p.m.**



Present: Commissioner Sue Smith (Chair)

In attendance: Mr. T. McMullen (Acting General Manager), Mr. S. Scott (Acting Director, Corporate Governance), Mr. P. Garnsey (Acting Director, City Services and Infrastructure), Mr. D. Ronaldson (Acting Director, Community, Economic Development and Business), Mr. C. French (Chief Financial Officer), Mr. B. Hannan (Acting Manager, Governance and Risk), Ms. C. Higgins (Manager, Legal and Property), Mr. A. Wise (Finance Reporting Officer), Mr. F. Chen (Hydraulics Engineer), Mr. G. Blackwell (Engineering Projects Officer), Ms. G. Bowring (Customer Service Coordinator) and Mrs. J. King (Mayoral and Executive Support Officer).

Mr. M. Stevens (Independent Audit Panel Member – for Item 14).

The Chair began the meeting by giving an Acknowledgement of Country, paying respect to the Tasmanian Aboriginal Community.

The Chair read then the following two (2) statements:

Statement 1

In relation to the Audio Recording of the Council Meeting under Regulation 33 of the *Local Government (Meeting Procedures) Regulations 2015* and Council's 'Audio Recording Council Meetings' Policy.

Statement 2

In relation to Work Health and Safety at the Council Meeting.

1. APOLOGIES

None.

2. CONFIRMATION OF MINUTES

Moved: COMMISSIONER SMITH

Approved by Commissioner Smith:

That the minutes of the Council Meeting held on Monday, 7 August 2017 be confirmed.

3. ANNOUNCEMENTS BY THE CHAIR

Commissioner Smith made the following announcement:

"I have received an instrument of appointment from Professor the Honorable Kate Warner, Companion of the Order of Australia and Governor in and over the State of Tasmania appointing myself as Commissioner from 9 August 2017, expiring on 8 February 2018. It is signed under the Governor's hand and dated 9 August 2017, and, by Her Excellency's command, is also signed by Minister for Planning and Local Government."

4. PECUNIARY INTEREST NOTIFICATION

None.

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Mrs. Kaye Smith – Constance Avenue, Glenorchy

Q: In respect to graffiti on visible private properties (e.g. old Chickenfeed store near the Glenorchy monolith on the Brooker Highway), what is Council doing about its removal and how strong are the laws going to be under the proposed *Environmental Amenity By-Law* to rectify it?

There is a provision under the By-law where Council can require an owner or occupier of a property to remove graffiti from being viewed from a public place.

The intent of this clause is to ensure that Council can react quickly to deal with highly offensive or obscene material. The intent is not to issue notices to all owners of property where any graffiti may be placed. Instead, Council's preferred approach is to raise the issue with the owner of the property and work with them to have the material removed voluntarily. This may include advice on how best to treat the graffiti or in some instances assist with its actual removal.

In the first instance, where a report of significant graffiti incident has been raised with Council a letter is written to the property owner requesting the material be removed. In most cases this is the most effective resolution to the matter.

In relation to the particular matter raised with Council (the old Chickenfeed building located on the Brooker Highway), in the week following the Council meeting the building was repainted and the graffiti removed, with the exception of some minor graffiti remaining on the windows.

Council will follow up with the owner of the property if this is not attended to during the renovation of the building.

Mr. Martin Watkins – Dunedin Close, Claremont

Q: With respect to the old primary school in Claremont, it was understood that Council were progressing a heritage listing for the football oval next to the school. If this went ahead, this would severely restrict the developer to do what they wanted to do on the site. Does the football oval need to be heritage listed, and if it does not can the developer put in their application for development?

Council is aware, through many years of consultation, that the community recognises the heritage value of this site for a number of reasons including the original Primary School building and the values related to the Pine trees, archaeological and possible aboriginal cultural heritage on the site.

The Commissioner can confirm that there is a current Planning Scheme Amendment being considered by the Tasmanian Planning Commission in relation to the site. The amendment is to correct an error in Table E13.1 to the Historic Heritage Code in the *Glenorchy Interim Planning Scheme 2015* for the land at 1/36 and 2/36 Cadbury Road (Claremont Primary School site). Council Officers became aware that the translation of the former planning Scheme provisions to the Interim Planning Scheme provisions contained an error which did not make it clear that the whole site is intended to be heritage listed.

The site was the subject of an earlier amendment (approved in March 2013).

Essentially it is Council's view that the current amendment is not a change in relation to the provisions that have applied to the land since at least 2013, but a correction or clarification to the Interim Planning Scheme that reflects this status.

Also, a report is currently being prepared by Council's Strategic Planner which will contain extensive detail on this matter. The report will be considered at Council's Glenorchy Planning Authority Meeting on 21 August 2017. The Agenda is publicly available on Council's website.

6. PUBLIC QUESTION TIME (15 MINUTES)

Mr. Ron Desmond, 171 Tolosa Street, Glenorchy

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

The Commissioner advised that she was not aware of any discussions in relation to the procurement of cameras to record cats. She noted there are requirements under the *Dog Control Act* which necessitate the gathering of evidence of barking dogs for use in court processes, however there is no equivalent statutory requirement in relation to cats. The Acting Manager, Governance and Risk advised that there are currently amendments to the *Cat Management Act* being prepared and that this may impose requirements in relation to cat management on Council which Council will comply with if and when they come into effect.

The Commissioner reinforced that Council does not currently have any statutory responsibility to record cat movements, and suggested that Mr. Desmond contacts his local members of State Parliament to raise the issue with them.

The Commissioner advised that she would provide a written response to Mr. Desmond regarding his particular situation within 10 days.

Ms. Regina Share, 9 Trevatt Court, Lutana (asked on behalf of other residents)

Q. Ms. Share asked who is performing the work of the ten (10) Aldermen during their period of suspension. She also asked whether, if the Commissioner is performing the work of the Aldermen, do we really need 10 Aldermen.

The Commissioner noted that the community of Glenorchy elects Aldermen to represent them. The elected Aldermen engage with the community, listen to their concerns, attend functions and feed information into and out of Council. The Minister for Local Government has chosen to suspend the Aldermen and appoint the Commissioner as a result of the circumstances that have to the Board of Inquiry. There are legal processes the only the Mayor can sign off on, and there are other processes that only the Aldermen can sign off on. The Commissioner is attempting carry out the community based functions of the Aldermen to the best of her ability, and to also comply with all legal requirements. This is one of the reasons why the Commissioner chose to change the public question time process in Council meetings to permit questions about any matter affecting Council rather than limiting it to matters that were on the Agenda (for greater transparency and community engagement).

Until the Bboard of Inquiry process is finished and the report is finalised to allow minister to make decision, Council is in a position where the Commissioner replaces the Aldermen to the best of her ability.

The Commissioner advised that she would be happy to come to meetings of any community or social groups that Ms. Share represents to explain the situation further if requested. She is also available to meet at Council's chambers, by appointment.

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.

Commissioner Smith noted that extensive community consultation had been undertaken in respect of the cycleway. She also advised that that there were Australian design rules that will have applied to the line marking and that she had absolute confidence that Council complies with all relevant standards and design rules that apply.

The Commissioner took the balance of the question on notice and said she would provide a written answer to Mr. Burrows within ten (10) days.

7. PETITIONS/DEPUTATIONS

None.

COMMUNITY

8. COUNCIL COMPLAINTS REPORT FOR YEAR ENDING 30 JUNE 2016

File Reference: Complaints

Reporting Brief:

This report provides Council with a report on the number and nature of complaints received against Council for the 2017 financial year, as required under section 339F(5) of the *Local Government Act 1993*.

Moved: COMMISSIONER SMITH

Approved by Commissioner Smith:

That Council:

RECEIVE and NOTE the 2016/2017 Complaints Report, as documented.

ENVIRONMENT

9. GLENORCHY CBD REVITALISATION PROJECT PROGRESS UPDATE (10 JULY TO 4 SEPTEMBER 2017)

File Reference: CBD Steering Committee

Reporting Brief:

This report provides the bi-monthly update to Council on the progress of the Glenorchy CBD Revitalisation Project.

Moved: COMMISSIONER SMITH

Approved by Commissioner Smith:

That Council:

RECEIVE and NOTE the CBD Revitalisation Project bi-monthly progress report for the period from 10 July to 4 September 2017.

GOVERNANCE

10. CORPORATE PERFORMANCE INDICATORS - JULY 2017

File Reference: Traffic Lights

Reporting Brief:

The purpose of this report is to present Council's Corporate Performance Indicators as at the end of July 2017.

Moved: COMMISSIONER SMITH

Approved by Commissioner Smith:

That Council:

ACCEPT the information provided by the Corporate Performance Indicators for July 2017.

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

File Reference: Actions List - Council Meetings

Reporting Brief:

To provide Council with the Actions List (Open Council Meeting), updated following the Council meeting on 7 August 2017.

Moved: COMMISSIONER SMITH

Approved by Commissioner Smith:

That Council:

NOTE the progress of the items on the Actions List (Open Council Meeting), as updated following the 7 August 2017 Council meeting.

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

None.

Moved: COMMISSIONER SMITH

Approved by Commissioner Smith:

That the meeting be closed to the public to allow discussion of matters that are described in Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*.

CLOSED TO MEMBERS OF THE PUBLIC

13. APPLICATIONS FOR LEAVE OF ABSENCE

GOVERNANCE

Commissioner Smith welcomed Mr. M. Stevens (Independent Audit Panel Member) to the meeting to address the following item.

12. AUDIT PANEL CHAIRPERSON'S ANNUAL 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).

Mr. Stevens left the meeting at 4.01 p.m.

15. 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).

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

The meeting closed at 4.20 p.m.

Confirmed,

CHAIRMAN