

**Minutes of the Meeting
of the Glenorchy City Council
held at the Council Chambers
on Monday, 10 July 2017 at 3.00 p.m.**



Present: Commissioner Sue Smith.

In attendance: Mr. T. McMullen (Acting General Manager), Mr. S. Scott (Acting Director, Corporate Governance), Mr. P. Garnsey (Acting Director, City Services and Infrastructure), Ms. E. McGoldrick (Acting Director, Community, Economic Development and Business), Mr. C. French (Manager, Business and Finance), Ms. C. Higgins (Manager, Legal and Property), Mr. R. Grierson (Manager, Infrastructure, Engineering and Design), Ms. D. Berry (Manager, People and Safety), Mr. B. Hannan (Acting Manager, Governance and Risk), Ms. K. Whitbread (Acting Manager, Community and Customer Service), Mr. A. Woodward (Acting Manager, Environment and Development), Ms. H. Zimmermann (Acting Coordinator, Environmental Health Services), Ms. J. Sleiters (Community Development Coordinator), Mr. G. Blackwell (Engineering Projects Officer), Mr. M. Glover (Engineering Projects Coordinator), Mr. A. Wooldridge (Strategic Procurement Coordinator), Mrs. J. King (Mayoral and Executive Support Officer) and Ms. J. Gauden (Executive Assistant).

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

The Chair then read 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 Tuesday, 13 June 2017 be confirmed.

That the minutes of the Special Council Meeting held on Monday, 19 June 2017 be confirmed.

3. ANNOUNCEMENTS BY THE CHAIR

None.

4. PECUNIARY INTEREST NOTIFICATION

There were no declarations of pecuniary interests.

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Mr. George Burrows, Blacksnake Lane, Granton

Over a period of years, I have raised the issue of the delivery of the Glenorchy Gazette to citizens. The cost to taxpayers is approximately \$5 per year, and anecdotally delivery is not very good, in spite of complaints to Council's staff and the printers. I am aware of more than a dozen other ratepayers who receive sporadic delivery. What measures does the Council take to check on universal delivery? If it cannot be delivered to at least 98% of Glenorchy citizens, how can the expenditure of approximately \$75,000 per year be justified?

As I advised during the meeting, the Glenorchy Gazette is an independently owned newspaper. Council does not have any control over or responsibility for its delivery. Council previously owned the Gazette however sold it to its current operators, Corporate Communications, in 2013.

Council does not contribute any money towards the production of the Gazette, though does pay a monthly fee of \$2,200 for the publication of two pages of Council information in each issue. Accordingly, your assertions during the Council meeting that the Gazette costs Council approximately \$5 per ratepayer, or \$75,000 per year, is not correct.

I note that you asked a similar question at the Council meeting in May 2016. As you were advised in response to that question, the Gazette takes the matter of non-delivery seriously and asks any issues in relation to this to be forward directly to them. The contact details of the relevant employee are as follows:

Tracey Wright

Advertising Sales Executive

Ph: 6210 5200

Email: advertising@glenorchygazette.com.au

We have already raised your concerns with Ms Wright, who is happy to discuss the matter with you further if you wish to contact her.

Mrs. Pam Harvey, 32 Katoomba Crescent, Rosetta

Can the Commissioner please advise how the recycling material that is collected by Council is disposed of?

I have sought advice from Council's Waste Services Department, which has advised that Council engages an external contractor, SKM Recycling, to collect and dispose of kerbside recycling material.

SKM Recycling is a Melbourne owned and based company that operates a Materials Recycling Facility (**MRF**) in Derwent Park. This plant services collected recyclables from most local businesses and services, including all the household kerbside recycling collected from the twelve Southern Tasmanian councils.

Once the recycling is collected from the household kerbside bins, it is taken to the MRF for processing. The following process then takes place:

1. **Initial Sorting:** Recyclables travel up the main conveyor. Contaminants such as food waste and green waste are removed here by hand and taken to landfill for disposal. Contamination represents approximately 10% of the total waste product in household recycling bins (**HRBs**).
2. **Main Sorting:** Recyclables such as glass, plastics, metal and aluminium cans are separated from paper and cardboard by a vibrating disc screen.
3. **Screening Paper and Cardboard:** Cardboard is manually separated from paper. Material is then baled ready for sale to paper mills for making new packaging products. Paper and cardboard represents approximately 45% of the contents of HRBs.
4. **Magnet Separation Process:** Steel cans are removed using a magnet and then baled for delivery. This is sent to companies such as SIMS Metal and becomes other steel products (such as wiring and construction beams). Steel represents approximately 5% of the contents of HRBs.
5. **Screen Glass:** Glass recyclables pass through an automated ceramic detection system, removing ceramic product which contaminates the glass stream. Glass is optically sorted by colour and stored in bays ready for sale to glass packaging manufacturers. Approximately 90% is then re-used as glass products and the other 10% is re-used as road base. Glass represents approximately 30% of the contents of HRBs.
6. **Air Classifier Separation:** Lightweight recyclables like aluminium and plastic bottles are separated from the heavy recyclables such as glass as the products move across an air field, in which light material is separated from heavy. Most aluminium is sent offshore to Korea and becomes products such as car parts and window frames. Aluminium represents approximately 1% of the contents of HRBs.
7. **Optical Sorting of Plastic:** Mixed plastic bottles go through an automated optical sorting system which separates the different types of plastic grades such as PET (Confectionary and soft drink bottles), White HDPE (plastic milk cartons) and Coloured HDPE/PP (refillable plastic drink containers). This is sent to local manufacturers as well as offshore to China to become products such as drink bottles, carpets, furniture and clothing (e.g. polar fleeces). Plastics represent approximately 9% of the contents of HRBs.
8. **Storage and Final Processing:** Plastics, cardboard, paper, aluminium, steel and glass recyclables have all now been separated, baled or placed into storage bays ready for delivery into manufacturing product processing plants.

It is important to note recyclables is a market based economy, and that the end life usage of each product ultimately depends on supply and demand at the time. Many products do remain and have a new life in Australia, however many products also end up overseas in countries including China, Thailand and Korea for recycling into new products.

6. PUBLIC QUESTION TIME (15 MINUTES)

Mrs. Regina Share, 9 Trevatt Court, Lutana

The figure that is usually quoted that it has cost Council in respect of the Board of Inquiry (BOI) is approximately three quarters of a million dollars. Is there anything in the constitution of this city or of Council's by-laws that puts a cap on how much can be expended, other than the dismissal of the people involved?

The Commissioner advised that the State Government has the authority to send the account for any Board of Inquiry to the Council that it involves, so the Government is quite within their rights to send the bill to Council. Council has asked for a breakdown of those costs (into hours etc.) for Council's auditing processes. There is nothing in any law, by-law, constitution or anything that puts an upper or lower limit on the costs of matters such as Board of Inquiry.

At the moment the BOI is before the Courts again, and the Commissioner advised that she was making an assumption that things have stopped for the time being and that it is not currently costing Council any money. The Commissioner was hopeful that that Court action would see the completion of this process one way or another.

Mrs. Kay Smith, 21 Constance Avenue, Glenorchy

In relation to item 12 on the agenda, The Mercury has reported that the BOI has allegedly found that a senior staff member failed to comply with the Code for Tenders. Is it wise, given that the BOI is still underway, to in effect give the General Manager more power by increasing the tender threshold from \$100,000 to \$250,000? Likewise, the Mercury has also reported that the BOI has, in their draft report, found that a senior member of staff has failed in their duties. Is it wise therefore to grant the General Manager further delegations?

In relation to item 13 on the agenda (Delegations to the General Manager), does this recommendation mean that more power will be given to the General Manager or is it a tightening up of previous powers that a General Manager may or may not have?

The Commissioner advised that she is not at any liberty nor would she make any comment on the draft strictly confidential report of the BOI, albeit that it was published in print by a local newspaper.

In respect to delegations and contracting, the Commissioner noted that the processes of Council cannot stop because there is a BOI process. Council has been attempting to ensure that things like codes and delegations are appropriate under the law. In some places there has been a tightening of the regulations. Some of that has been simply because of bringing the code and delegations into line with the law.

The Commissioner advised that she was confident, having been briefed by staff, that the new code and updated delegations will place a more transparent, more open and potentially a stricter process around those two particular areas. The Commissioner was confident that Council was attempting to line up Council's processes (as Council should) with State legislation, noting that this has not always been the case in the recent past. It was not, therefore, a case of giving away more power to staff but rather ensuring compliance with legislation.

The Commissioner also noted that when there is an appropriately elected Council in place, they will have the opportunity to review these and other policies and decisions.

Mr. Phil Butler, 33A Clydesdale Avenue, Glenorchy

Following from Mrs. Smith's question, is it wise at this particular time for the Commissioner to be making alterations to the contract policy and delegations policy, against the prism of any alleged wrongdoing that may be found. Will this provide any mitigation for anyone who had committed a misdeed to say that the policy has changed and is now more reflective of what I did or didn't do? Mr. Butler asked that the matter lay on the table while this point is considered by legal experts.

The Commissioner advised that the change to the code and delegations would have no bearing on any actions that had been undertaken prior to their adoption. The Commissioner noted that Council has several well qualified legal advisors, and she was satisfied that all necessary advice in relation to the effect of the amendments had been obtained.

In relation to the current period of leave of the General Manager and the Director of Corporate Governance and General Counsel, can the Commissioner please provide information in relation to when they are coming back, and what type of leave they are on (given that the ratepayers of Glenorchy are currently paying the bill).

The Commissioner advised that staff issues remain in closed Council and that she would not comment on them. She advised that at a particular time when it was appropriate to comment on this, those comments would be made.

Given that there is a BOI in progress which is neither open nor transparent and over which Council has no control, the Commissioner advised that she would not be making any further comment.

7. PETITIONS/DEPUTATIONS

COMMUNITY

8. MULTICULTURAL FRAMEWORK

File Reference: Multicultural Framework

Reporting Brief:

This report presents the *2017 Glenorchy City Council Multicultural Framework* to Council and recommends that Council adopts the framework's key recommendations. It also outlines the development of the proposed framework, which is an action from Council's Multicultural Spaces Plan 2016.

Moved: COMMISSIONER SMITH

Approved by Commissioner Smith:

That Council:

- (a) ENDORSE the Glenorchy City Council Multicultural Framework Statement **(Statement)**
- (b) ENDORSE Council's multicultural values, as set out in the 'Our Multicultural Values' section of the Statement
- (c) RESOLVE to formally commit to becoming a member of the global "Welcoming Cities" network
- (d) RESOLVE to implement best practice in providing a key support to multicultural community initiatives, by transforming the Cultural Advisory Committee to be the first selection panel for the proposed Glenorchy Multicultural Ambassadors Program
- (e) RESOLVE to instigate a Multicultural Ambassadors Program at Glenorchy, developed by the current Cultural Diversity Advisory Committee members and other representatives of different multicultural communities with the following terms of reference:

- Ambassadors to be appointed for a two (2) year period
 - Ambassadors to prepare a plan, inclusive of budget (if required) for a key initiative with assistance from Council Officers
 - Multicultural Framework Assessment tool to be used to select projects that can be supported by Council, and
 - Successfully supported or funded projects to be delivered by the Multicultural Ambassadors, with the support of Council and other Ambassadors, and
- (f) NOTE that a budget bid will be submitted for the 2019 Financial Year to increase community development staffing through the appointment of a dedicated Cultural Diversity Officer at 0.4FTE (2 days per week) to ensure a wider focus on multicultural community support in Glenorchy.

ECONOMIC

9. GLENORCHY CBD REVITALISATION PROJECT PROGRESS UPDATE (15 MAY TO 10 JULY 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 15 May to 10 July 2017.

ENVIRONMENT

10. ENVIRONMENTAL AMENITY BY-LAW

File Reference: Environmental Amenity By-Law

Reporting Brief:

This report recommends that Council:

- 1) Considers the submissions received from the public on the draft *Glenorchy City Council Environmental Amenity By-law No. 1 of 2017* and its Regulatory Impact Statement and approve the changes made to the draft by-law, and
- 2) Adopts the *Glenorchy City Council Environmental Amenity By-law No. 1 of 2017*.

Moved: COMMISSIONER SMITH

Approved by Commissioner Smith:

That Council:

1. APPROVE the alterations to the proposed *Glenorchy City Council Environmental Amenity By-law No. 1 of 2017* following the public consultation process, which are identified in Attachment 4
2. ADOPT the *Glenorchy City Council Environmental Amenity By-law No. 1 of 2017* in the form of Attachment 1, and
3. AUTHORISE the General Manager to take all actions necessary under the *Local Government Act 1993* to ensure the By-law is enacted, including applying Council's common seal, as required section 161 of the Act.

GOVERNANCE

11. PEOPLE AND SAFETY STRATEGY 2017 - 2020

File Reference: People and Safety Strategy 2017 - 2020

Reporting Brief:

The purpose of this report is to present the *Glenorchy City Council People & Safety Strategy 2017- 2020* to Council for adoption.

Moved: COMMISSIONER SMITH

Approved by Commissioner Smith:

That Council:

1. ADOPT the *Glenorchy City Council People & Safety Strategy 2017- 2020*, and
2. AUTHORISE the publication of the *Glenorchy City Council People & Safety Strategy 2017 – 2020* on Council's external website.

12. CODE FOR TENDERS AND CONTRACTS

File Reference: Procurement

Reporting Brief:

The purpose of this report is to recommend that Council adopts an updated Code for Tenders and Contracts.

Moved: COMMISSIONER SMITH

Approved by Commissioner Smith:

That Council:

1. ADOPT the updated *Glenorchy City Council Code for Tenders and Contracts* in the form of Attachment 1, with the following amendments:
 - (a) in clause 7.4.4 change "a TRC may be established by Council" to "a TRC will be established by Council", and
 - (b) in clause 10.2 after the words "procedures for reporting to Council" add the words ", at the first ordinary meeting of Council after the event,".

13. GENERAL MANAGER'S DELEGATIONS FROM COUNCIL (SECTION 22, LOCAL GOVERNMENT ACT)

File Reference: Delegations Register

Reporting Brief:

The purpose of this report is to recommend that Council updates the delegations of statutory and non-statutory functions and powers to the General Manager under section 22 of the *Local Government Act 1993 (the Act)*.

Moved: COMMISSIONER SMITH

Approved by Commissioner Smith:

That Council:

1. DELEGATE the functions and powers of Council identified in the Schedule forming Attachment 1 to this report (**Schedule**) to the position of General Manager under section 22 of the *Local Government Act 1993*, and
2. AUTHORISE the position of 'General Manager' to further delegate the functions and powers of Council that are identified in the Schedule, and
3. RESOLVE that the delegations and authorisations given in resolutions 1 and 2 (above):
 - (a) supersede any previous delegations or authorisations given to the position of 'General Manager' that are inconsistent with the delegations and authorisations given in the Schedule, and
 - (b) do not supersede or revoke any previous delegations or authorisations given to the position of 'General Manager' that are not inconsistent with the delegations and authorisations given in the Schedule, and
4. AUTHORISE the Commissioner to execute an Instrument of Delegation to give effect to resolutions 1 to 3 (above).

14. DISBANDING OF BROOKER HIGHWAY LIAISON COMMITTEE

File Reference: Council Committees

Reporting Brief:

This report recommends that Council formally disband the Brooker Highway Liaison Committee, following the completion of the Brooker Highway Upgrade project.

Moved: COMMISSIONER SMITH

Approved by Commissioner Smith:

That Council:

1. ACKNOWLEDGE the work undertaken by the Brooker Highway Liaison Committee (**the Committee**), and
2. RESOLVE that the Committee be formally disbanded.

15. CORPORATE PERFORMANCE INDICATORS - MAY 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 May 2017.

Moved: COMMISSIONER SMITH

Approved by Commissioner Smith:

That Council:

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

16. 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 13 June 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 13 June 2017 Council meeting.

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

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

18. APPLICATIONS FOR LEAVE OF ABSENCE

None.

GOVERNANCE

17. AUDIT PANEL MINUTES AND CHAIR'S REPORTS: 5 APRIL AND 28 JUNE 2017 MEETINGS

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).

Moved: COMMISSIONER SMITH

Approved by Commissioner Smith:

That Council:

- (a) NOTE the confirmed minutes of the Audit Panel meeting held on 5 April 2017
- (b) NOTE the brief report from the Chair of the Audit Panel meeting held on 28 June 2017, and
- (c) After considering privacy and confidentiality issues, RESOLVE that the information contained in this report, decisions, discussions and documents:
 - i. May be used and communicated by Council officers in the performance of their duties, and
 - ii. May not be disclosed by the Commissioner.

17. 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).

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

The meeting closed at 4.03 p.m.

Confirmed,

CHAIRMAN