

COUNCIL AGENDA

WEDNESDAY, 13 APRIL 2016



GLENORCHY CITY COUNCIL

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

Hour: 3.00 p.m.

Present:

In attendance:

Leave of Absence:

Workshops held since last Council Meeting

Date: Monday, 21 March 2016

Purpose: To discuss:

- 2016 Draft Capital Budget and Asset Management Plans Update

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1. APOLOGIES

2. CONFIRMATION OF MINUTES

That the minutes of the Council Meeting held on 15 March 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: Mayor Kristie Johnston
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 9 March 2016 to 7 April 2016.

Wednesday, 9 March 2016

- Attended the funeral of 2012 Citizen of the Year Recipient Val Peppiatt

Tuesday, 15 March 2016

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

Wednesday, 16 March 2016

- Attended the Guilford Young College Commendation Award Ceremony

Thursday, 17 March 2016

- Attended the Glenorchy Garden’s St Patrick Day Tupperware Fundraising event
- Attended the Elizabeth College Annual Prize Night

Friday, 18 March 2016

- Officially opened the “Hear Our Voices” Multicultural Women’s forum
- Attended the Life Without Barriers Exhibition opening
- Participated in the Tasmanian Leaders Program Panel Forum
- Attended the West Moonah Community House 25th Birthday Celebrations and Official Opening of the New Building

Sunday, 20 March 2016

- Presented medallions and trophies at the MONA/GASP Fun Run
- Coordinated the Clean Up Glenorchy Taskforce March activity
- Attended and participated in the Official Opening of the Moonah Taste of the World

Monday, 21 March 2016

- Attended a meeting with Tasmania Police
- Attended a meeting with Infrastructure Tasmania and Department of State Growth regarding the Bridgewater Bridge
- Chaired an Extra Council Workshop
- Chaired the Glenorchy Planning Authority

Tuesday, 22 March 2016

- Attended the Official Opening of the New Toilet Facility at the Bucaan Community House Community Garden
- Attended the Glenorchy Youth Taskforce meeting
- Attended the launch of the Third Script by Transportation Press
- Attended the Claremont College Awards Evening

Wednesday, 23 March 2016

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

Thursday, 24 March 2016

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

Sunday, 27 March 2016

- Volunteered at the Bucaan Community House Bunning BBQ fundraiser

Wednesday, 30 March 2016

- Chaired the Extra Council Workshop
- Attended the Official Opening of the Salim Sultan Wellness Centre at Barossa Park Senior's Precinct
- Chaired the Council Workshop
- Attended and participated in the Claremont Girl Guides Family Fund Fundraiser Night

Thursday, 31 March 2016

- Hosted the Rosetta Primary School Student Representative Council at the Council Chambers

Friday, 1 April 2016

- Attended a meeting with the CEO and President of the Local Government Association of Tasmania
- Attended the West Moonah Community House Wellness Expo
- Attended a meeting with a resident
- Attended a function at Andrew Wilkie's office

Saturday, 2 April 2016

- Attended the Glenorchy District Football Club President's Luncheon and Senior's Game at KGV Oval
- Attended the West Moonah Community House and Australian Rotary Health Foundation Wellness Masquerade Gala Dinner

Sunday, 3 April 2016

- Attended the St John's Church Race Day at Elwick Racecourse
- Attended and participated in the Glenorchy Community Fund Gala Concert

Monday, 4 April 2016

- Chaired the Glenorchy Planning Authority meeting

Tuesday, 5 April 2016

- Attended the Glenorchy CWA meeting as Guest Speaker
- Attended the Greater Moonah Precinct Meeting

Wednesday, 6 April 2016

- Attended the Claremont Craft Group final class for Term 1
- Attended a meeting with a business representative
- Attended a Glenorchy Youth Taskforce event

Thursday, 7 April 2016

- Attended the AICD Elected Member Training Course

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 9 March 2016 to 7 April 2016.

Attachments/Annexures

ECONOMIC

9. POP-UP SHOP INCUBATOR PROPOSAL

Author: Coordinator City Strategy (Erin McGoldrick)
Qualified Person: Acting Director Community, Economic Development & Business (Tony McMullen)
ECM File Reference: Proposals - Economic Development

Community Plan Reference:

Our Community's Goals

We continue to be a safe, inclusive, active, healthy and vibrant community. We will focus on developing a hub of multiculturalism, arts and culture.

Our social, recreational and cultural facilities, events and experiences will attract and retain people in Glenorchy to share our wonderful way of life.

We will value and enhance our natural and built environment. Our CBD areas of Glenorchy, Moonah and Claremont will be revitalised, with a strong emphasis on great design, open spaces and public art.

We will work actively to revitalise our CBD areas – making them places that are distinctive, vibrant, walkable and well-connected. We will improve the amenity of our public spaces through public art and quality landscaping, promote walking and bike access and encourage high standard contemporary design for new buildings alongside creative reuse of our heritage buildings.

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

The revitalised CBD areas, open spaces and entertainment areas will create opportunities for restaurants, cafés, nightlife, markets and events, drawing local people and visitors from further afield.

We will champion education, innovation and new technologies to stimulate creativity and to generate even more jobs for the future.

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

Community and business leaders will be a key part of decision making, enabling the vision to become a reality. The community will be strongly engaged to play an active part in designing our future.

Strategic or Annual Plan Reference:

Open for Business

Objective 2.1 Encourage a sustainable, dynamic and prosperous economy.

Strategy 2.1.2 Develop relationships that support key stakeholders to pursue growth opportunities.

Objective 2.2 Support priority growth sectors.

Strategy 2.2.1 Create a framework to support and encourage opportunities in priority growth sectors.

Valuing our Environment

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

Leading our Community

Objective 4.3 Foster relationships to deliver community outcomes.

Reporting Brief:

To report on a motion Alderman Jenny Branch-Allen submitted to Council on 3 September 2014.

Proposal in Detail:

Background

Alderman Jenny Branch-Allen submitted the Motion to Council on 3 September 2014 stating that she had become increasingly aware of the number of empty shops on Main Road Moonah.

With the opening of the Moonah Arts Centre we are hoping to stimulate growth in this area.

To help generate this growth Alderman Branch-Allen suggested that Glenorchy City Council through the General Manager and his carriage over Economic Development look at the Frankston City Councils model "Frankston Space Innovators" where their Council has embarked on a plan to fill up vacant shopfronts with creative pop-up businesses.

Alderman Branch-Allen stated that vacant shops can lead to decreased foot traffic and this can impact on existing business.

If considered the small investment anticipated in this incubator project would demonstrate our commitment to small and emerging business within our community.

Officer Comments

Pop up activities i.e. the temporary activation of spaces and places, are a growing phenomenon.

In the context of a retail strip, if there are too many vacant shops, it can reduce the amenity of a precinct, drain it of foot traffic (to the commercial detriment of adjacent retail owners), be a deterrent to potential lessees or owners and result in safety concerns.

Pop up activities have the potential to help in alleviating problems associated with a high vacancy rate.

Three models have been identified in the initial research:

- “not for profit” community-based model (e.g. Renew Newcastle)
- “for profit” model (e.g. Pop Union), and
- local government-based model (e.g. Frankston Space Innovators).

“Not For Profit” Community-Based Model

The most famous Australian example is probably “Renew Newcastle” where the inner area of Newcastle was suffering from a very high vacancy rate. A not-for-profit company limited by guarantee was set up to address the problem back in 2008. According to its website, it relies upon significant grant funding from State, regional and local government sources as well as in-kind support from a range of partners including real estate, property owners, legal, audit, planning consultancy, architectural, building compliance, internet and artist in residence programs.

Renew Newcastle points to Newcastle’s Hunter Street Mall, where 20 vacant shops have been reduced to 3, as an example of its success. Spaces were animated by a mixture of new community groups, creative opportunities and commercial enterprises.

Renew Newcastle has rolled out its model on a national basis, with an organisation now known as “Renew Australia”. Again the focus is on urban renewal.

“For Profit” Model

A more commercial model is operated by “Pop Union”, which is a “for profit” concern. It is heavily distinguished by its focus on establishment of small businesses and micro-enterprises “from pop up to permanent”. Pop Union also acts as Australia’s first short term real estate agency.

It is currently in transition from a membership-based operating model to a project-based model.

Local Government-Based Model

The Frankston Space Innovators is an example of a local-government based model.

The impetus was Council’s annual vacancy audit in January. At that time, not only was it observed that there were vacant shops but also that there were clusters of vacant shops in certain areas – and these were impacting on the level of foot traffic – to the detriment of surrounding businesses. The vacancy rate was 13.5%.

Council did not want the cluster of vacancies to continue or spread.

Council had previously tried the Renew Australia model. However, it had not succeeded in Frankston because Renew had been unable to secure properties to justify the cost of the program.

Council therefore decided to run the program themselves.

Frankston saw some advantage in attempting to do it themselves. Leveraging relationships with some of the stakeholders from the start and it was clear that they had no other agenda other than to improve the city.

The scheme essentially involves Council acting as the “go between” to bring owners of vacant properties and pop up tenants together.

The way the scheme works is that tenants are offered a short term tenancy rent free but they are liable to pay service connection and disconnection, power and water charges. The short term tenancy is supported by a licence agreement (drafted by Council’s Property Services legal team) with a schedule to be agreed between the parties.

The original targets for potential tenants were creatives and home businesses seeking to take the next step. These can put in an expression of interest on-line via Council’s website.

The hardest part of the Scheme is to get the property owners on board. This is partly because there are a number of absentee land owners.

Contact was made with Matt Nelson, Business Development Officer (Commercial Precincts) responsible for retail precincts at the City of Frankston in Victoria, who helpfully provided the following information:

Frankston Council area had an estimated resident population in 2013 of 133,560.

The City of Frankston has a 6 person economic development team, comprising:

- A co-ordinator
- An officer responsible for home based-business and industries
- An officer responsible for the commercial precincts
- A part-time officer working on industry development – conducting workshops and managing grants
- A part-time officer working with the education sector on work skills; and
- A property investment officer focussed on specific investment targets and running Invest Frankston, which targets Asian investment in the City.

There is a large, internalised shopping centre in Frankston called “Bayside” and its street-addressing, “sleeve” tenancies were also experiencing a level of vacancy.

Council raised the scheme at a Property Owners Forum and this generated some follow up interest.

In addition, the owners of the Bayside Shopping Centre were very supportive.

Owners would prefer to lock in longer term tenants. Real estate agents see the benefits of the scheme because they perceive that it is easier to let an actively-tenanted store than empty premises. The scheme would still involve the “For Lease” sign being up on the premises. Stickers have been designed and produced to brand the premises as a scheme participant.

Council conducted a pilot property to raise the profile of the scheme. This involved the Peninsula Wood Turners Guild. There was an official opening by the Mayor, a video was produced and there was a presence on social media via Facebook and Linked In.

There is an expression of interest form on Council's website which potential tenants can use to indicate their interest in participation in the scheme. There is a question on the EOI form about links to existing business – because Council targets the scheme at genuine home businesses and creative, not at e.g. clearance sales operators simply wanting a short term tenancy as part of their business model.

A matrix of selection criteria had also been prepared to select the most appropriate potential tenant.

Frankston has now received over 30 expressions of interest from potential pop up tenants.

A Frankston Council staff member attended a workshop with "Pop Union", a company that organises similar schemes commercially. Of the 10 or 12 local government participants at the workshop, Frankston was the only Council active in that space.

It is important also to ensure that the role of the real estate agents is acknowledged in the scheme.

The three models have common characteristics:

- The identification and bringing together of the owners of vacant properties and potential short term tenants
- A licence agreement – covering matters such as payment of rent and outgoings, conditions and term of occupancy
- Public liability insurance
- Branding, and
- Marketing.

Given the current staffing and resources dedicated to economic development within Council, it is expected that such a program delivered in-house would be of limited efficacy.

Council's Annual Plan for 2015/16 to 2018/19 identifies the development of an economic development strategy for the City in 2015/16 and 2016/17. It is anticipated that the economic development strategy will be important in:

- considering the broader economic context of the City
- identifying those initiatives that Council considers can best add value to the future prosperity of the City, and
- identify the resources required to achieve those initiatives.

It is expected that within an economic development strategy that an action such as this would be identified by key stakeholders as a priority.

Consultations:

Nil.

Human Resource / Financial and Risk Management Implications:

Nil.

Community Consultation and Public Relations Implications:

Nil.

Recommendation:

That Council:

ACKNOWLEDGES that given current resource levels, delivery of a Pop-Up incubation project from within Council operations would be of limited efficacy and is therefore not prudent to proceed with at this time.

Attachments/Annexures

Nil.

ENVIRONMENT

10. SMOKING BAN ALONG THE INTERCITY SHARED PATHWAY

Author: Senior Environmental Health Officer (Hollie Zimmerman)

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

ECM File Reference: Smoke Free Public Places

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.*
- *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:

Valuing our Environment

3.1.3 Deliver services that create sustainable and liveable built environments.

Leading Our Community:

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

4.2 Manage our resources to achieve community outcomes.

4.3 Foster relationships to deliver community outcomes.

Reporting Brief:

A Notice of Motion by Alderman Stevenson was submitted for the Ordinary Meeting of Council Agenda for 25 January 2016. The Notice of Motion is detailed below:

1. Council investigates its jurisdiction to ban smoking along the intercity cycle way,
2. Returns a report to Council advising if it does have jurisdiction to do so; and
3. If it is possible, provide an appropriate schedule for implementing such a ban.

Present the proposed model to reduce the risks.

Proposal in Detail:

Originating in Hobart, the Intercity Shared Pathway (the “Pathway”) runs through the Glenorchy municipal area from Moonah to Claremont. The 9.18Km length provides a safe route away from road traffic to travel and is heavily used by cyclists and walkers.

There are a number of public places within Glenorchy which are already smoke free, which includes the Glenorchy Bus Mall, children’s playgrounds, sporting venues and the Glenorchy swimming pool. These areas have been declared smoke free by the Tasmanian Government under section 67B of the *Public Health Act (1997)* (‘the Act’). Additionally, specific large public events such as the Christmas Carols by Candle Light, Symphony Under the Stars and the Moonah Taste of the World Festival are also declared smoke free events. The Department of Health and Human Services (DHHS) are committed to reducing the harm caused by tobacco and aim to lower the prevalence of smoking among Tasmanians to 10 per cent by 2020.

Tobacco smoke is a known cancer causing agent and kills more than 15,000 Australians every year. Passive smoking or involuntary exposure to Environmental Tobacco Smoke (ETS) can also harm health. There is no safe level of exposure to ETS.

The most current data sourced from the *Tasmanian Population Health Survey 2013* indicates that 18.7% of Glenorchy residents are smokers.

Councils may declare new smoke free areas of land/public places which they are the occupier under Section 67B(1)(c) of the Act.

By declaring the Pathway way smoke free, Glenorchy City Council would be contributing to the health and wellbeing of our community and the promotion of an important public health initiative. However, there are significant costs and risks associated with implementing the proposal.

Currently Council does not have the required resources to progress or implement a smoke free Pathway. Consideration must be given to the resourcing for signage, for officers to investigate and follow up complaints and complete regulatory action.

Legal Considerations:

Council may declare new smoke free areas of land/public places for which they are the occupier under *Section 67B(1)(c)* of the Act. The amendment to allow Local Government to declare smoke free areas came into effect in July 2015. Prior to this time a previous amendment to the Act had inadvertently removed this provision.

In order to declare the Pathway smoke free, Council would enact the following process:

- The General Manager would write to the Director of Public Health advising Council's intention of declaring a smoke free area. This correspondence would state that Council undertakes to provide signage, enforcement and public awareness of this area;
- A *Declaration of Smoke-free Area* is completed and included with the letter, a template for this *Declaration* is supplied in the *Designating Smoke-free Areas – A Guide for Local Councils*;
- An accurate map, in accordance with the *Public Health (Smoke-free Areas) Regulations 2014* would be included with the declaration;
- Signage would be erected, as required by the legislation; and
- DHHS recommends a public notice is displayed in the local newspaper and promotion of the new smoke free area is publicised.

Signage must be erected and maintained to improve public awareness of smoke free areas to meet legislative requirements. Section 67E of the Act states:

The occupier of a smoke-free area must display within that area any sign approved by the Director of containing wording or images approved by the Director for display in a smoke-free area or class of smoke-free area.

Delineation of the 9.18 kilometres of the Pathway is problematic, due to the intersecting roads and footpaths. The area is not small, confined or easily manageable. At a minimum, signs and stencils at the entry of each section of the Pathway would be required by the Act. This equates to at least 14 signs and stencils, with associated ongoing maintenance should damage or vandalism occur. An initial outlay of approximately \$14,000 could be expected for the signage installation. There would also be a smaller ongoing maintenance cost.

The multiple entry points to the Pathway with intersecting roads and footpaths are problematic for enforcement. An individual would be permitted to smoke on the footpath, grass or road at the boundary edge of the Pathway. This may be only a step away from the boundary of the declared smoke free area. Investigation of complaints would rely on an accurate description of where a smoker was observed in relation to the boundary of the declared area.

It must be noted with caution that under Section 67D of the Act,

If a person smokes in a smoke-free area, the occupier of the smoke-free area is guilty of an offence.

Penalty:

Fine not exceeding –

1. *In the case of a natural person, 10 penalty units; or*
2. *In the case of a body corporate, 50 penalty units.*

This may have implications for Council should DHHS deem we, as occupiers, are not enforcing our smoke free area adequately. Currently one penalty unit has the value of \$154, an amount which is adjusted annually based on the Consumer Price Index.

The Director of Public Health may appoint nominated Tobacco Control Officers. This can be any individual employed by Council. All Environmental Health Officers are delegated under the Act to enforce smoke free areas. However, the Environmental Health section is currently under-resourced and does not have any additional capacity to undertake monitoring, surveillance and/or enforcement. Additional resources would be required to undertake enforcement of this proposal.

It is an offence under Section 67C of the Act to smoke in a smoke free area. DHHS have advised that they are not aware of any Council in Tasmania successfully issuing an infringement. Councils have preferred to take the approach of reminding and educating smokers in breach of the law, however this is costly and time consuming and empirical evidence demonstrates that it is also ineffective.

Under Section 67D of the Act, a Tobacco Control Officer may not issue an Infringement Notice until:

- 2(b)(i) request the person to stop smoking in the smoke-free area;*
- (ii) inform the person that the person was committing an offence by smoking in the smoke-free area;*
- (iii) if the person continued to smoke after having been requested to stop, requested the person to leave the smoke-free area.*

If a person fails to comply with the requirement to move from the area, the Tobacco Control Officer would need to obtain a name, address and date of birth from the offender, in order to issue an infringement. If the person refuses to provide their details, a Tobacco Control Officer would have few further options for enforcement. They may contact the Police, whom at times are unable to attend immediately; therefore the offender can leave the area without receiving the infringement.

The Pathway is isolated from public view in many sections and is not easily accessible by Police and ambulance. This is a potentially a safety issue for the officers involved. Successfully responding to complaints on the bike track would be logistically very difficult as it is likely the cigarette would be extinguished before the Officer arrives at the scene.

Glenorchy Tobacco Use and Complaints:

Council's last public consultation into smoke free public areas occurred in early 2011. The community supported the Glenorchy Bus Mall being declared smoke free (73.9%). Support for sports grounds and Council parks and gardens were lower at 56.3% and 50.6% respectively.

Tobacco smoke complaints make up only 0.03% of all public health complaints to Council. In five years there have been two tobacco complaints reported to Environmental Health (total number of complaints 2507). One of these complaints was for the Pathway.

The complaint data shows the public are more concerned about air quality from bushfires, planned burns and wood heaters than tobacco smoke, with 191 complaints for these matters since 2011.

Tobacco Control, part of the Health Protection Unit at the Department of Health and Human Services, has received two complaints in 2015 for the Glenorchy area. Both complaints were about smoking in the Glenorchy Bus Mall, a declared smoke free area.

The Bus Mall has been a declared smoke free area by the State Government since 2012, along with other bus malls in the State. Signs and stencils were installed to inform people that the Bus Mall was a smoke free area.

The Department of Health and Human Services did not provide any additional resources to Local Government Areas when smoke free areas were declared in 2012. DHHS advise "Experience indicates that smoke free areas are largely self-enforcing." (*Designating Smoke-free Areas – A Guide for Local Councils*).

Photographs showing a No Smoking stencil and sign in the Glenorchy Bus Mall.

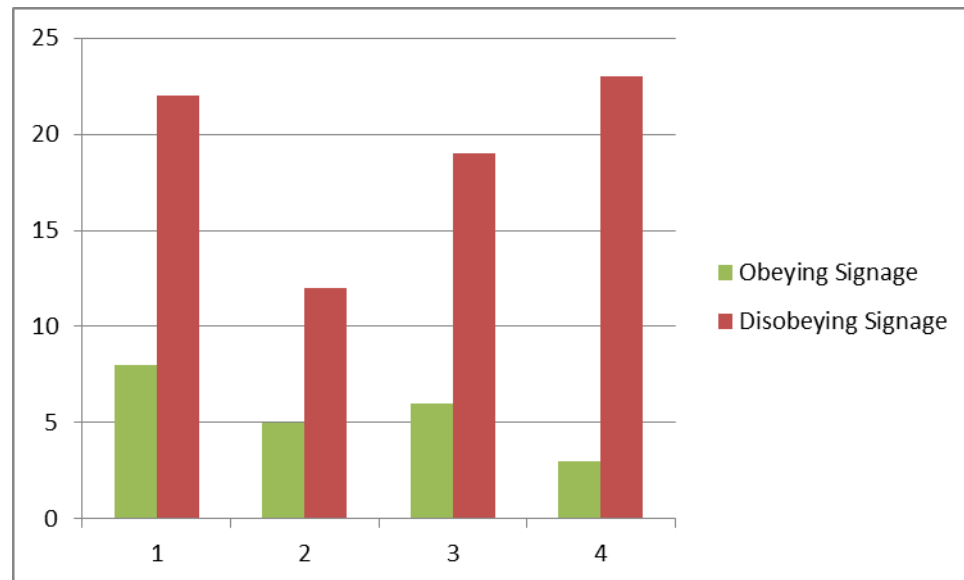


Officers conducted observational studies of the bus mall from the 11 February 2016 to 17 February 2016 as a representative sample of tobacco use behaviour. Times of observation included morning, evening and school peak hours, for a total of 4 hours.

The total number of observed smokers in the Glenorchy Bus Mall area was 76.

The percentage of patrons obeying the No Smoking signage by moving out of the bus mall to smoke was 28%, or less than 1 in 3 people.

Graph to show the number of smokers obeying signage in the Glenorchy Bus Mall compared to disobeying signage over four hour long monitored periods.



The observational study shows that in Glenorchy the majority of smokers, or two out of three, do not voluntarily follow No Smoking signage. From this observational study it is clear that smoke free areas in Glenorchy are not self-enforcing.

Consultations:

The DHHS Health Protection Unit, Tobacco Control, has been consulted for the drafting of this report. At this time, the State does not propose to declare any further smoke free areas; however they will provide basic guidance documents to Council.

Hobart City Council and Launceston City Council take an educative, health promotion approach to smokers in breach of the smoke free area boundaries. Both Councils cite concern for Officers' personal safety when approaching offenders.

Key stakeholders for the Pathway have been contacted for initial comments on the proposal, including land owners. Responses received by the submission date are:

Glenorchy Police

Tasmania Police supports any initiative that provides a positive and clean environment for members of public who choose to use the Intercity Shared Pathway for recreational/exercise purposes, this includes the area being smoke free. It would be anticipated that providing a smoke free environment would also have an impact on the amount of litter that occurs as a result of discarded cigarette butts.

However it must be stressed that Tasmania Police would not be the lead authority in regards to enforcement should the area be declared as a 'smoke free' zone, this would be the responsibility of Glenorchy City Council to monitor and enforce any such breaches.

Cycling South

Cycling South has not received any complaints about smoking on the Intercity Shared Pathway. The bulk of complaints are about broken glass and the occasional dog walker which increase the risk of a crash occurring. Smoking doesn't fall into this category.

The Pathway is a transport corridor used for mobility and recreation. It forms part of the active transport network made up of bike lanes, shared paths and footpaths. It would be difficult to isolate the Pathway for a smoking ban when the remainder of the active transport network including the footpaths leading to the Pathway are not smoke free zones.

The constant movement of people using the Pathway means that any exposure to tobacco smoke is fleeting. As a representative of Cycling South and as a daily user of the Pathway between Glenorchy and the Tasman Bridge I have not encountered any smokers on the Pathway. Smoking is more likely to occur on seating adjacent to the Pathway such as the shelter at Albert Rd and Derwent Park station platform.

Any proposals to discourage smoking and reduce exposure to tobacco smoke is a good thing but in this case it seems difficult to enforce and somewhat unnecessary as there doesn't appear to be a problem with smoking on the Pathway. Anti-social behaviour such as drinking and breaking glass is more of a concern but has been almost impossible to enforce. Enforcing a smoking ban would be even more difficult.

Hobart City Council

A proposal to consider the Intercity Shared Pathway as a smoke free area, as part of a joint venture with the Glenorchy City Council, would likely receive officer support but would naturally need the Council to formally consider this before we could provide definitive position on the initiative. The support would be based on the desire for a consistent approach to improving this shared public facility in the interests of public health and improved amenity.

Department of State Growth

Thank you for providing the Department of State Growth with the opportunity to comment on the Glenorchy City Council's proposal to declare the Intercity Shared Pathway a *Smoke Free Area* under the *Public Health Act 1997*.

Consistent with the Tasmanian Government's objective to make Tasmania the healthiest population in Australia by 2025, State Growth is supportive of measures to reduce smoking in the Tasmanian community. This includes measures to reduce smoking on the Intercity Shared Pathway, which provides a range of opportunities for people to be more active, including children.

State Growth is driving a number of initiatives that seek to build healthier lifestyles for Tasmanians including under the *Tasmanian Walking and Cycling for Active Transport Strategy*. The Strategy aims to improve the health and fitness outcomes of Tasmanians by creating a more supportive and encouraging environment for pedestrians and cyclists.

In the interests of achieving a healthier environment for people using the Intercity Shared Pathway, and for the reasons outlined above, State Growth supports Glenorchy City Council's initiative to declare the Pathway Smoke Free.

Human Resource / Financial and Risk Management Implications:

Currently Council does not have the required resources to progress or implement a smoke free Pathway. Consideration must be given to the resourcing for signage, for officers to investigate and follow up complaints and complete regulatory action.

Should the proposal proceed, a comprehensive risk assessment and Job Safety Analysis must be undertaken in order to manage the risks to Tobacco Control Officers.

As indicated previously, no income has been generated from enforcement of smoke free legislation by Councils in Tasmania to offset any costs associated with enforcement. As further resources would be required to undertake monitoring of the Pathway, this would negatively impact on Council's financial resources.

The nature of the role is confrontational. Hobart City Council has reported requiring Police assistance following aggressive behaviour towards Tobacco Control Officers.

A key problem for Tobacco Control Officers is how to obtain correct identification from smokers who refuse to cooperate. Unlike Glenorchy City Council's Compliance Officers who undertake parking compliance, there is no vehicle registration to obtain to assist with issuing an infringement. Tobacco Control Officers do not have any powers of arrest and would be placing themselves in significant danger should they continue to engage a hostile and aggressive offender.

It is recommended that two Tobacco Control Officers work together when enforcing smoke free areas to manage personal safety risk. This is because the Pathway is an isolated area and the work is of a confrontational nature, with real possibility of verbal and physical abuse. Council's Compliance Officers have cited examples of aggressive behaviour including being spat upon and verbally abused. Compliance work in this area is also of a highly stressful nature.

Costs for implementation of the plan include:

Task	One-off Cost	Ongoing Cost
Two officers (0.5 FTE) for Tobacco Control Officers at (indicative) Grade 6, with training and on costs		\$71,300
Signage and stencils for the Pathway - Approx. \$15,000 initial cost. Ongoing maintenance required	\$14,000	\$1,000
Public advertisements in the newspaper declaring the smoke free areas	\$2,000	
Community Consultation	\$5,000	
Costs associated with running an awareness campaign	\$2,000	\$500
TOTAL EST COSTS	\$23,000	\$72,800

Current Year \$95,800

Next Year \$72,800

Future Years \$72,800 +

Community Consultation and Public Relations Implications:

If Council approve any smoke free areas, community consultation should be undertaken. Apart from the initial stakeholder engagement outlined above, widespread community consultation has not been undertaken at this stage.

Summary:

Glenorchy City Council has the authority to declare the Pathway a smoke free area. The Pathway in the Glenorchy area is 9.18 Km in length and is isolated from public view in many areas, which increases personal safety risks to Council's Tobacco Control Officers. Further, the Pathway is not a defined area, and has many intersections. This makes surveillance, monitoring and investigation of complaints more difficult for Council Tobacco Control Officers.

Council, as occupier of the Pathway, will hold a liability for smokers failing to observe no smoking signage. Two out of three smokers do not follow 'no smoking' signage in the Bus Mall.

The alternative to Council declaring the Pathway a smoke-free area is to wait for the State Government to enact further smoke-free areas. This protects Council from the associated costs of declaring and enforcing the smoke free area.

Enacting a designated smoke free area along the Pathway has poor cost effectiveness for the small magnitude of public health benefit. The proposal poses a significant cost to rate payers and there are significant risks to staff safety during enforcement. Supporting the proposal to mitigate the risks would require a substantial financial commitment from Council.

Recommendation:

That Council:

1. DOES NOT pursue designating the Intercity Shared Pathway a smoke-free area.

Attachments/Annexures

- 1 Designated Smoke Free Areas - A Guide for Local Councils

GOVERNANCE

11. CODE FOR TENDERS AND CONTRACTS

Author: Manager Legal and Property (Kim Hudson)

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

ECM File Reference: Code for Tenders and Contracts

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.*

Annual Plan Reference 4.2.1.18 *Develop a Procurement Strategy, including contract management review.*

Reporting Brief:

This report is to seek Council’s adoption of the Code for Tenders and Contracts.

The Council adopted a Code for Tenders and Contracts for Glenorchy City Council (Code) on 12 December 2005 and that Code was subsequently reviewed in line with the changes to the *Local Government (General) Regulations 2005* (Regulations) which came into effect on 1 July 2006. The *Local Government Act 1993* (Act) requires that the Council review the Code at least once every four years and Regulation 28 of the Regulations outlines what the Code is to cover. The Code was last reviewed and amended on 28 March 2011.

As part of the review of Council policies under the Governance Strategy, the Code was identified as a priority for review. LGAT has a model policy template Code that has been developed to be amended as necessary to fit with related Council policy and procedures and it is this model template that has been used as a basis for the attached revised Code.

The current Code and the revised Code are attached.

The main differences are that the revised Code is a more modern layout and template, reflecting the status of the Code as a Council Policy and the current state of the Act and Regulations. The same information is included in both, it is just updated in the revised Code.

A review of the revised Code confirms that, apart from increasing the level at which public tenders are required, from \$100,000 to \$250,000, it currently meets all of the requirements listed under Section 333B of the Act and Regulation 28 of the Regulations. While the Regulations have increased the level at which public tenders are required, Council currently retains a threshold of \$100,000 as the baseline for calling tenders. This will be reviewed as part of the Procurement Strategy.

With regard to the requirements listed under Section 333B of the Act, the Code is made available for public inspection at the Council during normal business hours and is available on the Council's website.

The relevant sections of the legislation that the Council is required to comply with in its Code are outlined below:

Section 333B of the Act provides as follows:

- (1) A council must adopt a code relating to tenders and contracts under this Division by 1 January 2006.
- (2) The code must:-
 - (a) be consistent with this Act; and
 - (b) include any prescribed matter; and
 - (c) promote any prescribed principles; and
 - (d) be reviewed at least once every 4 years.
- (3) A council must comply with its code.
- (4) The general manager is to make a copy of the council's code and any amendments to the code available:-
 - (a) for public inspection at the public office during ordinary office hours; and
 - (b) for purchase at a reasonable charge; and
 - (c) on its internet site free of charge.

Regulation 28 of the Regulations provides as follows:

A code adopted under section 333B of the Act is to:-

- (a) promote the following principles:
 - (i) open and effective competition;
 - (ii) value for money;
 - (iii) enhancement of the capabilities of local business and industry;
 - (iv) ethical behaviour and fair dealing; and
- (b) establish and maintain procedures to ensure that all potential suppliers are provided with the same information relating to the requirements of a tender or contract and are given equal opportunity to meet the requirements; and
- (c) establish and maintain procedures to ensure that fair and equal consideration is given to all tenders or quotations received; and
- (d) establish and maintain procedures to deal honestly with, and be equitable in the treatment of, all potential or existing suppliers; and

- (e) establish and maintain procedures to ensure a prompt and courteous response to all reasonable requests for advice and information from potential or existing suppliers; and
- (f) seek to minimise the cost to suppliers of participating in the tendering process; and
- (g) protect commercial-in-confidence information; and
- (h) for contracts valued at under \$250 000 excluding GST, specify when 3 written quotations are required; and
- (i) establish and maintain procedures for the use of multiple-use registers for contracts valued at under \$250 000, excluding GST; and
- (j) establish and maintain procedures for reporting by the General Manager to the council in relation to the purchase of goods or services in circumstances where a public tender or quotation process is not used; and
- (k) establish and maintain procedures for the review of each tender process to ensure that each tender is in accordance with these regulations and the code; and
- (l) establish and maintain procedures for the following:
 - (i) amending or extending a tender once it has been released;
 - (ii) opening tenders;
 - (iii) the consideration of tenders that do not fully conform with the tender requirements;
 - (iv) the debriefing of unsuccessful tenderers;
 - (v) handling complaints regarding processes related to the supply of goods or services.

Consultations:

All Directors

All Managers

Tender Review Committee

Human Resource / Financial and Risk Management Implications:

Risk Identification	Consequence	Probability	Rating	Risk Mitigation Treatment
If the requirement of the Act and Regulations are not complied with, as recommended, then Council will be non-compliant to the Local Government legislation	Minor	Almost Certain	Medium	Council adopt 'Code for Tenders and Contracts'

Community Consultation and Public Relations Implications:

Nil.

That Council:

1. ADOPTS the 'Code for Tenders and Contracts, as attached, to comply with Section 333B of the *Local Government Act 1993* and Regulation 28 of the *Local Government (General) Regulations 2015*.

Attachments/Annexures

- 1 Revised Code for Tenders and Contracts
- 2 Code for Tenders and Contracts

12. CORPORATE PERFORMANCE INDICATORS - FEBRUARY 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 February 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 February 2016 we have four (4) 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.

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 February 2016.

Attachments/Annexures

- 1 Corporate Performance Indicators - February 2016
- 2 Appeindix B

13. COUNCIL POLICY

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

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

ECM File Reference: Council Policies

Community Plan Reference:

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

Strategic or Annual Plan Reference:

Annual Plan Reference 4.2.4.03 *Implement the Governance Strategy*.

Reporting Brief:

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

Proposal in Detail:

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

With respect to the ‘Planning Appeals and Enforcement’ policy (Attachment 1), this provides principles to ensure that when acting as the Glenorchy Planning Authority, Council’s procedures for dealing with appeals and enforcement issues are fair, consistent and in the public interest. This was last reviewed and adopted by Council in October 2003.

Changes in the Policy are necessary to reflect changes made to the *Land Use Planning and Approvals Act 1993* and the subsequent release of the *Land Use Planning and Approvals Regulations 2014* which came into effect in February 2015. The legislation amendments modify the manner in which a planning authority and third parties may seek to enforce compliance with the planning scheme or a planning permit. Most notably, these provide for the issue of enforcement and infringement notices by an authorised officer and the hearing of cases in the Magistrates Court.

Consultations:

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

Human Resource / Financial and Risk Management Implications:

There are no human resources or financial implications.

Risk Identification	Consequence	Probability	Rating	Risk Mitigation Treatment
If identified policy is not adopted as recommended, then governance control effectiveness is less optimal	Minor	Almost Certain	Medium	Council adopt 'Planning Appeals and Enforcement' policies

Community Consultation and Public Relations Implications:

Nil

Recommendation:

That Council:

1. ADOPTS the 'Planning Appeals and Enforcement' policy, as attached, to provide principles to ensure that when acting as the Glenorchy Planning Authority, Council's procedures for dealing with appeals and enforcement issues are fair, consistent and in the public interest.

Attachments/Annexures

- 1 Planning Appeals and Enforcement Policy

14. ANNUAL PLAN PROGRESS REPORT AS AT 31 DECEMBER 2015

Author: Acting Director Community, Economic Development and Business (Tony McMullen)

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

ECM File Reference: Quarterly Report - Annual Plan Progress

Community Plan Reference:

City of Glenorchy Community Plan 2015-2040

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)

Leading Our Community

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

Strategy 4.1.3 Use corporate planning processes, informed by community input, to identify and determine clear priorities for action.

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

4.1.3.02 Implement the performance reporting system for corporate strategic planning.

Reporting Brief:

To provide Council with the Annual Plan Progress Report as at 31 December 2015.

Proposal in Detail:

Background

A Council workshop was held on 18th January 2016 to consider a proposal for quarterly corporate performance reporting. "Dummy" annual plan data was used at that workshop. Those workshop outcomes have previously been reported to Council.

Council Management is in the process of working with Aldermen to clarify the corporate reporting regime required to further the relevant General Manager's KPI.

A further Council workshop is earmarked for 26 April 2016 to progress this.

In the interim, it was agreed in response to a question on notice from the Council meeting on 15 March 2016, that the annual plan progress report for the quarter ending 31 December 2015 would be reported to the next Council meeting.

The Annual Plan Progress Report as at 31 December 2015 is **attached**.

Report Format

The format of the Progress Report is as follows:

- Charts showing the progress of high priority annual plan actions.
- A dashboard showing the action status of all high priority annual plan actions, with comments.
- Charts showing the progress of all annual plan actions.
- A dashboard showing the action status of all high priority annual plan actions.
- A table showing the comments for all actions with “review required” status.

The rationale behind this format is to recognise the strategic level focus of Council in monitoring annual plan progress, using an exception reporting approach.

Consultations:

Council workshop 18 January 2016.

Annual plan progress reporting is undertaken by individual management team members in respect of each of their allotted annual plan actions and vetted by the Directors.

Human Resource / Financial and Risk Management Implications:

The Annual Plan Progress Report shows the progress of implementation of the Glenorchy City Council Annual Plan 2015/16 to 2018/19. The Annual Plan is resourced as part of the annual budget process.

Community Consultation and Public Relations Implications:

It is intended that, once the corporate performance regime and format are endorsed by Council, there will be quarterly reporting of annual plan progress in the public domain via Council meetings.

Recommendation:

That Council:

RECEIVES and notes the Annual Plan Progress Report as at 31 December 2015.

Attachments/Annexures

- 1 Annual Plan Progress Report as at 31 December 2015

15. SOUTHERN TASMANIAN COUNCILS AUTHORITY - QUARTERLY REPORT TO MEMBERS - DECEMBER 2015

Author: General Manager (Peter Brooks)

Qualified Person: General Manager (Peter Brooks)

ECM File Reference: STCA

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:

To provide Council with the Southern Tasmanian Councils Authority (STCA) Quarterly Report to Members – December 2015.

Proposal in Detail:

The Southern Tasmanian Councils Authority (STCA) is a “joint authority” formed under Section 30 of the *Local Government Act 1993*. The Local Government Board’s review of the STCA, included in its recommendations that the Quarterly Report of the STCA should be provided for consideration at council meetings. The recommendations specify that the STCA quarterly report should be provided for presentation at either open or closed meetings, whichever is appropriate.

The Quarterly Report to Members – December 2015 of the Southern Tasmanian Councils Authority has been provided and those matters that can be received at the part of the Council meeting that is open to the public are included as Attachments.

Consultations:

None required.

Human Resource / Financial and Risk Management Implications:

None.

Community Consultation and Public Relations Implications:

None.

Recommendation:

That Council:

RECEIVES the Southern Tasmanian Councils Authority – Quarterly Report to Members – December 2015, that has been provided for the part of the Council meeting that is open to the public.

Attachments/Annexures

- 1 STCA Quarterly Report - December 2015

16. 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 15 March 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 15 March 2016 Council meeting.

Attachments/Annexures

- 1 Actions List

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

17.1 NOTICE OF MOTION - ALDERMAN J. BRANCH-ALLEN

Author: General Manager (Peter Brooks)

Qualified Person: General Manager (Peter Brooks)

ECM File Reference: Notice of Motion

Community Plan Reference:

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

Strategic or Annual Plan Reference:

4.2.2 Ensure long term financial capacity to deliver required services.

Reporting Brief:

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

Proposal in Detail:

Motion:

Council holds in the first week of June, 2016 a community forum to outline the upcoming budget considerations and likely scenarios for rate setting for 2016-17 based on current information that will inform the Council when making its decisions in the Council meeting on the 6th of June.

Reasoning:

Council can provide an opportunity to openly discuss the budget preparation work.

Community can question council on the process.

Alderman can hear the communities thoughts and ideas.

Officer's Response:

Council works to a ten (10) day lead time for Council reports, therefore the budget as associated documents will need to be finalised by May 27 to be included in the agenda for the 6 June 2016 Meeting. Finalisation of the documents will follow workshops with Council on April 26 and May 16 (if required).

Therefore the proposed public forums, if held in the first week of June would be too late to inform the framing of the 2016-17 Budget.

As discussed at the workshop with Council on 30 March 2016, Rates and Revenue assumptions are built into the framing of the annual budget in the initial stages of development in October through November and for the 2016-17 budget have been based on the parameters agreed by Council in the adoption of the Long Term Financial Plan in June 2015.

The type of proposed forum may be useful in the communication of budget once adopted by Council.

Each year Council undertakes a review of its Budget development process and will factor community engagement activities into a proposal for development of the 2017-18 budget.

As recently as this week, Council has implemented new modelling software which will allow for unprecedented granularity in rates modelling options and analysis. It is anticipated that this would be workshopped with Alderman in the second half of 2016 in developing a set of options that may then be used as future models that could be presented at similar forums to the one proposed in preparation of the 2017-18 Budget.

Consultations:

Nil.

Human Resource / Financial and Risk Management Implications:

Nil.

Community Consultation and Public Relations Implications:

Nil.

Recommendation:

That Council:

AGREES to hold in the first week of June 2016 a community forum to outline the upcoming budget considerations and likely scenarios for rate setting for 2016-17 based on current information that will inform the Council when making its decisions in the Council meeting on the 6 June 2016.

Attachments/Annexures

- 1 Notice of Motion - Alderman J. Branch-Allen

17.2 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:

Documents filed in the Supreme Court as annexures to the affidavit of Alderman Branch-Allen include emails from the Director Corporate Governance & General Counsel and the General Manager to the Board of Inquiry. Those particular emails forwarded to Alderman Branch-Allen and Alderman Slade. In relation to those emails could the General Manager:

- Explain the purpose of the emails to the Board of Inquiry?
- Explain if the emails to the Board of Inquiry were sent on his instruction and/or on the advice of the Director Corporate Governance & General Counsel?
- Advise Council why these emails were only provided to two aldermen, namely Alderman Branch-Allen and Alderman Slade?

Answer:

The answer to this question may be provided after the Supreme Court case has concluded. The case is scheduled for 11th April 2016. Aldermen need to be aware that the matter is being heard before Chief Justice Blow it is sub-judice, and it is considered inappropriate to answer this question as the matter is before the Court.

17.3 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:

In separate emails from the Director Corporate Governance & General Counsel and the General Manager (29 March 2016) to the Mayor, both the DCG&GC and the GM suggested that the Mayor had unlawfully disclosed confidential documents to the Board of Inquiry.

Specifically, in the GM's email, he stated that he was "extremely concerned with evidence presented by Barristers in the Supreme Court about your action in sending Council's confidential Agenda and draft confidential minutes of the 15th March 2016 Council Meeting to DPAC staff without Council's advice, decision or knowledge, not with my knowledge".

Could the General Manager please detail what he is alleging the Mayor has done?

Answer:

The Mayor, without Council's authority or the authority of the General Manager, who is responsible for the Agenda, sent the following documents to DPAC staff member David Tilley:

- the Agenda including the confidential sections of the agenda;
- the attachments to the agenda including the confidential attachments to the Agenda;
- the draft confidential Minutes of 15 March 2016 without other Aldermen seeing or formally considering them.

The Mayor in her email to Mr. Tilley asked him to pass those documents to the BOI.

It must be noted that Mr. Tilley is not a member of the BOI and he is not bound by the confidentiality principles. Allowing Mr. Tilley to be privy to Council's confidential Agenda, Reports and attached documents before the Council Meeting of 15 March 2016, and to be privy to the draft confidential Minutes of 15 March 2016 before the Council seeing and considering them, is inappropriate and unacceptable actions by the Mayor.

17.4 QUESTION ON NOTICE 3 - 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:

Could the General Manager please articulate his policy and/or procedure for responding to and circulating request for information and/or assistance received from aldermen?

Answer:

The process to respond to Aldermen's requests for information or advice is as follows:

1. When the General Manager receives the request for information or advice he sends that request to the relevant Director or Directors;
2. The Director or Directors request their relevant departments to action it;
3. Once the request is actioned a response letter or email is drafted for the General Manager's consideration; and
4. The General Manager forwards that actioned response email or letter to the Alderman who requested either advice or information or directly to the person who requested it, with a copy to the Alderman and /or Aldermen.

17.5 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:

With regards to the current Supreme Court action taken by Alderman Branch-Allen:

- How many claims for legal expenses have been made against the director's liability insurance?
- How many interests have been logged with the insurer?
- Will any of the claimed legal expenses relating to the court action be covered by the insurer?
- What will be the impact of any claims on the premiums payable by Council for the directors liability insurance?
- Has the Director Corporate Governance & General Counsel advised the insurer that she may be a potential co-applicant and/or co-respondent and is a named as an "interested party" in the current matter before the Supreme Court?

Answer:

As the Mayor stated in her email of 23 March 2016 the emails from other Aldermen are also private and confidential.

To date, we have no claims for legal expenses have been logged with the insurer. Council are not in a position to speculate as to whether any of the claimed legal expenses relating to the court action will be covered by the insurer nor will Council speculate as to what impact any claims on the premiums paid by Council might be. It is a private and confidential matter between the claimant and the insurer as to whom may or may not be claimants or potential claimants under the policy in question.

17.6 QUESTION ON NOTICE 2 - 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:

In The Mercury on Thursday 24 March 2016 it was reported that "A council spokesperson said each aldermen was meeting their own legal expenses in the case".

- Who was the Council spokesperson on this occasion referred to in the article and under what or whose authority did that person act as the spokesperson for Council?
- Under the Local Government Act 1993 who is the spokesperson for Council?
- Was the Mayor consulted or advised at all in relation to this media statement?

Answer:

This question has already been answered a number of times and has been debated a number of times at Council Meetings.

17.7 QUESTION ON NOTICE 5 - 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:

Recent correspondence from LGAT detailing Mr Philip Zeeman's advice in relation to s22 of the Local Government Act suggests that Council does not have any authority to delegate to any individual aldermen (including the Mayor). Could the General Manager please advise under what authority do individual aldermen then represent the Council on the following external committees/bodies:

- a. LGAT
- b. STCA
- c. TasWater
- d. SWSA
- e. Wellington Park Trust
- f. West Moonah Community House
- g. Goodwood Community House
- h. Bucaan Community House
- i. Cycling South
- j. HoGlen
- k. And any other external committee or authority/body that may have council representation.

Answer:

Mr. Phillip Zeeman was engaged by LGAT and provided advice to LGAT concerning issues raised in the GMC matter; accordingly this question should be put to LGAT not to Council.

CLOSED TO MEMBERS OF THE PUBLIC

18. APPLICATIONS FOR LEAVE OF ABSENCE

ENVIRONMENT

19. WASTE SERVICES - HARD WASTE COLLECTION

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.)

GOVERNANCE

20. 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.)

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

21.1. 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.)

21.2. QUESTION ON NOTICE 4 - 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.)

21.3. 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.)

21.4. 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.)

21.5. QUESTION ON NOTICE 6 - 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.)