

COUNCIL AGENDA

MONDAY, 9 MAY 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: Tuesday, 26 April 2016

Purpose: To discuss:

- Update on Strategic Plan Strategies and Measures
- Draft 2016-2017 Annual Plan Discussions and Operational Budgets
- Youth Skate Park Discussions

Date: Monday, 2 May 2016

Purpose: To discuss:

- STCA – Regional Waste
- Anglicare – Social Affects of Poker Machines

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1. APOLOGIES

2. CONFIRMATION OF MINUTES

That the minutes of the Council Meeting held on 13 April 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 8 April to 3 May 2016.

Friday, 8 April 2016

- Jointly hosted and laid a wreath at the Greater Claremont Precinct Anzac Flag Parade for Schools
- Attended the Southern Cross Young Achiever of the Year Awards

Saturday, 9 April 2016

- Co-judged the Lions Youth of the Year Regional Awards
- Attended the screening of Ka-Ching, hosted by Anglicare

Sunday, 10 April 2016

- Officially opened the Inaugural Fred Binns Parkinsons Foundation Walk
- Attended the North Melbourne v Melbourne AFL game as a guest of the Lord Mayor of Hobart

Monday, 11 April 2016

- Attended the Supreme Court to hear the matter of *Branch-Allen v Mason and Easter*

Tuesday, 12 April 2016

- Attended the Brooker Highway Liaison Committee meeting
- Attended a meeting with a representative from the Glenorchy Leos

Wednesday, 13 April 2016

- Attended a meeting with a resident
- Chaired the Council Meeting

Thursday, 14 April 2016

- Attended and unveiled a sculpture at the Recover Shop Birthday Celebrations
- Attended a consultation session about the Glenorchy Multicultural Community Spaces Plan
- Attended National Youth Week activity on Parliament House lawns
- Attended a RSL forum for ex-servicemen

Monday, 18 April 2016

- Attended a meeting with CEO of Cancer Council Tasmania
- Chaired an Extra Council Workshop
- Chaired the Glenorchy Planning Authority meeting

Tuesday, 19 April 2016

- Attended the Moonah and Glenorchy Business Association Committee meeting

Thursday, 21 April 2016

- Attended the Mayors' Professional Development Day in Launceston
- Attended the Mayors' Dinner

Friday, 22 April 2016

- Attended the Local Government Association of Tasmania General Meeting

Sunday, 24 April 2016

- Coordinated the monthly Clean Up Glenorchy Taskforce activity in Glenorchy

Monday, 25 April 2016

- Attended and laid a wreath at the Claremont RSL Anzac Day Dawn Service
- Attended and laid a wreath at the Claremont RSL Anzac Day 9am Service
- Hosted and laid a wreath at the Glenorchy City Council and Glenorchy RSL Anzac Day 11am Service
- Attended and laid a wreath at the Siege of Tobruk Service at the Tobruk Monument

Tuesday, 26 April 2016

- Attended the STCA media event re: Federal Election Regional Roads List
- Chaired the Council Workshop

Wednesday, 27 April 2016

- Attended the Goodwood Goers 7th birthday celebrations at Goodwood Community House

Thursday, 28 April 2016

- Attended a DST briefing
- Chaired the Safer Communities Committee meeting
- Attended the Greater Glenorchy Community Precinct Meeting

Friday, 29 April 2016

- Attended the Afghan and Hazara Women in Glenorchy luncheon
- Attended a meeting with a resident

Saturday, 30 April 2016

- Volunteered for the Glenorchy Community Fund selling the 'Little Book of Big Bargains' at Northgate Shopping Centre

Monday, 2 May 2016

- Chaired an Extra Council Workshop
- Chaired the Glenorchy Planning Authority meeting

Tuesday, 3 May 2016

- Chaired the Wilkinson Point and Elwick Bay Master Plan Steering Committee Meeting
- Attended the Greater Moonah Community Precinct 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. RECEIVES the announcements about the activities of the Mayor's office for the period 8 April to 3 May 2016.

GOVERNANCE

9. 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 ten (10) revised Child Care Connections Policies and Procedures.

Proposal in Detail:

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. Governance & Administration of Records Policy	• Updated Terminology
2. Animals in the Environment Policy and Procedure	• Updated Terminology
3. Asthma Management in Children Policy and Procedure	• Updated Terminology
4. Chemicals and the Storage of Dangerous Goods Policy and Procedure	• Updated Terminology
5. Collaborative Partnerships with Families and Communities Policy and Procedure	• Updated Terminology
6. Cultural Competence / Respect for Diversity Policy and Procedure	• Updated Terminology
7. Dealing with Complaints Policy and Procedure	• Updated Terminology
8. Dental Health Policy and Procedure	• Updated Terminology
9. Design, Building and Grounds Maintenance Policy and Procedure	• Updated Terminology
10. Educator Training and Professional Development Policy and Procedure	• 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:

1. ADOPT the following Child Care Connections Policies and Procedures, as attached:
 - Animals in the Environment Policy and Procedure
 - Asthma Management in Children Policy and Procedure
 - Chemicals and the Storage of Dangerous Goods Policy and Procedure
 - Collaborative Partnerships with Families and Communities Policy and Procedure
 - Cultural Competence / Respect for Diversity Policy and Procedure
 - Dealing with Complaints Policy and Procedure
 - Dental Health Policy and Procedure
 - Design, Building and Grounds Maintenance Policy and Procedure
 - Educator Training and Professional Development Policy and Procedure
 - Governance & Administration of Records Policy

Attachments/Annexures

- 1 Animals in the Environment Policy 2016
- 2 Asthma Management in Children Policy 2016
- 3 Chemicals Policy 2016
- 4 Collaborative Partnerships with Families and Communities Policy
- 5 Cultural Competence - Respect for Diversity Policy 2016
- 6 Dealing with Complaints Policy 2016
- 7 Dental Health Policy 2016
- 8 Design Building and Grounds Maintenance Policy 2016
- 9 Educator Training and Professional Development Policy 2016
- 10 Governance and Administration of Records Policy 2016

10. CORPORATE PERFORMANCE INDICATORS - MARCH 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 March 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 March 2016 we have five (5) yellow lights with the remainder green 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 \$54k, 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.

Lost Time Injury Frequency Rate (LTIFR): Month (MTD) 31.87 LTIFR for March (page 29). There was one LTI for March and the rolling 12 month LTIFR is 29.10, marginally down on February (29.83) but significantly lower than for the same time last year which was 40.55. Safety remains a priority for the organisation and all incidents are reviewed to ensure policies and practices are refined to avoid future incidents.

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:

1. ACCEPTS the information provided by the Corporate Performance Indicators for March 2016.

Attachments/Annexures

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

11. PROPOSED ENVIRONMENTAL AMENITY BY-LAW

Author: Manager - Environment & Development (Paul Garnsey)
Manager Legal and Property (Kim Hudson)

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

ECM File Reference: By-laws

Community Plan Reference:

Building Image and Pride

- *We will show our pride as a city and others will see it.*

Making Lives Better

- *We continue to be a safe, inclusive, active, healthy and vibrant community.*

Leading our Community

- *We will be a progressive, positive community with strong council leadership, striving to make Our Community's Vision a reality.*

Strategic or Annual Plan Reference:

Glenorchy City Council Strategic Plan 2013-18 (Interim)

Strategic plan intent: *Valuing our environment.*

Objective 3.1: Create liveable built environments and sustainably manage our natural and built environments.

Strategic plan intent: *Leading our community*

Objective 4.1: Govern in an open and responsible manner in the best interests of the community.

Objective 4.2: Manage our resources to achieve community outcomes.

Reporting Brief:

This report seeks Council's approval to initiate the statutory process required under Part 11 of the *Local Government Act 1993* for making the proposed Environmental Amenity By-law No. 1 of 2016.

Proposal in Detail:

Background

In September 2014 the Director of Local Government wrote to Council advising that he had received a complaint concerning Part 9 of Council's Environment and Health Services By-law No. 1 of 2010 dealing with food vendors. At that time, the Director advised that in his opinion Part 9 was invalid as it was in direct conflict with the *Food Act 2003* and recommended that Council amended the By-law accordingly.

The Director's advice was subsequently supported by Council's own legal advice in December 2014 and management took immediate steps to ensure Part 9 was no longer enforced.

In May 2015 a full review of the By-law was initiated to remove Part 9 and to identify if any other parts of the By-law needed modification or removal or if any additional requirements needed to be inserted to cover enforcement gaps.

The review was extensive and early drafts sought to include the insertion of new sections dealing with water, sewers and drains as well as the removal, destruction and lopping of trees. Although the addition of these sections were considered necessary to address perceived gaps in existing legislation they were ultimately assessed to be in conflict with State legislation and were deleted. The proposed By-law has been independently reviewed by Council's external solicitors.

Notwithstanding the removal of Part 9, three other Parts are also recommended for removal: 'Part 5 – Building Site Sanitation' (now appropriately covered under the *Work Health and Safety Regulations 2012*); 'Part 11 – Cleanliness of Land' [not required. New infringement notice provisions exist for statutory nuisances under the *Local Government Act 1993* (LGA)]; and 'Part 7 – Sewage Treatment (Package Plant – Maintenance)' see below.

Most other recommended changes to the By-law are of a minor nature and amount to simplification of terminology, removal of duplication and the streamlining of administrative functions.

The removal of Part 7

The proposal is to discontinue the current arrangement of charging customers for the servicing of package treatment plants through rates effective from the 30 June 2016. It is intended the customer will deal directly with the service provider.

Presently, Council has an agreement with each service provider until July 2017. All contractors have confirmed that they are willing to cease this agreement with Council and move to individual contracts with each customer. There are currently 76 private package treatment plants installed in the Glenorchy municipality.

What this means for the customer

The customer will now need to enter into an agreement with a service contractor and pay for each service directly to the contractor. This will save the average customer approximately \$100/annum as Council currently charges a 16% service fee in addition to the contractors fee. Individual contracts will need to be in place by 30 June 2016 and a copy provided to Council.

What this means for the contractor

The contractors will have the flexibility to service other customers in the municipality. Currently they are restricted by the type of system they service due to Council's contracts. They will also be responsible for following up on invoices/overdue payments. The contractors will still be required to send copies of the maintenance reports to Council to ensure compliance with the legislation.

What this means for Council

As Council currently charges a 16% fee in addition to the contractors' fee there will be a reduction of revenue of approximately \$7,000/annum. This fee was intended to offset Council's administration costs such as charging via rates system; following up for non payments; dealing with customer complaints about contractors and costs of fees; checking service reports; and following up on non-compliance. However it is estimated that the amount of revenue received does not fully cover the cost of undertaking these tasks. Although Council will still be required to check maintenance reports and follow-up on non-compliances (as it is a legislative requirement), Council will no longer have to deal with complaints about contractors, applying additional rates to selected properties or following up non-payments. It is expected that this will create efficiencies in the rates and environmental health area.

Issues to consider

Glenorchy City Council is now the only Council that continues to charge package treatment plant servicing through the rates system. There is also a question as to whether Council still has the ability to do so after amendments were made to S93 of the LGA as a consequence of the loss of sewer and water functions for Council in 2009. The removal of Part 7 will not impact on Council's ability to ensure that these systems are maintained. Owners have an obligation to maintain their systems under the *Plumbing Regulations 2014*.

Summary of the proposed changes

A detailed summary of the proposed changes is as follows:

<u>Current</u> Part of the Environment and Health Services By-law No. 1 of 2010	Proposed change/treatment
Part 1 - Preliminary	Clause 2 – Interpretation changed to consolidate various definitions across the By-law, to remove duplication and provide clarity.
Part 2 – Permits and Licences	Reference to 'Permit' removed as not referred to in By-law. References throughout the By-law to a licence process have been consolidated here.
Part 3 – Infringement Notices	No change.
Part 4 – Enforcement	Amended to provide clarity that the daily penalty is in addition to any other sentencing order a court may make. Additional requirement inserted to provide name and address. Additional penalty inserted for obstruction of an authorised officer.

Current Part of the Environment and Health Services By-law No. 1 of 2010	Proposed change/treatment
Part 5 – Building Site Sanitation	Deleted. The requirement to provide on-site sanitation to a building site can be managed under the <i>Building Act 2000</i> .
Part 6 – Control of Incinerators and Open Air Burning	Minor amendments to clarify meaning.
Part 7 – Sewage treatment (Package Plant – Maintenance)	Deleted. Refer to report body.
Part 8 - Caravans	Definition change only.
Part - 9 Food Vendors	Deleted - Invalid. Refer to body of report.
Part 10 – Waste Management	Minor change to one definition. Addition of requirement to limit how far in advance waste receptacles are placed on the kerbside. Clause 46 Compliance with notices moved to a separate Part (Part 5 – Notices and Directions) and expanded as this applies to various other Parts.
Part 11 – Cleanliness of Land	Deleted. Originally included to provide infringement notice capabilities for offensive/unsightly premises. This is now covered under a recent (Nov 2013) amendment to the <i>Local Government Act 1993</i> .
Part 12 – Graffiti Management	No change.
NEW	New Part (10) added to provide a mechanism to deal with nuisances created by water run-off or seepage to neighbouring properties.
Schedule 1	Deleted. Not required.
Schedule 2	Deleted. Not required.
Schedule 3	Updated to reflect changes as above.
General	Various consequential amendments to the numbering system of proposed By-law.

Consultations:

Director City Services & Infrastructure (Emilio Reale)
Manager Legal & Property (Kim Hudson)
Manager Governance & Risk (Simon Scott)
Manager Waste Services (Shafiq Mohamed)
Manager Infrastructure, Engineering & Design (Russell Grierson)
Coordinator Environmental Health Services (Alex Woodward)
Coordinator Building & Plumbing Services (Andrew Askey)
Coordinator Planning Services (Kylie Williams)
Hydraulics Engineer (Frank Chen)

Human Resource / Financial and Risk Management Implications:

None anticipated. No additional requirements.

Community Consultation and Public Relations Implications:

Not required at this stage in the process. This report seeks approval to initiate a statutory process which includes a public exhibition period.

Recommendation:

That Council:

- a) DECLARES its intention to make the Environmental Amenity By-law No. 1 2016 pursuant to s156 of the *Local Government Act 1993*; and
- b) APPROVES the initiation of the statutory process required under Part 11 of the *Local Government Act 1993* for making the proposed Environmental Amenity By-law No. 1 of 2016.

Attachments/Annexures

- 1 Environment and Health Services By-Law No 1 of 2010
- 2 Environmental Amenity By-law No 1 of 2016 FINAL DRAFT

12. COUNCIL FEEDBACK ON DRAFT PROVISIONS OF THE TASMANIAN PLANNING SCHEME

Author: Strategic Planner (Lyndal Byrne)
Qualified Person: Director City Services and Infrastructure (Emilio Reale)
ECM File Reference: Planning Scheme Review

Community Plan Reference:

City of Glenorchy Community Plan 2015-2040

Community Goals: Building image and pride.
Making lives better.
Valuing our environment.
Open for business.
Leading our community.

Strategic or Annual Plan Reference:

Strategic plan intent: Valuing our environment.

Objective 3.2: Create liveable built environments and sustainably manage our natural and built environments.

Strategy 3.2.2: Deliver services that sustainably manage our natural environments.

Strategy 3.2.3: Deliver services that create sustainable and liveable built environments.

Strategic plan intent: Leading our community

Objective 4.1: Manage our resources to achieve community outcomes.

Strategy 4.1.2: Ensure Council is open and transparent in its communication and dealings with our communities.

Glenorchy City Council Annual Plan 2015-16 to 2018-19

Action 2.1.2.01: Progress the Interim Planning Scheme to a Planning Scheme to a single State-wide Planning Scheme.

Action 3.1.3.06 Plan for the sustainable development of the City, ensuring compliance with the planning scheme and community involvement in the planning process.

Reporting Brief:

To seek Council's endorsement of feedback to the State Government on the draft State Planning Provisions for the Tasmanian Planning Scheme.

Proposal in Detail:***Background***

The State Government released the draft State Planning Provisions for public comment from 15 March 2016 to 18 May 2016.

The documents are available at Tasmanian Planning Commission' website: http://www.planning.tas.gov.au/planning_our_future/draft_state_planning_provisions

(Due to the size of the documents they have not been included as attachments to this report).

In 2014 the Minister for Planning and Local Government formed a Planning Reform Taskforce, responsible for preparing the Tasmanian Planning Scheme to provide a single planning scheme for Tasmania. The Tasmanian Planning Scheme is proposed to comprise State Planning Provisions (SPPs) and Local Planning Schedules (LPSs).

The SPPs are confined to administrative (i.e. scheme operation, definitions, exemptions etc.), zone and code provisions, and specifications for the operation of the LPSs.

The LPSs include Particular Purpose Zones, Specific Area Plans, Site Specific Qualifications, zoning maps and overlays relating to various codes. Council will be responsible for choosing which zones to apply to which areas and whether any local areas require specific controls that could form part of a Specific Area Plan or be subject to Site Specific Qualifications, and will continue to administer all of the planning controls that apply to their local area.

Once the SPPs are approved by the Minister, each Council can prepare its Local Provisions Schedule. The Local provisions must be approved for exhibition by the TPC. The LPSs are required to be publically exhibited by Council and anyone will be able to make a submission on the proposed controls.

The Tasmanian Planning Commission (TPC) in their assessment of the respective provisions *may* hold a hearing on the representations received on the SPPs and *must* hold a hearing on the LPPs.

The new planning scheme is to come into operation only after the Local Provisions Schedule has been approved. It is possible that the consideration of the State Provisions and development and assessment of Local provisions could take up to 18 months. During this time the Glenorchy Interim Planning Scheme 2015 (GIPS 2015) will continue to operate.

The processing of planning permit applications remains the same – there are no changes to the way applications are advertised, how Councils make decisions or appeal rights.

The Panel hearing for representations on the GIPS 2105 occurred on 4 and 5 February 2016. The Panel has made some recommendations on the GIPS 2015 in respect to local provisions (such as corrections of typographical errors and rezoning supported by Council in the Section 30 J Report); however a number of operational issues are still being considered by the Technical Reference Group on the Southern Interim Planning Schemes. These time frames will make it difficult for Council to provide feedback on operational issues identified in the GIPS 2015 and resolved at the panel that may be relevant to the draft planning provisions.

Draft State Planning Provisions

Council officers have identified a number of concerns with the draft SPPs and full detailed are included in the Attachment 1 of this report.

The key concerns and matters specific to Glenorchy are identified below:

- Industrial and residential land use conflict
- Lack of amenity consideration within zones
- Erosion of Glenorchy's activity centre hierarchy
- Impact of 'one size fits all' lot sizes, height and setback controls
- Inappropriate facilitation of multiple dwellings in Low Density Residential Zone
- Erosion of vegetation values and impacts on the Glenorchy Skyline
- The draft provisions do not appear to meet the objectives of the Act
- Significant resourcing cost
- Use of iplan
- Lack of provisions for 'determining' applications
- Lack of general amenity considerations
- Vague terminology and inconsistent sentence structure, and
- Consideration of internal buildings and works for heritage properties

Industrial and residential land use conflict

The lack of amenity controls for industrial land abutting residential land is a key concern for Glenorchy. The Explanatory Report accompanying the draft SPPs provides that the General Industrial Zone should not be located near residential areas. If the location of General Industrial areas was planned afresh, then not providing provisions to manage hours of operation, traffic impacts, lighting and emissions may be acceptable, however the existing land use pattern means that within Glenorchy many industrial areas abut residential zones, and changes to the zoning cannot occur without having significant impacts on owner's development rights.

The draft provisions have no ability to mitigate industrial operations at residential boundaries through good design or, conversely, to require new residential subdivision adjacent to industrial areas to be designed to minimise impacts from industry as the Attenuation Code does not apply to uses in industrial areas.

Further, many of the conflicts between residential/industrial uses only arise once the industrial activity begins operation, and a claim of environmental nuisance is then addressed under the *Environmental Management and Pollution Control Act 1994* (EMPCA). All industrial development must comply with EMPCA. This means that under the draft SPPs, many businesses may pass through the planning stage without any awareness of potential impacts on surrounding areas, but due to the EMPCA legislation, not be able to continue operating, or only operate through incurring significant costs to change the design and layout of their premises.

Glenorchy has a number of industrial areas which provide employment to the local population and must be supported. Including provisions on residential amenity in the planning scheme enables a developer to become aware of the potential impacts at the planning stage and be given the opportunity to redesign the proposal or determine if it is an appropriate use for the site.

It is unclear why it is not appropriate to require industrial development/residential subdivision to consider these potential impacts (and have the opportunity to address them through good design) at the planning stage.

Lack of amenity consideration within zones

The draft SPPs provide a broad range of uses within zones, often with no basic amenity provisions for permitted uses and limited amenity provision for discretionary uses occurring *within* the zone. For example within the draft Urban Mixed Use Zone and the three draft business zones, both *Hotel Industry* and *Residential* uses are permitted. However a *Hotel industry* is only required to address operational times, lighting and traffic issues if it is within 50m of a residential zone. If a Residential use was to establish *within* the zone, it is not required to demonstrate any noise attenuation measures to protect itself from an adjoining *Hotel Industry*. While encouraging both of these uses (and a range of uses) in business zones can enliven and activate business areas, the draft SPPs does not offer any protection for the operation of existing or new uses **within** the zone.

Similarly, the ability for *Bulky Goods Sales, Storage, and Service Industry* uses to establish in business zones is likely to reduce the amenity of the City's key business/retail centres and diminish their ability to become more walkable and active areas if land is used for vehicle sales, trade centres, panel beaters and wholesale storage. It is unclear how such uses will support the function of these zones and achieve a quality pedestrian environment. Such uses are supported in Glenorchy however they need to be located in areas with similar land use needs and impacts.

Erosion of Glenorchy's activity centre hierarchy

The SPPs proposes an Activity Centre network rather than a hierarchy of activity centres. This approach is supported by work undertaken by Hill PDA. It is noted this is high level document proposing commercial areas distinguishable from each other. However the method for the implementation of this strategy is unclear.

Glenorchy is identified in the Hill PDA study as an Urban Centre, however it is unclear what area of Glenorchy this relates to - the Glenorchy CBD, or that and all other central commercial areas also within the City?

Glenorchy has undertaken a significant amount of strategic work to establish a retail centre hierarchy and this has been implemented through the application of various business zones to local, versus regional centres. Glenorchy has had a clear and functional hierarchy of commercial centres for decades. Statutory and Strategic Planning decision have re-enforced this hierarchy which is essentially three central commercial areas in priority order: Glenorchy, Moonah and Claremont and supporting commercial zones around these.

The draft SPP provisions will erode the established hierarchy of commercial development in Glenorchy. The SPPs propose little variety between the Central Business, General Business and Local Business zones: seven use classes are No Permit Required in each zone, five of the same use classes are permitted and twelve are discretionary in each zone. This makes these zones virtually indistinguishable from each other in terms of permissible use and development.

Further, the draft suite of business zones permit a much broader range of uses, for instance more business uses are permissible in industrial zones and more industrial uses are permissible in business zones. This is likely to cause significant land use conflicts between existing and new uses, along with the potential to severely erode industrial development opportunities as commercial businesses seek cheaper land in industrial areas.

Impact of 'one size fits all' lot sizes, height and setback controls

The draft SPPs appear to provide for an 'average' across Tasmania in terms of height and setback controls, and lot sizes. This undermines the work undertaken by Glenorchy in the past and significant work invested in the development of the Interim Planning Scheme. It is likely that this standardisation will lead to a loss of local context and it is an ineffective and an inadequate planning response to land use management.

With the removal of the Environmental Living Zone from the draft SPPs, exclusion of the Environmental Management Zone from private land, and the large lot sizes required under the draft Landscape Conservation Zone, many properties in Glenorchy may not fit the available zones due to lot size restrictions.

To address this issue, Council officers are recommending the introduction of a local schedule to provide appropriate local controls for lot sizes, heights and setback requirements (which Councils would have to justify as part of the development of the LPS). It would be an effective land use management tool that would not compromise the intent of the single state-wide planning scheme.

Inappropriate facilitation of multiple dwellings in Low Density Residential Zone

The draft provisions allow for multi-dwelling development in the Low Density Residential Zone, which is not supported, particularly around the Goulds Lagoon Wildlife Sanctuary / Conservation Area.

Historically this area has been developed as a low density residential area with characteristic larger than average lot size and importantly, the prohibition of medium to high density residential development. The low density zoning and associated provisions have attempted to reduce run-off and other environmental impacts associated with residential development in the vicinity of the Lagoon. The Glenorchy Interim Planning Scheme 2015 (GIPS 2015) applies a Low Density Residential Zone and provisions consistent with expectations of that zone: subdivision of large lots and prohibition of medium to high density residential development. The permissibility of multiple dwellings in this draft zone is contradictory to the environmental objectives for the area and its historical development.

Further, the standards in the Zone are misleading and unlikely to be achieved, as unless the larger lot sizes are met (1500m² if connection to all services is provided, and 2500m² otherwise) then development must not be out of character with the existing pattern of development. Is there a fear in calling it how it is? The draft provisions appear to make a use permissible, but the use standards are almost impossible to achieve.

A qualification to prohibiting multiple dwellings in the Low Density Residential Zone must be applied. If this is not accepted, Council will need to consider the tools available within the Local Provisions Schedule (LPS) to ensure the current character of the area is protected. This is particularly important given there is no longer a Stormwater Code to apply to development and limited application of the Natural Assets Code in respect to vegetation protection will be available.

Erosion of vegetation values and impacts on the Glenorchy Skyline

One of the key objectives of *Glenorchy City Council Interim Land Use Planning Strategy, 2010* (GILUPS) is to protect the City's skyline and threatened species.

However the draft Environmental Management Zone can only be applied to public land and the draft SPPs do not include an Environmental Living Zone. A Landscape Conservation Zone is proposed, however it focuses on the visual impacts of vegetation loss on large lots rather than ecological and biodiversity values.

The draft provisions have increased the capacity for subdivision and residential development and the potential for the removal of vegetation and placement of buildings through acceptable solutions that could erode the landscape values of the area.

There are also significant exemptions for vegetation clearance and limitations on the type of vegetation that can be protected under the draft Natural Assets Code and Scenic Landscape Code.

It is considered that the draft provisions will not enable Council to protect its valuable skyline and hill face area which are key elements to the character of Glenorchy.

The draft provisions do not appear to meet the objectives of the Act

A planning scheme must be based on a clear policy direction: State policy needs to be agreed upon and adopted and then the provisions are developed to implement that policy. The rush to implement a single state-wide scheme will result in the need to retrofit State policy and amend regional strategies to achieve consistency. It is understood that policy is currently under preparation for the application of Agricultural Zones. This work should have been completed prior to the development (and release) of the draft SPPs.

Such an approach does not appear to meet the objectives of the *Land Use Planning and Approvals Act 1993* (the Act), particularly:

- Part 1: (a) *to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and*
- (b) *to provide for the fair, orderly and sustainable use and development of air, land and water; and*
- (c) *to encourage public involvement in resource management and planning; and*
- Part 2: (a) *to require sound strategic planning and co-ordinated action by State and local government; and*
- (i) *to provide a planning framework which fully considers land capability.*
- *Significant resourcing cost*

The introduction of the new provisions represents a significant resourcing impact. The removal of some zones and significant modification to others will mean full reassessment of land to consider appropriate zones and the application of Codes. Another change to the planning controls is also likely to cause significant frustration within the community.

Use of iplan

The Explanatory Report at page 8 describes that iplan MAY be the service through which the TPS is delivered. This is concerning given the amount of time and resources that have been allocated to this new on-line content management system for Tasmania from both State and local governments. Despite some user acceptance problems and resourcing issues, iplan now seems to be widely accepted as a preferred method of access to planning schemes. This needs to be further supported through the implementation of the TPS and adequate funding provided from the State to ensure iplan's continued operation and the roll-out of other functions (i.e. use in preparing and advertising amendments).

Lack of provisions for 'determining' applications

The draft SPPs contain few standards for the assessment of permitted uses within zones, and often few standards to assess amenity impacts of discretionary uses on other uses within zones. For example there are no assessment standards for permitted uses within the draft business zones.

Lack of general amenity considerations

There are no requirements to consider general amenity outcomes, such as: good urban design outcomes in industrial areas (for example casual surveillance of car parking areas and entrances); visual bulk impacts (apart from height and setbacks) in non-residential zones; or the provision of landscaping.

Physical appearance, particularly perceptions of lack of safety, can have a negative impact on employees, visitors and investors. It is unclear why the provision of safe and clear connections between entrances and the street or onsite car parking, and improved streetscapes is not required within industrial zones.

Vague terminology and inconsistent sentence structure

There are a number of vague terms and significant variance to sentence construction throughout the draft SPPs. A lack of clarity and inconsistency with the scheme is likely to result in extended timeframes to satisfy further information requests and costs as such unclear terms are required to be considered by the Tribunal.

Consideration of internal buildings and works for heritage properties

The draft SPPs provide exemption for all internal buildings and works. Historically Council has taken a similar approach, even in regard to heritage properties, based on its interpretation of the legislation that internal works are not included in the definition of 'development'.

However the inclusion of internal building and works as a category for exemption constitutes acknowledgement that the State has determined that internal works do constitute development. This provides Council with the opportunity to reassess its position.

There are two key considerations:

- The first relates to heritage standards, and
- The second relates to considering the impact on Council processes and the community.

Exemption of internal buildings and works is fundamentally at odds with all authoritative, published, and widely-referenced heritage standards such as the Australia ICOMOS *Burra Charter* and J.S. Kerr's, *The Conservation Plan*.

A blanket exemption clause leaves Council with no ability whatsoever to consider - holistically - the impact of development on heritage places, leaving the door open for unmitigated heritage impacts to occur.

In light of this, it is recommended that Council advocate for the opportunity to consider internal works on heritage places.

This would be a change of approach for Council, however, the response could and should be tempered by also advocating that significant interiors be identified based on further strategic work, and separate – formal - consideration in an open and transparent manner via a future planning scheme amendment: a process that involves extensive consultation, consideration and endorsement by elected members, formal hearings and ratification where applicable.

In adopting this approach Council would potentially secure the opportunity to consider internal buildings and works within the definition of development on heritage places, but actual regulation of such works would not become operative (nor assessable) until such time as a fully consultative – and separate – process had been undertaken.

In consideration of all the above, Council officers are recommending a change to the draft SPPs to provide the opportunity to identify significant interiors in heritage places, subject to a full assessment being undertaken in the future. As these are proposed to be State provisions a determination will be required from the Tasmanian Planning Commission, this will provide certainty and clarity for local government authorities for the process of preparing the local heritage tables.

Conclusion

The draft provisions are a significant shift from existing planning schemes. Current schemes identify where development is appropriate and where it is not, they consider the best use of the land whether it is for conservation, residential or commercial use, seeking to achieve a balanced and sustainable approach to land use management.

The draft provisions provide broad use options with a focus on when development occurs, how it should be managed. There are limited opportunities (with the loss of the Environmental Living Zone, restriction of the Environmental Management Zone to public land and significant weakening of vegetation controls) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity. The draft provisions are development led and they do not provide a balanced approach to resource management. Significant changes are recommended.

Consultations:

Officers from various internal departments provided feedback on the draft SPPs (Environmental Health, Traffic, Infrastructure Engineering, Environment, Compliance and Planning Services).

This consultation process on the State Planning Provisions is being coordinated by the TPC, the timeframes are short considering the volume of documents to consider and the issues and discussion that arise from the proposed provisions. There will be significant pressure on the TPC to fully consider and respond to all issues raised by submitters across the State and to produce a document that provides quality planning outcomes for Tasmania. Given the Minister has indicated the timeline for the SPP to be finalised is by mid to late 2016, it is unlikely that there would be any substantial change in approach undertaken at this stage.

Once the State Planning Provisions are approved, Council will be required to develop a Local Provisions Schedule and undertake its own consultation process on the new controls. Any representations received will be considered by the TPC as part of the assessment of the Local Provisions Schedule.

Human Resource / Financial and Risk Management Implications:

The Planning Scheme Review project is now managed within the Planning Services program budget.

From a risk management perspective, the major risk relates to complexity of the number of processes which are occurring in planning at this time. The new State Planning Provisions have been released for public consultation prior to many of the issues raised in the exhibition of the GIPS 2015 being determined by the TPC. This has the potential to cause confusion in the process and 'consultation fatigue'.

Council resources will again be required to develop the Local Provisions Schedule, when significant resources were required to develop the interim planning schemes which only came into operation in mid-2015 and are still being reviewed.

Community Consultation and Public Relations Implications:

Exhibition of the new state-wide planning provisions will be undertaken in accordance with the statutory requirements of the *Land Use Planning and Approvals Act 1993*.

Recommendation:

That Council:

1. ENDORSES the comments on the draft State Planning Provisions as presented to Council and APPROVES them to be forward to the Tasmanian Planning Commission.

Attachments/Annexures

- 1 Comments on the Draft State Planning Provisions
- 2 Appendix to Attachment 1 - Draft Stormwater Code

13. PROPOSED SCHEDULE OF FEES AND CHARGES (DOG REGISTRATION AND FOOD BUSINESS REGISTRATION)

Author: Manager Governance & Risk (Simon Scott)
Co-ordinator Environmental Health Services (Alex Woodward)

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

ECM File Reference: Fees and Charges

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:

Under the endorsed Strategic Planning Framework, ‘prioritise resources to achieve our communities’ goals’.

Reporting Brief:

This Report seeks Council approval for fees and charges for 2016/17 in respect of dog registration fees for the Public Compliance Section and food business registrations for the Environment Health Services Section.

Proposal in Detail:

Council approval is sought outside of and prior to the budget report (fees and charges) to Council later in the year to enable licence renewal forms to be developed and distributed prior to the end of this current financial year, usually May/June.

Whilst the Report deals with the Public Compliance and Environmental Health Services Sections’ fees and charges as separate items, the respective fees for 2016/17 have been proposed in accordance with Council’s long term financial management plan and the 2016/17 budget assumptions paper to ensure that appropriate levels of funding are maintained in real terms.

Dog Registration Fees

In 2015 Council resolved to set registration fees for the 2015/16 financial year for specific categories as follows:

Category	Standard Fees (GST Exempt)	Penalty Fees (GST Exempt)
Non-Desexed Dog	\$75.00	\$110.00
Desexed Dog	\$32.00	\$110.00
Low Income (Pensioner’s)	\$35.00	\$60.00
Working Dog	\$75.00	\$110.00
Special Assistance Dog	No Fee	No Fee

As at 30 March 2016, Council had registered a total of 9,203 dogs, compared to 9,223 at the same time in the 2015 financial year. Income received this financial year to date (30 March 2016) from dog registrations is \$349,815.00. This income is GST exempt.

Council has traditionally set two scales of fees, a standard and penalty fee in accordance with Council's Dog Management Policy. The schedule of fees is designed to encourage dog owners to register their dogs within the discounted period and therefore reduce enforcement costs to Council.

It should be noted that Council's contribution to the Tasmanian Dog's Homes has increased and the proposed rise will cover this contribution. The fees have been increased by CPI (2.8%) and rounded up to the nearest dollar in most instances.

The proposed dog registration fees (GST exempt) for 2016/17 are illustrated in the below table:

Category	Standard Fee	Increase	Penalty fee	Increase
Non-Desexed Dog	\$78.00	\$3.00 (4.0%)	\$114.00	\$4.00 (3.6%)
Desexed Dog	\$34.00	\$2.00 (6.3%)	\$114.00	\$4.00 (3.6%)
Low Income (Pensioner's)	\$37.00	\$2.00 (5.7%)	\$62.00	\$2.00 (3.3%)
Working Dog	\$78.00	\$3.00 (4.0%)	\$114.00	\$4.00 (3.6%)
Special Assistance Dog	No Fee	Nil	No Fee	Nil

Food Business Registration

In 2015 Council resolved to set food business registration fees for the 2015/16 financial year for specific categories as follows:

CATEGORY	Amount 2015/16 (GST EXEMPT)
Cat A	\$1,371.00
Cat B	\$551.00
Cat C+ (multiple premises)	\$1,371.00
Cat C	\$367.00
Cat D	\$183.00
Cat E (school canteens / community organisations)	\$80.00

The total number of food businesses currently (1 April 2016) registered in each category is as follows:

CATEGORY	Total (1 April 2016)
Cat A	0
Cat B	15
Cat C+ (multiple premises)	5
Cat C	180
Cat D	122
Cat E (school canteens / community organisations)	37
TOTAL	359

In 2014, an administration decision was made to amend all current food business registrations to have a common expiry date of 30 June each year. Previously food business registrations expired throughout the entire year. This not only created an increased workload for the Environmental Health section, but was also confusing for the food business operator in determining their expiry date. Each year this resulted in a number of food businesses going unregistered, which in turn created additional administrative burden on Council Officers.

Traditionally Council has set the fees on each category to reflect the average administrative time (including inspections) an Environmental Health Officer spends on the businesses in the specific categories. For example a Category A food business produces and handles high risks foods and also has a poor record of compliance. Therefore the business is required to be inspected more often than those in a low risk, such as Category D. This creates fairness for the food businesses and also encourages improvement in food safety procedures to reduce the risk category.

It is recommended that these fees be increased by CPI (2.8% and rounded up to the nearest dollar) to offset the costs to Council to ensure the statutory obligations regarding food safety are met.

The table below illustrates the proposed registration fee amounts for 2016/17.

CATEGORY	Amount 2016/17 (GST EXEMPT)
Cat A	\$1,410.00
Cat B	\$567.00
Cat C+ (multiple premises)	\$1,410.00
Cat C	\$378.00
Cat D	\$189.00
Cat E (school canteens / community organisations)	\$83.00

Consultations:

Manager, Environment and Development
 Acting Compliance Co-ordinator (Public Compliance Section)
 Environmental Health Services Section

Human Resource / Financial and Risk Management Implications:

There are no human resources implications.

Risk Identification	Consequence	Probability	Rating	Risk Mitigation Treatment
If identified fee increases are not adopted as recommended, then the reduction of operating deficit of the respective functions of Council is less optimal	Minor	Almost Certain	Medium	Council adopt the recommended Dog Registration and Food Business Registration fees

Community Consultation and Public Relations Implications:

Not applicable.

Recommendation:

That Council:

1. APPROVE the Dog Registration fees for 2016/17 be set in accordance with the following categories:

Category	Standard Fees (GST Exempt)	Penalty Fees (GST Exempt)
Non-Desexed Dog	\$78.00	\$114.00
Desexed Dog	\$34.00	\$114.00
Low Income (Pensioner's)	\$37.00	\$62.00
Working Dog	\$78.00	\$114.00
Special Assistance Dog	No Fee	No Fee

2. APPROVE the Food Business Registration fees for 2016/17 be set in accordance with the following categories:

CATEGORY	Amount 2016/17 (GST EXEMPT)
Cat A	\$1,410.00
Cat B	\$567.00
Cat C+ (multiple premises)	\$1,410.00
Cat C	\$378.00
Cat D	\$189.00
Cat E (school canteens / community organisations)	\$83.00

14. BY-ELECTION FOR THE GENERAL MANAGEMENT COMMITTEE OF LGAT

Author: General Manager (Peter Brooks)
Qualified Person: General Manager (Peter Brooks)
ECM File Reference: Local Government Association of Tasmania

Community Plan Reference:

This item discusses a corporate management/governance issue. Since the Community Plan is outwardly focussed, there is no applicable reference to this matter.

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:

This Report is to brief the Council about the by-election to the General Management Committee of the Local Government Association Tasmania (LGAT) and seek nominations from the Aldermen from Glenorchy City Council for this by-election.

Proposal in Detail:

On 21 April 2016 Council received a letter of advice from the Tasmanian Electoral Commission (TEC) through the Local Government Association Tasmania (LGAT) about the by-election for the General Management Committee (GMC) of LGAT.

The LGAT has asked TEC to conduct this by-election for one member from the Southern Electoral District councils having a population of 20,000 or more to fill a casual vacancy on the GMC.

The letter also advised that only three Councils, namely Clarence City, Glenorchy City and Kingborough, are eligible to participate in this nomination process.

Nominations opened on 21 April 2016 and will close at 5.00 pm Wednesday 18 May 2016.

If a ballot is required it will be posted by Tuesday 24 May 2016 and closing time for the postal ballot is 10.00 am Friday 1 July 2016.

The result will be declared on Friday 1 July 2016.

Furthermore, the letter also advised that for a nomination to be valid there must be a decision at a Council Meeting as stated in the *Local Government (Meeting Procedures) Regulations 2015* (Tas).

It must be noted that any elected member from Clarence City, Glenorchy City and Kingborough Councils can be nominated. In the case that a ballot is required, all councils from the Southern Electoral District are entitled to vote.

A copy of the letter from TEC dated 21 April 2016 addressed to the Mayors is attached and marked as **Attachment A**.

On 26 April 2016 the General Manager forwarded a copy of the letter from TEC to all Aldermen seeking expressions of interest from the Aldermen under Council's Policy "*Nomination and Appointment of Aldermen to Committees*". A copy of the Policy is attached and marked as **Attachment B**.

Consultations:

Tasmanian Electoral Commission

Human Resource / Financial and Risk Management Implications:

Nil.

Community Consultation and Public Relations Implications:

Nil.

Recommendation:

That Council:

- 1) NOMINATES an Alderman to participate in a by-election to fill a casual vacancy for the General Management Committee of the Local Government Association of Tasmania.
- 2) Through the General Manager, ADVISES the Local Government Association of Tasmania of the Council's decision by 5.00 pm Wednesday 18 May 2016.

Attachments/Annexures

- 1 Attachment A - Letter from TEC
- 2 Attachment B - Nomination and Appointment of Aldermen to Committees Policy

15. 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 13 April 2016 Council meeting.

Proposal in Detail:

Council uses InfoCouncil software for the coordinating and drafting of Council, Committee and Glenorchy Planning Authority reports, agendas and minutes.

Following each Council meeting an action report is forwarded to a Council officer to action the adopted motions of Council. Management regularly accesses the software to ensure that Council motions are actioned.

The attached spreadsheet details of actions list.

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. NOTES the Actions Register, as updated following the 13 April 2016 Council meeting.

Attachments/Annexures

- 1 Action List Update (Open)

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

16.1 QUESTION ON NOTICE 1 - ALDERMAN J. DUNSBY

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 Jan Dunsby submitted in accordance with the requirements of Regulation 30 of the *Local Government (Meeting Procedures) Regulations 2015*.

Question on Notice:

Public gallery at Council meetings.

Member of the public have raised concerns at the inability to hear from the public gallery during council meetings. I am aware that this is planned to be addressed by the contractor providing services to record our Council meetings going forward. As another measure, could all staff members be requested to please state who they are and speak into a microphone for the benefit of the public gallery on both levels?

Some members of our community would also appreciate being able to sit in the front row for access purposes. Could staff seating be moved to the rear to accommodate this need?

Answer:

Both questions on notice are acknowledged.

- 1) The Management members will introduce themselves and speak to the microphone when answering the questions or making comments or providing qualified advice.
- 2) The Management has already put actions in place in order to accommodate the needs of the members of the public who attend the Council Meetings.

16.2 QUESTION ON NOTICE 1 - ALDERMAN K. JOHNSTON

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 Kristie Johnston submitted in accordance with the requirements of Regulation 30 of the *Local Government (Meeting Procedures) Regulations 2015*.

Question on Notice:

Could the Director of Corporate Governance and General Counsel please advise Council if she has informed Council's insurance brokers and/or Council's insurer that she is named as an interested party in the current matter before the Supreme Court?

- a. If not, why not?
- b. If so, why is it appropriate that Aldermen are required to liaise with the insurer and/or broker through the Director of Corporate Governance and General Counsel?

Answer:

- a. This question has been answered in full at the Council Meeting on 13 April 2016.
- b. The Agreement for services is between the insurance company and Glenorchy City Council, and the insurance broker and Glenorchy City Council. The management of any Agreements is the role of the Management, not the Aldermen.

Accordingly, it is a requirement from the insurance broker that any communication between the Aldermen and the insurance broker must be through the Management. This requirement was reinforced by the insurance broker when the Mayor, without the Management's knowledge, called the insurance broker. The insurance broker has requested the Management that the third parties, namely the Aldermen, should adhere to the formal protocol of communication. As any insurance related matters are under the portfolio of the Director Corporate Governance & General Counsel, accordingly all communication and management of any insurance related matters are dealt with by or through the Director Corporate Governance & General Counsel.

16.3 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:

In relation to the 13th April 2016 Council meeting Question on Notice 17.2; discounting the General Managers refusal to detail the purpose of the emails due to a court case being live, it is still unclear why the emails referred to were sent to only two Alderman, not the entire council. May the reasoning for this only going to two Aldermen be provided?

Answer:

This question has been answered at the 13 April 2016 Council Meeting.

16.4 QUESTION ON NOTICE 2 - 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:

As a supplementary question in relation to the 13th April 2016 Council meeting Question on Notice 17.4; can the General Manager please explain why he chooses to only send a response to the Alderman asking the question in some circumstances, and to all alderman in other circumstances?

Answer:

This question is not clearly articulated. Nevertheless, a similar question was asked at the Council Meeting on 13 April 2016 and an answer to that question was provided at that meeting in writing.

CLOSED TO MEMBERS OF THE PUBLIC

17. APPLICATIONS FOR LEAVE OF ABSENCE

ENVIRONMENT

18. SOUTHERN WASTE STRATEGY AUTHORITY

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.)

19. WASTE SERVICES FEES AND CHARGES

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

GOVERNANCE

20. CONFIRMED MINUTES OF AUDIT PANEL MEETING 24 FEBRUARY 2016

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.)

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 J. DUNSBY

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.)

22.2. 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.)

22.3. QUESTION ON NOTICE 3 - 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.)

22.4. QUESTION ON NOTICE 3 - 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.)

22.5. 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.)

22.6. QUESTION ON NOTICE 5 - 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.)