

**COUNCIL MEETING
AGENDA
MONDAY, 18 DECEMBER 2023**



GLENORCHY CITY COUNCIL

QUALIFIED PERSON CERTIFICATION

The General Manager certifies that, in accordance with section 65 of the *Local Government Act 1993*, any advice, information and recommendations contained in the reports related to this agenda have been prepared by persons who have the qualifications or experience necessary to give such advice, information and recommendations.

A handwritten signature in blue ink, appearing to read 'Tony McMullen', is positioned above a horizontal line.

Tony McMullen
General Manager
MONDAY, 18 DECEMBER 2023

Hour: 3:30pm

Present (in Chambers):

Present (by video link):

**In attendance (in
Chambers):**

**In attendance (by video
link):**

Leave of Absence:

**Workshops held since
last Council meeting**

Date: Monday, 11 December 2023

Purpose: To discuss:

- Conflicts of Interest provisions
- Update on Planning Authority Processes
- Budget workshop #2 – Capital works project proposals, survey of initial responses and elected member budget bid process

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1. APOLOGIES

2. CONFIRMATION OF MINUTES (OPEN MEETING)

That the minutes of the Council meeting held on 27 November 2023 be confirmed.

3. ANNOUNCEMENTS BY THE CHAIR

4. PECUNIARY INTEREST NOTIFICATION

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Question on notice – Catherine De La Torre, Chigwell

Q1: Greetings, I have just read that the Derwent Valley Council intends to provide a free shuttle service to the New Norfolk swimming pool whilst the local pool is closed this season. I as a member of your constituency would like to know if you would consider doing the same whilst we await a pool in the Glenorchy area?

I know some of you are lucky enough to have your own private pools but so many people in your electorate are low income, aged and disabled and rely on the pool as a means to exercise and enjoy time socialising that is affordable. Please provide a formal response?

Response:

According to the Department of State Growth's transport services web page, there are existing regular bus services which operate between Glenorchy and New Norfolk seven days a week and on public holidays.

Eighteen services depart Glenorchy for New Norfolk every weekday between 7.20am and 9.25pm, and there are 17 services departing New Norfolk for Glenorchy every weekday between 6.30am and 8.26pm. There are a further 12 services departing Glenorchy for New Norfolk every Saturday between 8.41am and 8.41pm and 12 services departing New Norfolk for Glenorchy between 7.47am and 7.42pm. On Sundays and public holidays, there are nine services each way, departing Glenorchy between 9.30am and 6.20pm and departing New Norfolk between 8.32am and 5.13pm.

A ratepayer-funded shuttlebus would duplicate existing services and given there is already an operator servicing this route, there would likely be regulatory impediments to having another bus service.

Question on notice – Leeanne Rose, Glenorchy

Q1: As per my deputation of council meeting 28 September 2023 will the council ask the successful consultant who wins tender re Glenorchy War Memorial Pool site options to hold a workshop within it's public consultation process with concerned public members from all Facebook groups and other concerned citizens to inform, debate, discuss and respectfully find solutions for the pool site? If yes, can council please provide the statement and questions from Dr Shane Gould dated 22 September 2023 called Dr Shane Gould and the purpose of a public swimming pool 22 September 2023.

Response:

Council is commissioning a study of long-term options for the pool site, which includes consideration of a redeveloped pool facility, and will include significant community consultation. The study will also provide cost-benefit analysis of options. This will include the consideration of the community benefits of a public swimming pool such as outlined in "Shane's suggestions" in the provided document.

As Council has previously outlined, Council would be more than happy to meet with Dr Shane Gould if she wishes to request this.

Question without notice – Deanne Gillie, Granton

Q1: How much money has Council made out of Revive? Is it leased to Revive and how much rent is being paid?

A: [Mayor]: Council leases the hydrotherapy pool to Revive, who sub-leases it to St Giles.

[Mayor]: The question was taken on notice.

Response:

Information on rental agreements, including lease fees, is commercial in confidence.

Question without notice – Janiece Bryan, Montrose

Q1: On the 2022-2023 Annual Report Land Sales Revenue is \$2.1 Million but Land Sales Expenditure is \$4.2 Million. To provide transparency for ratepayers, what has the \$4.2 million (twice as much as received for the land) been spent on? Is this spent on infrastructure for property developers as outlined in the binding partnership agreement with the State Government?

A: [Mayor]: This question was taken on notice.

Response:

This question appears to relate to Note 2.8 from the Annual Report, which is copied below.

Note 2.8	Net gain/(loss) on disposal of property, infrastructure, plant and equipment.		
	Proceeds of sale	2,159	300
	Write down value of assets disposed	(4,242)	(1,475)
	Disposal costs	(96)	(63)
	Total	(2,179)	(1,238)
Accounting policy			
Gains and losses on asset disposals			
The profit or loss on sale of an asset is determined when control of the asset has irrevocably passed to the buyer.			

This section of the report (Note 2.8) does not only relate to land sales. The table shows the following:

- \$2.159M in proceeds from the sale of Council assets such as land, infrastructure, plant and equipment.
- \$96,000 in costs associated with disposing of the assets.
- The \$4.242M figure is the “written down value of assets disposed”. This figure represents the residual book value of all assets removed from Council’s asset register during the year. For example when a playground is replaced the old

equipment that is removed is likely to still have a residual value, same as when a stormwater line is replaced, a building is replaced, or plant and vehicles are replaced. These assets usually still have a residual book value (i.e. fair value minus accumulated depreciation). From a pure accounting perspective, Written Down Value write-downs are recorded as a “loss” if the assets still had a book value. It does not represent expenditure on infrastructure.

With regards to transparency of land sales - the proceeds of all land sales, and any expenditure of those proceeds, are detailed in the Proceeds of Property Disposal report that is presented to Open Council Meetings annually after the end of the financial year. The last report was provided to the August 2023 Council Meeting, and a similar report will be provided in August or September 2024.

Question without notice – Michelle Smith, West Moonah

Q1: Will the Glenorchy City Council continue to support the Greater Glenorchy Plan, their Statement of Commitment on Housing and the Tasmanian Planning Scheme inner residential zoning for 8-10 Main Road, Claremont?

A: [Mayor]: The question was taken on notice.

Response:

The council will continue to support the Greater Glenorchy Plan and its Statement of Commitment on Housing.

The council will also administer the Tasmanian Planning Scheme in an ethical and transparent manner in accordance with the specific requirements in the Land Use Planning and Approvals Act 1993 (LUPAA) and the State Planning Provisions as follows:

Permit application that requires amendment of LPS:

1. A person who requests a planning authority under section 37 to amend an LPS may also, under this subsection –
 - (a) make an application to the planning authority for a permit, which permit could not be issued unless the LPS were amended as requested; and
 - (b) request the planning authority to consider the request to amend the LPS and the application for a permit at the same time.
2. An application for a permit under subsection (1) is to be in a form, if any, approved by the Commission.
3. **A planning authority must not refuse to accept a valid application for a permit, unless the application does not include a declaration that the applicant has –**
 - (a) notified the owner of the intention to make the application; or
 - (b) obtained the written permission of the owner under [subsection \(6\)](#) .
4. For the purposes of subsection (3) , a valid application is an application that contains all relevant information required by the planning scheme applying to the land that is the subject of the application.

Valid Application Requirements Under the State Planning Provisions:

6.1 Application Requirements

6.1.1 An application must be made for any use or development for which a permit is required under this planning scheme.

6.1.2 An application must include:

- (a) a signed application form;
- (b) any written permission and declaration of notification required under s.52 of the Act and, if any document is signed by the delegate, a copy of the delegation;
- (c) details of the location of the proposed use or development;
- (d) a copy of the current certificate of title for all land to which the permit sought is to relate, including the title plan; and
- (e) a full description of the proposed use or development.

6.1.3 In addition to the information that is required by clause 6.1.2, a planning authority may, in order to enable it to consider an application, require such further or additional information as the planning authority considers necessary to satisfy it that the proposed use or development will comply with any relevant standards and purpose statements in the zone, codes or a specific area plan, applicable to the use or development.

The Glenorchy Planning Authority will consider the application for 8-10 Main Road Claremont at its meeting on 13 December 2023.

Question without notice – Paul Campton, Claremont

Q1: In preparing the amendment recommendation for 8-10 Main Road, were Council officers concerned about the lack of information in the Traffic Report on sight distances, the incorrect measurements, lack of detail, missing of key measurements and the reference to the site frontage as being on Westbury Road in Launceston page 16?

A: [Mayor]: The question was taken on notice.

Response:

The Council is still undertaking the assessment process. Council officers will make a recommendation to Council based on their analysis of the level of compliance of the proposal with planning scheme and legislative requirements.

Question without notice – Pauline Elliott, Claremont

Q1: Is the council aware that the developers or owners of 8-10 Main Road did not get the permission or authorisation of the Environmental Engineers who prepared the Environment Assessment Report to use it in their development application?

A: [Mayor]: The question was taken on notice.

Response:

The Council was not aware, but that is a matter between the developers, owners and the consultants.

Q2: Is the Council aware that the Environmental Engineer had tried to contact the owners to find out what was happening about the report being used in the Development Application and that the Environmental Engineer stressed the report was a snapshot in time and not able to be applied to different circumstances or has council been misinformed about the status of this report?

A: [Mayor]: The question was taken on notice.

Response:

No, the Council was not aware of the actions of the Environmental Engineer in respect of the owners. Council will assess the submitted report on its merits.

Question without notice – Ron Collidge, Claremont

Q1: [On behalf of David Kernke]: In preparing the recommendation for 8-10 Main Road, were Council officers concerned about the lack of information in the Acoustic Report on tonal noise from roof fans, trucks leaving motor and compressors running, lack of explanation for calculations, how they were derived and the missing data sets?

A: [Mayor]: The question was taken on notice.

Response:

The Council is still undertaking the assessment process. The Council officers will make a recommendation to Council based on their analysis of the level of compliance of the proposal with planning scheme and legislative requirements.

Q2: Where in the Act does it stipulate that Council must accept an application?

A: [Mayor]: The question was taken on notice.

Response:

Section 40T (3) of the *Land Use Planning and Approvals Act* states:

A planning authority must not refuse to accept a valid application for a permit, unless the application does not include a declaration that the applicant has

(a) notified the owner of the intention to make the application; or

(b) obtained the written permission of the owner under subsection (6).

Question without notice – Leeanne Rose, Glenorchy

(Annual General meeting, Monday, 4 December 2023)

Q1: Will the Council undertake to use the advice from Shane Gould re: the true value of the swimming pool, as part of the process to investigate the future of the pool?

A: [Mayor] The question was taken on notice.

Response:

The council is commissioning a study of long-term options for the pool site, which includes consideration of a redeveloped pool facility, and will include significant community consultation. The study will also provide cost-benefit analysis of options. This analysis will include the consideration of the community benefits of a public swimming pool such as outlined in “Shane’s suggestions” in the provided document.

As Council has previously outlined, Council would be more than happy to meet with Shane Gould if she would like to discuss this. We welcome participation by a wide range of stakeholders in the community consultation process.

Question without notice – Mala Crew, Glenorchy

(Annual General meeting, Monday, 4 December 2023)

Q1: Why has Council not highlighted the pool in its Future Directions survey for 2024-25?

A: [Mayor] The question was taken on notice.

Response:

The Future Directions Survey is an annual survey that provides an opportunity for community members to share their thoughts about the Council’s future direction and budget priorities for the following financial year.

The survey lists a range of service areas (including recreation facilities and public open space) for people to prioritise and provide free form comments on.

For those who do not wish to register to take the full survey, there is also the opportunity to complete a “quick poll” where they can state their one wish for the future of Glenorchy.

Both the survey and the “one wish” quick poll provide opportunity for people to reference the pool or any other asset/program/service they would like to highlight.

Q2: Can Council include this in its Future Directions survey for 2024-25, or alternatively hold a referendum in this regard?

A: [Mayor] The question was taken on notice.

Response:

The 2024-25 Future Directions survey (and associated quick poll) has been open for several months and closes on 15 December. Given the closing date is next week, it is not viable to add an additional question at this stage. As noted above, the survey does provide options for people to provide comment on the pool or any other asset/program/service they would like to see prioritised.

Council is in the process of commissioning a study of long-term options for the pool site, which includes consideration of a redeveloped pool facility. This project will include significant community and stakeholder consultation, using a range of different methods to gather the views and ideas of a wide range of people in the Glenorchy community.

Elector polls (the local government version of a referendum) are very expensive, and the outcome is not binding on Council. The community consultation to be undertaken as part of the abovementioned project is considered to be a more meaningful and effective way for the community to help inform Council decision making about the future of the pool site.

Therefore, at this time, Council does not have any intention of conducting an elector poll.

Question without notice – Nicole Vout, Claremont

(Annual General meeting, Monday, 4 December 2023)

Q1: Can Council consider talks with Revive and St Giles to increase after-hours access to the hydrotherapy pool?

A: [Mayor] The question was taken on notice.

Response:

The hydrotherapy pool is formally leased to Revive who has partnered with St Giles to operate the hydrotherapy service. Council does not have control over the opening hours.

It is noted that hydrotherapy pools are not provided for recreational use, rather for the purpose of providing warm water therapy services under the direction of a medical professional, such as a physiotherapist.

Health service referrals for aquatic therapy should be taken up directly with St Giles as the service provider.

Q2: Can Council consider a shuttle bus to the Derwent Valley public pool?

A: [Mayor] The question was taken on notice.

Response:

According to the Department of State Growth's transport services web page, there are existing regular bus services which operate between Glenorchy and New Norfolk seven days a week and on public holidays.

Eighteen services depart Glenorchy for New Norfolk every weekday between 7.20am and 9.25pm, and there are 17 services departing New Norfolk for Glenorchy every weekday between 6.30am and 8.26pm. There are a further 12 services departing Glenorchy for New Norfolk every Saturday between 8.41am and 8.41pm and 12 services departing New Norfolk for Glenorchy between 7.47am and 7.42pm. On Sundays and public holidays, there are nine services each way, departing Glenorchy between 9.30am and 6.20pm and departing New Norfolk between 8.32am and 5.13pm.

A ratepayer-funded shuttlebus would duplicate existing services and given there is already an operator servicing this route, there would likely be regulatory impediments to having another bus service.

Q3: Can more detail be provided on why our lane ropes have been loaned out to New Norfolk Council?

A: [Mayor] The question was taken on notice.

Response:

Derwent Valley Council (DVC) approached Glenorchy City Council (GCC) seeking to purchase the Glenorchy Pool lane ropes, as their existing lane ropes are in very bad condition and not serviceable for the current season.

This request was declined because the future of the GCC pool is currently under review.

However, given the Glenorchy pool is not re-opening this season, GCC agreed to loan the lane ropes to DVC to support the provision of public aquatic recreation opportunities in the region.

This loan has been made under a formal Council resource sharing agreement, with the ropes on loan until May next year only (31 May 2024). Conditions on the loan include that there are no costs to GCC rate payers, and the ropes must be returned in the same condition, i.e., DVC are responsible for any damage, repairs or replacements.

Question without notice – Tracey Smith, Glenorchy

(Annual General meeting, Monday, 4 December 2023)

Q1: Will the Council consider having a public meeting with the community to discuss the pool?

A: [Mayor] The question was taken on notice.

Response:

Council is in the process of engaging a consultant to look into future options for the pool site, including redeveloping the pool facility. The scope of this project is to include extensive community consultation to inform those decisions, and any interested party is encouraged to take up the opportunity to participate in that process. Accordingly, as a consultant will soon be appointed to conduct the investigation and associated consultation activities, Council does not believe it is productive to hold a further public meeting at this time.

6. PUBLIC QUESTION TIME (15 MINUTES)

Please note:

The Council Meeting is a formal meeting of the Elected Members elected by the Glenorchy community. It is chaired by the Mayor. Public question time is an opportunity in the formal meeting for the public to ask questions of their elected Council representatives about the matters that affect ratepayers and citizens.

In accordance with regulation 31(2) and (3) (Public question time) Local Government (Meeting Procedures) Regulations 2015, Council will allocate 15 minutes during each Council Meeting to invite members of the public to ask questions relating to the activities of Council.

The following rules and procedures apply to Public Question Time:

1. questions must relate to the activities of Council
2. members of the public are to announce their name and residential address before asking a question (which will be recorded in the minutes)
3. questions are to be put succinctly and in the form of a question, not a comment
4. questions must not be inflammatory, abusive, defamatory, contain a personal attack or otherwise breach any rules of the meeting which have been explained by the Chairperson
5. the Chairperson may limit the number of questions asked by each member of the public in order to ensure that all members of the public wishing to ask questions are given the opportunity within the allocated time
6. the Chairperson will decide the order in which questions are to be asked and may rotate the order between different members of the public if individuals have more than one question to ask
7. the Chairperson may, in their absolute discretion:
 - a) refuse to answer a question if the Chairperson deems that it is inappropriate or does not comply with these rules or the rules of the Council meeting, or
 - b) take a question 'on notice', in which case the answer will be provided in writing prior the next Council meeting and included on the agenda for the next Council meeting
8. if a question is taken on notice, the Chairperson may request that the member of the public submit their question in writing and may refuse to provide a response if the question is not provided as requested, and
9. the 15 minutes allocated for Public Question Time may be extended at the discretion of the Chairperson at the conclusion of the time period. Council is to publish information relating to Public Question Time, including any additional rules and procedures, on Council's website.

Question on notice – Leeanne Rose

(received Monday, 11 December 2023)

Q1: On the 28th August 2023 Council meeting, I asked council to come together as the community did in the 1960s and identify this war memorial facility as a place of significant local heritage value in accordance with your local planning scheme processes.

You advised that this process had been initiated already. Can you please provide the Glenorchy community with information as to how the matter is progressing to date please?

A: The Tasmanian Heritage Council had received an independent third-party nomination to have the Glenorchy War Memorial Pool (pool) listed as a site of State Heritage Significance.

The Tasmanian Heritage Council assessed the pool site and found it did not meet the thresholds for listing as a site of State Heritage Significance.

Independent to this, the council has commissioned a report assessing the pool as a site of Local Historic Significance. The findings of this study will be included in, and considered as part of, the investigation of pool redevelopment and other options project that is currently underway.

7. PETITIONS/ADDRESSING COUNCIL MEETING (DEPUTATION)

COMMUNITY

Community Goal – Making Lives Better

8. ACTIVITIES OF THE MAYOR

Author: Mayor (Ald. Bec Thomas)

Qualified Person: General Manager (Tony McMullen)

ECM File Reference: Mayoral Announcements

Community Plan Reference:

Transparent and accountable government

Strategic or Annual Plan Reference:

Leading our Community

Objective: We are a leader and partner that acts with integrity and upholds our community's best interests.

Strategy: Listen to our community to understand their needs and priorities.

Strategy: Communicate effectively with our community and stakeholders about what Council is doing.

Strategy: Build and maintain productive relationships with all levels of government, other councils and peak bodies to achieve community outcomes for Glenorchy and Greater Hobart.

Reporting Brief:

To receive an update on the recent activities of the Mayor.

Proposal in Detail:

The following is a list of events and external meetings attended by Mayor Thomas during the period from Monday, 20 November to Sunday, 10 December 2023.

Wednesday 22 November 2023

- Participated in TasWater Annual General meeting
- Participated in TasWater Board Selection Committee and Directors session

Friday 24 November 2023

- Participated in Southern Tasmanian Regional Waste Authority Board meeting

Sunday 26 November 2023

- Attended Glenorchy Rotary Race Day at Elwick

Monday 27 November 2023

- Participated in Goodwood Community House "Lets Talk" program
- Chaired the Council meeting

Tuesday 28 November 2023

- Visited St Johns Church Parish Glenorchy to view the exhibition of stained glass windows
- Hosted Glenorchy Citizenship Ceremony

Wednesday 29 November 2023

- Attended Greater Hobart Strategic Partnership meeting with Deputy Premier regarding the Keep Hobart Moving transport plan
- Met with Glenorchy Understorey Network Nursery committee

Thursday 30 November 2023

- Chaired Glenorchy Jobs Hub Steering Committee meeting
- Met with Eddy Steenbergen
- Met with Ella Haddad, Labor Member for Clark
- Met with Simon Behrakis, Liberal Member for Clark

Friday 1 December 2023

- Officially Opened International Day of People with Disability event on Council Lawns

Monday 4 December 2023

- Officially opened the new Dashas Place for Making it Happen at 398 Main Road, Glenorchy
- Attended Bucaan House Christmas lunch
- Chaired the Glenorchy Planning Authority meeting
- Chaired the Glenorchy City Council Annual General meeting

Tuesday 5 December 2023

- Participated in Regional Jobs Hub Evaluation outcomes meeting
- Attended Official Visit of the Ambassador for Norway Lunch
- Attended the Tasmanian Hospitality Association Christmas event

Wednesday 6 December 2023

- Met with Inspector Jim Semmens and council officers
- Chaired Greater Hobart Mayors Forum
- Attended Tasmanian JackJumpers Christmas event

Thursday 7 December 2023

- Met with Sally Thompson, Executive Manager of Settlement Services, Migrant Resource Centre
- Attended Wrest Point General Managers Christmas event

Friday 8 December 2023

- Participated in Community Pop Up Event at Claremont Plaza

In addition to the above meetings and events, the Mayor attended numerous internal meetings and performed other administrative duties.

Consultations:

Nil

Human Resource / Financial and Risk Management Implications:

Nil

Community Consultation and Public Relations Implications:

Nil

Recommendation:

That Council:

1. RECEIVE the report about the activities of Mayor Thomas during the period from Monday, 20 November to Sunday, 10 December 2023.

Attachments/Annexures

Nil.

9. CONSIDERATION OF ANNUAL GENERAL MEETING MOTIONS RE: GLENORCHY WAR MEMORIAL POOL

Author: Manager Property, Environment and Waste (Luke Chiu)

Qualified Person: Director Infrastructure and Development (Emilio Reale)

ECM File Reference: Glenorchy War Memorial Pool

Community Plan Reference:

Leading our Community

The communities of Glenorchy will be confident that Council manages the community's assets soundly for the long-term benefit of the community.

Strategic Plan Reference:

Leading our Community

Objective Govern in the best interests of our community.

Strategy Manage the City's assets soundly for the long term benefit of the Community

Objective Prioritise resources to achieve our communities' goals.

Strategy Deploy the Council's resources effectively to deliver value.

Annual Plan Reference:

Valuing our environment

Action Investigate the future of the Glenorchy War Memorial Pool, including redevelopment or alternative options that promote the community's health and wellbeing.

Reporting Brief:

To consider a range of motions adopted by the majority of electors present at the Annual General Meeting (AGM) on 4 December 2023 relating to the Glenorchy War Memorial Pool (Glenorchy Pool).

Proposal in Detail:

Background

A range of motions were adopted by the majority of electors present at the Annual General Meeting (AGM) on 4 December 2023 relating to the Glenorchy War Memorial Pool (Glenorchy Pool).

Requirement to consider AGM motions at next Council meeting

Under s. 72B(6) of the *Local Government Act 1993*, a motion passed at an Annual General Meeting is required to be considered at the next meeting of the Council.

Glenorchy Pool

The Glenorchy Pool located at Anfield Street Glenorchy has been operating since 1963. Originally operated directly by Glenorchy City Council, in more recent years its operation has been contracted to sporting and leisure professionals; most recently to Belgravia Leisure and prior to that to the YMCA. As the pool is an outdoor facility, it operates for the warmer six months of the year - October to March (the pool season).

Commercial pools of this era typically have a usable life of approximately 40 to 50 years and the Glenorchy Pool is now 60 years old. In recent years, several issues relating to structural integrity, water loss, maintenance and general condition of the pool facilities have become apparent. Therefore, a detailed pool inspection and full audit of the pool was commissioned by Glenorchy City Council and carried out by aquatic centre and asset specialists, Lacus Consulting and Know-Ledge Asset Management Services. Copies of these reports were provided to the open Council Meeting of July 2023 and are also available on Council's website.

The detailed condition assessment revealed that the Glenorchy Pool facilities have reached a condition and age that presents significant health and safety risks. The specialist advice also made clear that the works required to remove these risks would take more than 12 months to complete.

Therefore, on 4 July 2023, the General Manager made the decision, in his capacity as "person controlling the business or undertaking (PCBU)" under the *Work Health and Safety Act 2012*, that the Glenorchy Pool not reopen for the pool season and that the pool remain closed until further notice.

Prior to the decision not to reopen the pool, Council had lodged funding request submissions for Federal and State funding to redevelop the pool. Since that time Council has continued to seek funding from the State and Federal Governments for a redeveloped site. State Government funding was recently received for \$200,000 to undertake a study on the best long-term options for the pool site. The brief includes consideration of a redeveloped pool facility, cost benefit analysis of options, and comprehensive community and stakeholder consultation. This study is in accordance with the Annual Plan Action 5.2.3.6 - *Investigate the future of the Glenorchy War Memorial Pool, including redevelopment or alternative options that promote the community's health and wellbeing*.

AGM Motions relating to the Glenorchy Pool

At the Council AGM on 4 December 2023, a range of motions relating to the Glenorchy Pool were passed by the majority of electors:

Motion - Angela Strk/Tracey Smith - Glenorchy War Memorial Pool

That Council:

1. *TAKE necessary action to preserve the structural integrity of the current pool shell so that, if obtaining funding for a redeveloped pool failed, repair might be the best option for the current pool.*

Officer advice:

Council has received professional and independent expert advice that a large investment would be required to repair the current facility (\$1.35M to \$5.13M) which would only provide approximately five more years of life to the pool due to the age of the asset (60 years old). There would also be an increase in year-on-year maintenance expenses if the pool was repaired.

Council has also been advised that the pool would need to remain closed for at least two seasons whilst these works are undertaken. Repairing the facility presents a financially unsustainable option and would leave Council and the community in the same predicament in five years' time.

All infrastructure assets have a service life and even with ongoing maintenance at some point they will need to be renewed. Council is therefore focusing its attention on redevelopment, rather than repair.

Council has considered options for the pool shell repair versus the renewal of the shell and weighed up the pros and cons of these options. As all other associated assets such as change rooms, concourse, grandstand, filter system, and water slide are in need of upgrade and replacement, it would not be an economically sound decision to renew all other facilities and leave the pool shell in place. The current pool shell does not meet standards for accessible access or sun protection requirements and leaks 35,000 litres of water daily. If all other assets were replaced except the pool shell the pool would need to be closed for several seasons to complete this work. Then, if a repaired shell lasted another 5 years as predicted, the pool would need to close again for several seasons to allow for the shell replacement. Council considers that the risk in preserving the 60 year old concrete structure is not acceptable.

The pool has been emptied because leaving the pool full at this stage presents unnecessary health, safety, and environmental risks.

Council has recently undertaken an open tender process to seek suitable consultants to explore all options for a pool redevelopment, or other options for the site, and to undertake a comprehensive community and stakeholder engagement process relating to the site.

Officer recommendation:

To ensure that the whole community can engage and have a say in the pool redevelopment or alternative options for the site, Council is focused on completing the pool site redevelopment consultation. This includes the undertaking substantial community and stakeholder engagement before committing the community to any significant investment required to redevelop and maintain a new facility. On this basis, officers recommend not supporting this motion.

Motion – Natalie Larter on behalf of Sally Hill /Nicole Vout - Glenorchy War Memorial Pool*That Council:*

1. *DEFER a decision on awarding the consultancy tender (which excludes the option to repair/maintain existing pool) in order to 'explore all options'.*
2. *ORGANISE further investigation and analysis of the main pool shell structure to extrapolate the expected life remaining of the current pool shell as recommended in the Lacus Report.*
3. *INVESTIGATE the option of borrowing water from Clarence Pool which is required to be emptied for 'critical maintenance' to help maintain integrity of the Glenorchy War Memorial Pool shell as the Lacus report advises an empty pool shell will damage/destroy the pool.*
4. *UNDERTAKE the urgent repairs in the Lacus Report, to enable the re-opening of the Glenorchy War Memorial Pool for the community.*

Officer advice:

Council has awarded contract 953 - investigation into pool redevelopment and alternative options 2a Anfield Street Glenorchy as instructed by the General Manger.

As detailed in response to the previous motion, Council has considered options for the pool shell repair versus the renewal of the shell and weighed up the pros and cons of these options. Council has received expert advice that a large investment would be required to repair the current facility (\$1.35M to \$5.13M) which would only provide approximately five more years of life to the pool due to the age of the asset (60 years old). There would also be an increase in year-on-year maintenance expenses if the pool was repaired. Council considers that the risk in preserving the 60 year old concrete structure is not acceptable.

With regards to “borrowing water from Clarence Pool”, this is not a suitable option due to the:

- financial and environmental costs associated with transporting the water.
- lack of transport options to move the water safely from one site to another.
- ready availability of safe water supply already at the Glenorchy Pool.

Water availability is not an issue. It is the age and condition of the facility that is the problem. All infrastructure assets have a service life and even with ongoing maintenance at some point they will need to be renewed. Council is therefore focusing its attention on redevelopment, rather than repair.

Council has recently undertaken an open tender process to seek suitable consultants to explore all options for a pool redevelopment, or other options for the site, and to undertake a comprehensive community and stakeholder engagement process relating to the site.

Officer recommendation:

To ensure that the whole community can engage and have a say in the pool redevelopment or alternative options for the site, Council is focused on completing the pool site redevelopment consultation. This includes undertaking substantial community and stakeholder engagement before committing the community to any significant investment required to redevelop and maintain a new facility. On this basis, officers recommend not supporting this motion.

Motion – Mala Crew/Nicole Vout - Glenorchy War Memorial Pool

That Council:

1. *INCLUDE information on the Pool to be highlighted in our Future Directions survey 2024-25 or that Council hold a referendum in this regard.*

Officer advice:

The Future Directions survey (and associated quick poll) has been open for several months and closed on 15 December. Given the closing date timing it is not viable to add an additional question at this stage. However, the survey does provide options for people to reference the pool or any other asset/program/service that they would like to see prioritised.

With regard to a referendum, or in Local Government terms an elector poll, the relevant information to request an elector poll is in the *Local Government Act 1993*.

Council would need to consider whether it would be beneficial to hold an elector poll of its own accord. Council would need to consider that it would be expensive (independent estimate \$200,000) and, may not be a good use of public money, because:

- The outcome would be non-binding on Council.
- Council is already consulting with the community in relation to the pool.
- Council has initiated a project to investigate pool redevelopment and alternative options for the site at 2A Anfield Street and this project will involve extensive community and stakeholder engagement.

Officer recommendation:

To ensure that the whole community can engage and have a say in the pool redevelopment or alternative options for the site, Council is focused on completing the pool site redevelopment consultation. This includes undertaking substantial community and stakeholder engagement before committing the community to any significant investment required to redevelop and maintain a new facility. On this basis, officers recommend not supporting this motion.

Motion – Janiece Bryan/Leeanne Rose - Glenorchy War Memorial Pool*That Council:*

1. *REVIEW its current decision in relation to the closure of the Glenorchy War Memorial Pool at the end of the Belgravia Contract applicable from 10 September 2020 to 9th September 2022. The Contract included an option for extension (Annual Report 2020-21 Page 59).*
2. *RESOLVE to carry out the four urgent repairs as detailed in the Lacus Report using funds from the DEC sale as promised for Community Projects.*
3. *RESOLVE to continue the project to scope a more substantial review of the pool including a chemical analysis of the pool shell and concrete to accurately determine the life expectancy of the pool.*
4. *RESOLVE to undertake a review of the pool's wide-ranging health and social benefits to the whole population in this municipality and southern Tasmania and the impact the closure of the pool is having on the community without local access to water-based recreation.*
5. *RESOLVE to develop and implement plans and strategies to continue to provide a public pool at this site in Glenorchy to cater for the long-term requirement for water-based recreation whilst leaving the pool operating.*
6. *RESOLVE to formulate and submit well-researched, comprehensive applications for State and Federal funding including input from state and federal Departments of Health and other 'learn to swim' supportive persons and organisations such as Shane Gould AM MBE, Swim Australia, Royal Life Saving Australia etc.*

Officer advice:

In recent years, several issues relating to structural integrity of the pool including, water loss, maintenance and general safety conditions of the pool facilities became increasingly apparent. Therefore, a detailed pool inspection and full audit of the pool was commissioned by Glenorchy City Council and carried out by aquatic centre and asset specialists, Lacus Consulting and Know-Ledge Asset Management Services.

The detailed condition assessment revealed that the Glenorchy Pool facilities have reached a condition and age that presents significant health and safety risks. Therefore, on 4 July 2023, the General Manager made the decision, in his capacity as "person controlling the business or undertaking (PCBU)" under the *Work Health and Safety Act 2012*, that the Glenorchy Pool not reopen for the pool season and that the pool remain closed until further notice.

The contract for the operation of the Glenorchy pool between Council and Belgravia included a clause that allows the contract to be terminated under a range of circumstances, including if the facility is unfit for purpose or unsafe to operate.

All infrastructure assets have a service life and even with ongoing maintenance at some point they will need to be renewed. Council is therefore focusing its attention on redevelopment, rather than repair.

Council has considered options for the pool shell repair versus the renewal of the shell and weighed up the pros and cons of these options. As all other associated assets such as change rooms, concourse, grandstand, filter system, water slide are in need of upgrade and replacement, it would not be an economically sound decision to renew all other facilities and leave the pool shell in place. The current pool shell does not meet standards for accessible access or sun protection requirements and leaks 35,000 litres of water daily. If all other assets were replaced except the pool shell the pool would need to be closed for a number of seasons to complete this work, and then if the shell only lasted another 5 years the pool would need to close again for several seasons to allow for the shell replacement. Council considers that the risk in preserving the 60 year old concrete structure is not acceptable. Allocating Council funds from the DEC reserve or any other account will not change the economic life or return on investment ratios.

The pool has been emptied because leaving the pool full at this stage presents unnecessary health, safety, and environmental risks.

Council has received expert advice that a large investment would be required to repair the current facility (\$1.35M to \$5.13M) which would only provide approximately five more years of life to the pool due to the age of the asset (60 years old). There would also be an increase in year-on-year maintenance expenses if the pool was repaired.

Council has also been advised that the pool would need to remain closed for two seasons whilst these works are undertaken. Repairing the facility presents a financially unsustainable option and would leave Council and the community in the same predicament in five years' time.

Council is commissioning a study of long-term options for the pool site, which includes consideration of a redeveloped pool facility, and will include comprehensive community and stakeholder consultation. The study will also provide concept plans, cost-benefit analysis of options, and consideration of various funding models and grant opportunities. Council will be undertaking extensive consultation with the community to help understand community needs and will collect feedback from all interested parties including Dr Shane Gould AM MBE, Swim Australia, Royal Life Saving Australia etc.

Officer recommendation:

To ensure that the whole community can engage and have a say in the pool redevelopment or alternative options for the site, Council is focused on completing the pool site redevelopment consultation. This includes the undertaking substantial community and stakeholder engagement before committing the community to any significant investment required to redevelop and maintain a new facility. On this basis, officers recommend not supporting this motion.

Consultations:

Executive Leadership Team
Property Assets Coordinator
Recreation and Environment Coordinator
Manager Assets Engineering and Design

Human Resource / Financial and Risk Management Implications:

Council has received a State Government Grant of \$200,000 to undertake the study on the future of the pool site.

Officers will support this work as part of their normal duties.

Community Consultation and Public Relations Implications:

The study of long-term options for the pool site will include comprehensive community and stakeholder consultation which is a significant requirement in the pool redevelopment or alternative options consultancy tender that Council has initiated.

Recommendation:

That Council:

1. RECEIVE and NOTE the following Motions passed by a majority of electors at the Annual General Meeting on 4 December 2023 from the following electors:
 - a. Angela Strk/Tracey Smith:
Council takes necessary action to preserve the structural integrity of the current pool shell so that, if obtaining funding for a redeveloped pool failed, repair might be the best option for the current pool.
 - b. Natalie Larter on behalf of Sally Hill/Nicole Vout
That Council:
 1. DEFER a decision on awarding the consultancy tender (which excludes the option to repair/maintain existing pool) in order to 'explore all options'.
 2. ORGANISE further investigation and analysis of the main pool shell structure to extrapolate the expected life remaining of the current pool shell as recommended in the Lacus Report.
 3. INVESTIGATE the option of borrowing water from Clarence Pool which is required to be emptied for 'critical maintenance' to help maintain integrity of

the Glenorchy War Memorial Pool shell as the Lacus report advises an empty pool shell will damage/destroy the pool.

4. *UNDERTAKE the urgent repairs in the Lacus Report, to enable the re-opening of the Glenorchy War Memorial Pool for the community.*

c. Marla Crew/Nicole Vout

Council INCLUDE information on the Pool to be highlighted in our Future Directions survey 2024-25 or that Council hold a referendum in this regard.

d. Janiece Bryan/Leeanne Rose

That Council:

1. *REVIEW its current decision in relation to the closure of the Glenorchy War Memorial Pool at the end of the Belgravia Contract applicable from 10 September 2020 to 9th September 2022. The Contract included an option for extension (Annual Report 2020-21 Page 59).*
 2. *RESOLVE to carry out the four urgent repairs as detailed in the Lacus Report using funds from the DEC sale as promised for Community Projects.*
 3. *RESOLVE to continue the project to scope a more substantial review of the pool including a chemical analysis of the pool shell and concrete to accurately determine the life expectancy of the pool.*
 4. *RESOLVE to undertake a review of the pool's wide-ranging health and social benefits to the whole population in this municipality and southern Tasmania and the impact the closure of the pool is having on the community without local access to water-based recreation.*
 5. *RESOLVE to develop and implement plans and strategies to continue to provide a public pool at this site in Glenorchy to cater for the long-term requirement for water-based recreation whilst leaving the pool operating.*
 6. *RESOLVE to formulate and submit well-researched, comprehensive applications for State and Federal funding including input from state and federal Departments of Health and other 'learn to swim' supportive persons and organisations such as Shane Gould AM MBE, Swim Australia, Royal Life Saving Australia etc.*
-
2. After due consideration, NOT SUPPORT the motions and focus on progressing contract 953 - investigation into pool redevelopment and alternative options 2a Anfield Street Glenorchy, to ensure that the whole community can engage and have a say in the pool redevelopment or alternative options for the site.

Attachments/Annexures

Nil.

ENVIRONMENT

Community Goal – Valuing our Environment

10. CONSIDERATION OF ANNUAL GENERAL MEETING MOTION RE: NON-RESIDENTIAL DEVELOPMENT AT 8-10 MAIN ROAD, CLAREMONT

Author: Senior Strategic Planner (Lyndal Byrne)

Qualified Person: Director Infrastructure and Development (Emilio Reale)

ECM File Reference: 8-10 Main Road, Claremont

Community Plan Reference:

Open for Business

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

Leading our Community

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

Strategic Plan Reference:

Open for Business

Objective We encourage responsible growth for our City

Strategy Maintain a progressive approach that encourages investment and jobs.

Strategy Plan for the orderly future growth of our City, with particular focus on structure planning for the Northern Suburbs Transit Corridor and at Granton.

Leading our Community

Objective We are a leader and partner that acts with integrity and upholds our community's best interests.

Strategy Make informed decisions that are open and transparent and in the best interests of our community.

Objective We responsibly manage our community's resources to deliver what matters most.

Strategy Manage compliance and risk in Council and our community through effective systems and processes

Reporting Brief:

To consider a motion moved by Mr Paul Campton and passed at the Annual General Meeting (AGM) on 4 December 2023 relating to non-residential development at 8-10 Main Road, Claremont:

Proposal in detail:

Motion - Paul Campton/David Kernke re: non-residential development at 8-10 Main Road, Claremont

The following motion was passed by a majority of electors present at the AGM on 4 December 2023:

The Glenorchy City Council continue to support the Greater Glenorchy Plan, their Statement of Commitment on Housing and the Tasmanian Planning Scheme inner residential zoning for 8-10 Main Rd Claremont and refuse to support any Development Application, nor changes to Local Provisions Schedule, for non-residential use at that site.

Requirement to consider AGM motions at next Council meeting

Under s. 72B(6) of the *Local Government Act 1993*, a motion passed at an Annual General Meeting is required to be considered at the next meeting of the Council.

More information provided by the mover of the motion

Mr Campton provided the following additional information after the 4 December 2023 Annual General Meeting to clarify the intent of the motion that was put to the Meeting.

The are many permitted and discretionary uses in an inner residential zone. 24 hour drive throughs are not one of them. Whilst developers can apply for an amendment to allow for prohibited uses such as abattoirs, quarries, 24 hour drive through, the TASMANIAN PLANNING SCHEME clearly indicates what the Inner Residential Zone is for .. "To provide for a variety of residential use or development that accommodates a range of dwelling types at higher densities for non-residential use that does not cause an unreasonable loss of amenity, through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off site impacts".

Alderman and Councillors should represent the interest of ratepayers by

1.Upholding the TPS which embodies the amenity of residents, the scheme strictly prohibits such uses as 24 drive through in inner residential zones

Alderman and Councillors please

2. Uphold Principle 1 for Claremont in the Greater Glenorchy Plan, it says “supporting further medium-density residential development within walking distance to the activity centre, rather than identifying significant new retail or commercial development opportunities.”

Alderman and Councillors please

3. Uphold your Statement of Commitment on Housing, it says” is committed to facilitating access for our residents to a diversity of safe, liveable, accessible and affordable housing options in our City. Moreover, it was the Council that changed the zoning for 8-10 Main Rd to inner residential.

Please, uphold your own zoning scheme, plans and statement. In doing so you will represent your ratepayers by protecting their amenity.

In your next meeting we want you to refuse to support the new amendment to the LPS for 8-10 Main Rd that involves non -residential use, please keep 8-10 as inner residential.

This motion is asking that no DA be supported that involves new amendments to the local provisions schedule for 8-10 Main, for prohibited uses in inner residential zones. I ask ratepayers present to support this motion.

Proposed Development: 8-10 Main Road, Claremont

Council received an application for a combined planning scheme amendment and planning permit application (PLAM-23/03) for a site-specific qualification (for a drive-through facility and business signage), and a planning permit application for a takeaway food premises with a drive through facility and signage. This has been requested for 8-10 Main Road, Claremont.

At the time this report was written, the proposal is an item on the Glenorchy Planning Authority (GPA) agenda scheduled to be determined on 13 December 2023.

Qualified advice

The motion that was put by Mr Campton requires Council to refuse any current or future development application or planning scheme amendment requests for non-residential use at 8-10 Main Road, Claremont.

Under s. 48 of the Land Use Planning and Approvals Act 1993 (the Act):

Where a planning scheme is in force, the planning authority must, within the ambit of its power, observe, and enforce the observance of, that planning scheme in respect of all use or development undertaken within the area to which the planning scheme relates, whether by the authority or by any other person.

Under the current planning scheme, a number of non-residential uses are currently permissible in the Inner Residential Zone (Passive Recreation, Visitor Accommodation, Business and Professional Services, Community Meeting and Entertainment, Educational and Occasional Care, Emergency Services, Food Services, General Retail and Hire and Sports and Recreation). If a planning permit application is sought for any of these uses, Council is obligated under the *Land Use Planning and Approvals Act 1993* (the Act) to undertake a full assessment against the relevant provisions of the planning scheme.

The motion, if adopted by Council, would unlawfully frustrate and compromise potential planning permit application assessment processes and would prevent the planning authority from making a transparent and unbiased decision.

The same reasoning exists for planning scheme amendment requests to change provisions of the scheme and potentially introduce uses or development onto a site that are currently prohibited. These must also be considered against the requirements set out in the planning legislation, requiring a full assessment to be made.

As noted above, this motion, if adopted by Council, would unlawfully frustrate and compromise planning scheme amendment request assessment processes and would prevent the planning authority from making a transparent and unbiased decision.

Acting as the planning authority, Council has a legal obligation set out under the Act to properly assess applications that come before it.

Under Section 37 of the Act, a person may request a planning authority to amend a Local Provisions Schedule (LPS) that applies to the municipal area of the planning authority. Before deciding the request, the planning authority must be satisfied the proposed amendment meets the requisite criteria and the local provisions schedule.

Section 40T(3) of the Act also makes it unlawful for a planning authority to refuse a valid application.

It would be unlawful for a planning authority to refuse to accept an application without undertaking the assessment required under the Act. Doing so may make Council vulnerable to the initiation of legal action by an applicant.

Council's failure to comply with the requirements of the Act would also likely to support an appeal to the Tasmanian Civil and Administrative Tribunal (TASCAT) or the Tasmanian Planning Commission (TPC) and put it at risk as to costs.

Consultations:

Manager Development
Director Infrastructure and Development
General Manager

Human Resource / Financial and Risk Management Implications:Human Resources

Unlawful decisions by the planning authority are likely to result in lengthy appeals which would have a significant impact on Council resources to defend.

Risk management

There is significant risk to Council if it adopts the recommendation. An applicant will have a right of review to the TPC or TASCAT who will likely determine the improper assessment of the proposal in accordance with the Act and failure of the planning authority to discharge its legal duties under the Act.

An applicant may also have other avenues of legal recourse against Council.

Community Consultation and Public Relations Implications:

The Motion is inconsistent with Council's Strategic Plan objectives. Council has committed to make informed decisions that are open and transparent and in the best interests of our community.

This Motion was put to the Annual General Meeting on 4 December 2023 and was passed by the electors. The Motion is now being considered by Council in the open Council meeting on 18 December 2023. Apart from the statutory advertising obligations associated with development applications or scheme amendments, if required, no other Community Consultation will be undertaken in relation to this Motion.

Recommendation:

That Council:

1. RECEIVE and NOTE the Motion put by Mr Paul Campton and passed by a majority of electors present at the 4 December 2023 Annual General Meeting that:

The Glenorchy City Council continue to support the Greater Glenorchy Plan, their Statement of Commitment on Housing and the Tasmanian Planning Scheme inner residential zoning for 8-10 Main Rd Claremont and refuse to support any Development Application, nor changes to Local Provisions Schedule, for non-residential use at that site.
2. After due consideration, NOT SUPPORT the motion due to it being inconsistent with Council's lawful obligations to act in accordance with the *Land Use Planning and Approvals Act 1993*, specifically s. 37 - Request for amendment of local provisions schedules (LPS), s. 40T - Permit application that requires amendment of LPS, and s. 48 - Enforcement of observance of planning schemes.

Attachments/Annexures

Nil.

GOVERNANCE

Community Goal – Leading our Community

11. CONSIDERATION OF ANNUAL GENERAL MEETING MOTION RE: PLANNING AUTHORITY COMPOSITION

Author: Manager, Development (Paul Garnsey)

Qualified Person: Director Infrastructure & Development (Emilio Reale)

ECM File Reference: Glenorchy Planning Authority

Community Plan Reference:

Open for Business

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

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:

Open for Business

Objective We encourage responsible growth for our City.

Strategy Maintain a progressive approach that encourages investment and jobs.

Strategy Plan for the orderly future growth of our City, with particular focus on structure planning for the Northern Suburbs Transit Corridor and at Granton

Leading our Community

Objective We are a leader and partner that acts with integrity and upholds our community's best interests.

Strategy Make informed decisions that are open and transparent and in the best interests of our community.

Objective We responsibly manage our community's resources to deliver what matters most.

Strategy Manage compliance and risk in Council and our community through effective systems and processes.

Reporting Brief:

To consider the motion moved by Ms Pauline Elliott and passed by a majority of electors at the Annual General Meeting (AGM) on 4 December 2023 that Council:

DEFER highly contentious issues, such as removing land designated for housing and changes to allow prohibited uses, or where there are 5 or more representations, to the full Council.

Report in detail:

The Motion

The motion states that ‘...*highly contentious issues, such as removing land designated for housing and changes to allow prohibited uses, or where there are 5 or more representations...*’ are deferred to the full Council.

Requirement to consider AGM motions at next Council meeting

Under s. 72B(6) of the *Local Government Act 1993*, a motion passed at an Annual General Meeting is required to be considered at the next meeting of the Council.

Background

The Glenorchy Planning Authority (GPA) was originally established in 1996 as the Land Use Planning Committee (LUPC) when Council verified its desire to operate at a more strategic level, preferring to delegate procedural and administrative functions to the Committee.

Although LUPC decisions were subject to ‘call in’ powers where certain decisions were considered by the full Council, these powers were never exercised and the LUPC was given full delegation.

The LUPC was then renamed the Glenorchy Planning Authority and has continuously operated with full delegation ever since.

The existence of the GPA was most recently considered and affirmed at the 28 November 2022 Council meeting when the full Council unanimously endorsed the appointment of 5 elected members to the Committee.

The current structure of the GPA is recognised as progressive and efficient system for considering statutory planning matters that affords the community with a genuine and focused forum to be heard.

Consideration

A planning authority is a statutory authority under the *Land Use Planning and Approvals Act 1993* (LUPAA). The Council's Planning Authority makes planning decisions on individual developments in accordance with the planning scheme regardless of its structure or numbers.

The planning scheme sets out the rules for how land can be used or developed and specifically allows for the exercise of certain discretion. It is the role of the GPA to ensure that planning officers have exercised any discretion appropriately and that any impacts of a discretion are reasonable.

It is not the role of the GPA to represent the 'interests' of the community and be the subject of political lobbying. Rather, the GPA has a statutory obligation to ensure it only makes decisions based on the planning scheme and in accordance with planning legislation. The duties of GPA members when acting as a planning authority are different to those when making decisions as 'elected members'.

Irrespective of whether applications are determined by the GPA or by full Council, there is still a statutory obligation to make decisions solely based on the planning scheme requirements.

A major benefit of having a separate Committee to consider statutory planning matters creates a distinct separation between often conflicting roles elected members are faced with in decision making.

Other benefits in maintaining the current structure and function of the GPA include:

- Smaller membership facilitates more efficient and effective decisions on matters that generally are quite detailed in nature.
- A smaller Committee creates a less daunting environment for applicants, representors, and other community members to participate in the decision-making process. Feedback from the community is that this environment is highly valued.
- Minimising the potential for political influence on decisions which may be contrary to professional planning advice and thus resulting in more appeals.
- The Committee will attract members who have a specific interest in land use planning matters and will develop additional expertise over time in exercising their responsibilities.
- All Elected Member of Council are Proxy members of the GPA and can be swapped out if an interest is declared or a GPA member cannot attend the meeting.

Broader strategic land use planning matters affecting the community such as the introduction of new planning schemes and policy changes are, and will continue to be, brought before the full Council.

Consultations:

Senior Planning Staff
Director Infrastructure & Development

Human Resource / Financial and Risk Management Implications:

Additional time would be spent by staff attending both GPA and Council meetings. Council meetings would also be longer in duration and would not be a conducive environment for applicants and representors to state their cases.

The motion would result in an increased potential for political interference in the decision-making process which may result in increased number of appeals.

Community Consultation and Public Relations Implications:

Council, through its Community and Strategic Plans has committed to creating an environment where it is 'easy to do business' while managing responsible growth. The motion is inconsistent with these Plans.

Recommendation:

That Council:

1. RECEIVE and NOTE the Motion put by Ms Pauline Elliot and passed by a majority of electors at the Annual General Meeting on 4 December 2023, that Council:

DEFER highly contentious issues, such as removing land designated for housing and changes to allow prohibited uses, or where there are 5 or more representations, to the full Council.
2. After due consideration, NOT SUPPORT the motion as it would not produce any tangible benefits to the development approval processes for the reasons set out under "Consideration" this report.

Attachments/Annexures

Nil.

12. PROPOSED LEGISLATIVE CHANGES - MANAGING ELECTED MEMBER CONFLICTS OF INTEREST

Author: Senior Legal Counsel (Michael Jacques)
Qualified Person: Director Community & Corporate Services (Jenny Richardson)
ECM File Reference: Governance

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:

Objective	We are a leader and partner that acts with integrity and upholds our community's best interests.
Strategy	Make informed decisions that are open and transparent and in the best interests of our community.
Strategy	Manage compliance and risk in Council and our community through effective systems and processes.

Reporting Brief:

The State Government is proposing changes to legislation to clarify certain aspects of an Elected Member's duty to manage conflicts of interest. This report presents the State Government's proposed changes for your review and a response for Council endorsement.

Proposal in Detail:

Background

Early in 2023 the State Government created a working group comprising of representatives from LGAT, local Councils and the Office of Local Government to develop reforms to the process for managing conflicts of interests.

The Premier's Local Government Council (PLGC) met in July 2023 and endorsed the discussion paper titled "Managing conflicts of interest for councillors", (Attachment 1). The Hon Nic Street Minister for Local Government has written to the Mayor and is now seeking feedback on the proposals within this paper (Attachment 2). The discussion paper is referred to as a "framework proposal". This term has been recently applied to non-mandatory model policies, which this is not. The current proposal relates to legislative changes that will impose mandatory obligations on Council.

Major proposed changes

1. Changes to the way conflicts of interest are classified.

Currently the Local Government Act only deals with pecuniary (monetary) interests. Other benefits are managed by the Code of Conduct for Councillors (and the Code of Conduct Panel). This distinction will be removed and all interests, real or perceived, would have to be disclosed in a way which will be set out in a future, amended Local Government Act (for illustrative scenarios please refer to Attachment 1 pp12-13).

This amendment has the potential to strengthen the disclosure regime and remove some uncertainty for Elected Members. It may involve some additional administrative work by Elected Members and council officers. (Attachment 1 p7, item 2)

2. How conflicts of interest are disclosed

The proposed changes will require a Personal Interest Return (PIR) to be lodged after an election, and which is renewed annually. These PIRs will be disclosed publicly (Attachment 1, pp7-8, items 7 and 9). This will involve a much more open disclosure of the personal financial and other interests of an Elected Member. However, this is quite a common requirement for elected office and is the same process as that followed in all other Australian jurisdictions.

There are further changes proposed requiring a conflict of interest to be disclosed before it is discussed at a Council meeting, workshop, or any “other forum” (Attachment 1, p7, item 3). This would require some early attention to be given to the disclosed meeting material, such as agendas, to avoid an inadvertent breach by Elected Members.

Where a conflict exists, this will require the creation of a Proactive Management Plan (Attachment 1, p8, item 8). This proposal would benefit from the State providing templates and compliance training for these plans to avoid an undue burden on Elected Members (Attachment 1, p8, item 8).

3. How conflicts of interest are managed

It is proposed that Elected Members are required to leave a meeting where they have identified an actual conflict of interest. It will be a matter of judgement where there is a perceived conflict (Attachment 1, p7, items 4 and 5). Based on the details provided, this does not seem substantially different from the current requirements. There will be new controls on having access to information for an issue where there is a conflict of interest.

4. Proactive conflict management

This is raised as a future potential reform in the Minister’s letter, but not discussed in the Report.

5. Penalties

It is usual to enforce mandatory requirements with some kind of penalty. The proposed penalties are fines, dismissal from office, and prison. These are likely to be stated as hefty amounts and prison terms, but in practice any sanction is likely to vary considerably depending on the extent of the oversight or breach (Attachment 1, p8, item 10).

6. Guidance materials

There are few details on what reference material might be provided, or when they would be provided. The Minister may offer guidance on making assessments and judgement. (Attachment 1, p7, item 6) Based on past practice, these materials are unlikely to be available until well after the legislation has been amended, and the Minister's advice is likely to be broad.

Summary

As the information provided is limited (that is, it does not include any draft of the new provisions) the details are not yet completely clear.

On balance, the proposed reforms are consistent with practice elsewhere in Australia. While annual returns seem intrusive for Elected Members, they are likely to garner public support while also bringing Tasmania into line with other jurisdictions on these matters.

There are positive aspects to the proposals including removing somewhat artificial and confusing distinctions between pecuniary and non-pecuniary interest.

In terms of internal administration, they are unlikely to result in a significantly increased burden on Council officers.

Given this, a response to this discussion paper is included at Attachment 3 to this report. It is recommended Council endorse this response.

Human Resource / Financial and Risk Management Implications:

Financial

There are no significant financial implications for Council.

Human resources

There are no significant financial implications for Council.

Risk management

Risk Identification		Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the recommendation	The proposed legislative policy changes do not represent any significant departure from established practices. While there may be some additional processes to adopt, the changes will provide more overall clarity to Elected Members.	Minor (C2)	Unlikely (L2)	Low	Responsible officers will continue to monitor progress and ensure that any amended requirements are handled appropriately.
Do not adopt the recommendation					
It is unlikely that this will be an option although we can provide feedback. Governance administration may be advantaged by having clearer expectations set in legislation.		Minor (C2)	Likely (L4)	Medium	Council officers will forward feedback, then continue to monitor changes and ensure compliance with future mandatory processes.

Community Consultation and Public Relations Implications:

Elected Members
 Executive Leadership Team
 Corporate Governance
 Senior Legal Counsel
 Council officers

Community consultation

The State Government is seeking Council feedback by 22 December 2023. The State Government will then proceed to public consultation.

Recommendation:

That Council:

1. RECEIVE and NOTE the State Government Report and Ministerial letter on managing conflicts of interest included as Attachments 1 and 2;
2. MAKE a submission to the Minister for Local Government in the terms set out in Attachment 3.

Attachments/Annexures

- 1** Discussion paper - Conflicts of Interest proposed changes



- 2** Letter from Minister accompanying Discussion Paper



- 3** Response to Minister



13. OBLIGATIONS ARISING FROM THE CHILD AND YOUTH SAFE ORGANISATIONS ACT 2023

Author: Senior Legal Counsel (Michael Jacques)
 Qualified Person: Director Community & Corporate Services (Jenny Richardson)
 ECM File Reference: Governance

Community Plan Reference:

Making Lives Better

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

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:

Making Lives Better

Objective	We champion greater opportunities for our community.
Strategy	In partnership with others, facilitate and advocate for a welcoming, inclusive, healthy and learning community.

Leading our Community

Objective	We are a leader and partner that acts with integrity and upholds our community's best interests.
Strategy	Listen to our community to understand their needs and priorities.
Strategy	Champion and work together to address our community's needs and priorities.

Reporting Brief:

This paper is to brief the Council on new mandatory requirements arising from the enactment of the *Child and Youth Safe Organisations Act 2023* (the Act).

Proposal in Detail:

The Act has been developed as a consequence of growing community concern about child safety, highlighted by the Royal Commission into Institutional Responses to Child Sexual Abuse. The Act is already in force, but takes practical effect for Council from 1 January 2024. The role of institutions in promoting child safety is a key focus of the Act and Tasmanian Councils are explicitly covered by this legislation.

Council and several other entities, for example religious entities, accommodation or residential services for homelessness, disability, childcare, education, health justice

and detention, government agencies) have obligations commencing 1 January 2024. Other entities, for example clubs, associations, coaching and tuition, gyms, photography, transport, neighbourhood houses, have obligations commencing 1 July 2024.

The legislation is very broad and is intended for not only child safety, but also to include wider youth justice issues.

The Act includes child and youth safe standards that must be complied with (in Council's case by 1 January 2024). Those standards are:

1. Child safety and wellbeing is embedded in organisational leadership, governance and culture
2. Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously
3. Families and communities are informed and involved in promoting child safety and wellbeing
4. Equity is upheld and diverse needs respected in policy and practice
5. People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice
6. Processes to respond to complaints and concerns are child-focused
7. Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training
8. Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed
9. Implementation of the child and youth safe standards is regularly reviewed and improved
10. Policies and procedures document how the entity is safe for children and young people

The new Independent Regulator's office is to provide education and advice to inform our own policies and procedures. This position is yet to be filled.

Areas of more specific emphasis are:

- Mandatory notification obligations (within 3 business days), somewhat like a Workplace notifiable safety incident, with obligations to conduct child safe investigations (including investigating historic claims).
- Reportable conduct is widely expressed and includes emotional harm, neglect and physical violence. Sexual misconduct can include social media misuse, inappropriate behaviour and physical contact, voyeurism and grooming.
- Council will have reporting responsibilities for workers, volunteers and elected member behaviour. The words of the legislation do not limit this and it can relate to incidents inside and outside working hours. We must report any alleged incident we become aware of.

- Requirements for cultural safety of Aboriginal and Torres Strait Islander children, with reporting obligations. There is a “universal principle” that an “entity must provide an environment that ensures that the right to cultural safety of children who identify as Aboriginal or Torres Strait Islander is respected”.
- Significant fines for non-compliance.
- The requirement for Council to employ trained contact officers.
- New consultation and reporting requirements.
- Requirements for new policy and procedures, including clear complaints processes and on-line complaints portals, use of plain English in policies.
- Continuous education including providing information to the community generally as well as non-English language material.
- Detailed screening checks (as well as ongoing checks), induction processes and an updated Code of Conduct. This will also apply to volunteers if they are likely to have direct exposure to children.

LGAT representatives have recently stated that significant effort has been expended on preparing the legislation, but less on how it will be implemented. Timescales are now very short, with only limited training and educational material being provided by the State Government.

A collation of the commitments from the Royal Commission findings and an analysis of the likely compliance tasks required of Council is provided at [Attachment 1](#). It is likely the new Regulator will monitor compliance with these findings.

Consultations:

Elected Members

Executive Leadership Team

Manager Governance

Senior Legal Officer

Managers

Survey – Have your Say “Child & Youth Safety in Glenorchy” concluded 30 November 2023

The matter has been extensively discussed between LGAT and the State Government. Some information has been passed back to Council.

Human Resource / Financial and Risk Management Implications:

Financial

There will be additional increased staff and training costs.

Human resources

This legislation will require a significant further application of resources to training, new systems and processes. Compliance will require at least one additional ongoing staff member as well as training child safe officers.

Community consultation

Council will be required to consult and involve the community in developing its policies and procedures in compliance with the Act.

Council has commenced discussion through a recent survey “Child & Youth Safety in Glenorchy” which concluded 30 November 2023.

Public relations

There are no public relations implications at this time.

Recommendation:

1. That Council RECEIVE and NOTE the attached report regarding the *Child and Youth Safe Organisations Act 2023*.

Attachments/Annexures

- 1 Royal Commission into Institutional Responses to Child Sexual Abuse
[🔗](#) Task Listing

14. FINANCIAL PERFORMANCE REPORT TO 30 NOVEMBER 2023

Author: Manager Finance (Allan Wise)
Qualified Person: Director Community & Corporate Services (Jenny Richardson)
ECM File Reference: Corporate and Financial Reporting

Community Plan Reference:

Leading Our Community

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:

Objective	We are a leader and partner that acts with integrity and upholds our community's best interests.
Strategy	Make informed decisions that are open and transparent and in the best interests of our community.
Objective	We responsibly manage our community's resources to deliver what matters most.
Strategy:	Deploy the Council's resources effectively to deliver value while being financially responsible.

Reporting Brief:

To provide Council with the monthly Financial Performance Report for the period ending 30 November 2023.

Proposal in Detail:

Council's Financial Performance Report (Report) for the year-to-date ending 30 November 2023 is at [Attachment 1](#).

The Report highlights Council's operating result as at the end of November is \$2.824 million better than budget. The favourable variance is the combined result of \$0.915 million more revenue than budget and \$1.909 million less expenditure than budget.

Executive Summary

The financial position at the end of November continues to report favourable revenue and expenditure results in the sum of \$2.824 million. The forecast for the remainder of the 2023/24 financial year indicates the favourable position will continue.

There is no indication of any permanent influences that require immediate remedial action prior to the formal mid-year budget review to be presented to Council in the new year. However, the mid-year budget review will resolve several large variances that are referenced repeatedly in the monthly report including:

- Carried forward and new operating grants
- Carried forward and new capital grants
- Rates charitable remissions, interest and penalty variations
- Workers' compensation premium refund
- Building application fees revenue reduction
- Capital donation to Benjafield playground project
- Land tax liability increase

Revenue

Year-to-date operational revenue is \$63.124m compared to budgeted operational revenue of \$62.209m. This represents a favourable result of \$0.915m or 1.5% against budget.

With the exception of building application fees which are currently 43% under budget, revenue has been consistently above budget expectations and there are no obvious indicators to suggest this will not continue.

Expenditure

Year-to-date operational expenditure is \$27.888m compared to budgeted expenditure of \$29.797m. This represents a favourable result of \$1.909m or 6.4% against budget.

Employee costs continue to report under expenditure due to vacant positions and recruitment taking an extended period to fill roles. In some instances, there will be an unbudgeted expense due to the need to engage temporary contractors or labour hire in the interim.

Materials and services also report an underspend which can be mainly attributed to timing differences between the budget date and when the invoices are received. This is especially prevalent with contracted suppliers who submit monthly invoices for large amounts.

Non-operating – Capital Grant Revenue

Capital grants revenue is \$6.056 million against an annual budget of \$9.198 million.

In the year to date, a total of \$3.670 million has been received from the Federal Government's Major Project Funding Program. In addition, unbudgeted capital grants for Blackspot and Local Roads & Community Infrastructure phase 4 have also been received. Of further note, a total of \$0.606 million in unspent grants from last year were carried forward into this year.

Non-Operating – Net Gain/(Loss) on Disposal of Assets

Disposal of assets currently records a minimal gain of \$12,000 against an annual budget loss of \$0.418 million.

Activities in this area are disposal of obsolete computer equipment, minor plant and vehicle changeovers. Land sales also contribute to the monthly result. The sale price of all disposed assets is tempered by the expense in writing down the book value of those assets.

Non-Operating – Contributions Non-Monetary Assets

No non-monetary assets have been received to date against an annual budget of \$3.500m.

Typically, these are donated / gifted assets received from subdivisions and similar developments, as well as assets found not to be currently recorded in the asset register.

Non-Operating – Assets Written Off

No assets have been written off to date against an annual budget of \$1.920m.

Typically, this relates to the residual value of assets that have reached the end of their useful lives and have been replaced.

Capital Works

Year-to-date Capital Works expenditure is \$8.532m against a combined annual budget of \$32.686m and a combined annual forecast spend of \$32.617m. At the end of November, \$4.768m has been expended on Council funded Recurrent projects and \$3.764m for Major projects.

Contractor and supply chain issues continue to impact the progress of the capital works program in the first five months of the financial year. Where projects are identified as unlikely to be completed, substitute projects are being recommended.

A detailed capital update report to December 2023 will be presented to Council in the new year.

New Overdue Rate Procedures for Instalment Two

As part of setting the 2023/24 rates and charges, Council also adopted new procedures for overdue instalments. This included halving the penalty charge from 10% to 5% and sending an overdue reminder notice 7 days after the due date. This results in an additional 14 days before any penalty is applied or other recovery action is taken.

In the quarterly report presented to Council on 30 October, penalty statistical information for rate instalment one was provided which highlighted:

Rate Instalment One

- In the previous 2022/23 year, there was 2745 penalties applied after 7 days at 10% resulting in an average of \$51.20 per rate account.
- This year 2023/24, there were 1406 penalties applied after 21 days at 5% resulting in an average of \$20.90 per account.

Rate instalment 2 due date was 1 November 2023 and penalty statistical information is provided for Councils reference as follows:

Rate Instalment Two

- In the previous 2022/23 year, there was 2098 penalties applied after 7 days at 10% resulting in an average of \$48.12 per rate account.
- This year 2023/24, there were 1321 penalties applied after 21 days at 5% resulting in an average of \$21.30 per account.

The figures for rate instalment two further support the positive changes Council made to rate payment processes in the 2023/24 budget.

Further Information

Further information on revenue, expenditure and capital works figures is provided in Attachment 1 to this report.

Consultations:

General Manager

Executive Leadership Team

Officers responsible for Capital and Operational Budget reporting

Human Resource / Financial and Risk Management Implications:

Financial implications are set out in the body of this report and in [Attachment 1](#).

The Financial Performance Report is only for receiving and noting, so no financial issues arise. Risks associated with Council's financial expenditure and sustainability were managed through the process for developing Council's annual budget and are monitored through ongoing monthly reporting and Council's Strategic and Key Operational risk register.

Community Consultation and Public Relations Implications:

Community consultation was not required due to the regular and operational nature of this report. There are no material public relations implications.

Recommendation:

That Council:

1. RECEIVE and NOTE the Financial Performance Report for the year-to-date ending 30 November 2023 as set out in [Attachment 1](#).

Attachments/Annexures

- 1 Attachment 1 - Financial Performance Report - November 2023



15. PROCUREMENT AND CONTRACTS EXEMPTIONS REPORT

Author: Manager People and Governance (Tracey Ehrlich)
Qualified Person: Director Community & Corporate Services (Jenny Richardson)
ECM File Reference: Procurement

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:Open for Business

Objective: We encourage responsible growth for our City.
Strategy: Maintain a progressive approach that encourages investment and jobs.

Leading our Community

Objective: We are a leader and partner that acts with integrity and upholds our community's best interests.
Strategy: Make informed decisions that are open and transparent and in the best interests of our community.
Objective: We responsibly manage our community's resources to deliver what matters most.
Strategy: Manage compliance and risk in Council and our community through effective systems and processes.

Reporting Brief:

To inform Council of a procurement exemption under Council's Code for Tenders and Contracts.

Proposal in Detail:**Exemption report**

Council's Code for Tenders and Contracts (the Code) has been made and adopted by Council as required under section 333B of the *Local Government Act 1993*.

Under the Code - Annex A – Procurement Reporting Requirements, the General Manager is required to report to Council any purchases in circumstances where a normally required public tender or quotation process is not used. Instances of non-application of the quotation or public tender process are to be reported at ordinary

Council meetings as soon as possible after a contract is executed or a purchase order is issued.

The information reported for each contract or purchase order will include:

- the contract or purchase order value (excluding GST)
- the circumstances for engaging the contractor or supplier without seeking the required number of quotes
- the date approval was given to engage the contractor or supplier
- the date of the contract or purchase order
- if the contract or purchase order was as a result of a prescribed situation or prescribed contract under regulation 27 of the *Local Government (General) Regulations*, the sub regulation relied on for not calling for public tenders.

On 5 December 2023 the Director Community and Corporate Services approved an exemption to Council's Code for Tenders and Contracts for the continued use of Seek to advertise vacant Council positions. Seek is the leading national provider of electronic job advertising also owning and operating Jora.

Since 1 July 2023, Council has spent \$31,577 excluding GST on job advertisements. A further purchase order for \$25,000 was requested by the HR Coordinator to cover expenditure for the remainder of the 2023/2024 financial year. This brings the total approved spend with Seek to \$56,577 excluding GST which is above the \$50,000 threshold for obtaining multiple quotes.

This exemption is permitted under s27(i) of the *Local Government (General) Regulations 2015* which applies where there is a lack of alternative tenderers.

Additionally, on 1 December 2023, the Director Infrastructure and Development approved a further exemption to that reported in the November 2023 Council meeting for the supply and installation of additional water filled barriers to be used at the base of batter slopes on the McGill Rise development at Claremont. The product installed is to provide a safety barrier for any potential rocks that become dislodged from the face of the building platform batters.

This exemption is permitted under s27(a) of the *Local Government (General) Regulations 2015* which applies in the event of an emergency where there is insufficient time to call for tenders. The exemption relates to a contract value of \$16,900 and a total expenditure, including that approved in November 2023 (\$65,165), of \$82,065 excluding GST.

Consultations:

Director Community and Corporate
Director Infrastructure and Development
Procurement and Contracts Coordinator
HR Coordinator

Human Resource / Financial and Risk Management Implications:

Financial

The report documents expenditure of \$73,477 excluding GST in budgeted operational costs. This excludes the amount of \$65,165 already reported to Council in November 2023

Human resources

Seek is the leading Australian advertiser for job vacancies. If Council were unable to use Seek its ability to reach potential job applicants would be impaired.

Risk management

As this report is recommended for receiving and noting only, no risk management issues arise. Risks around procurement are monitored and reported on a continuous basis as part of standard processes and procedures.

Community Consultation and Public Relations Implications:

Community consultation was not required or undertaken. There are no material public relations implications.

Recommendation:

That Council:

1. RECEIVE and NOTE the exemption approved by the Director Community and Corporate Services for the continued use of Seek to advertise Council's job vacancies. The expenditure totals \$56,577 excluding GST for the 2023/2024 year, and
2. RECEIVE and NOTE the exemption approved by the Director Infrastructure and Development for the additional water filled barriers for emergency works at McGill Road. The expenditure totals \$16,900 excluding GST.

Attachments/Annexures

Nil.

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

16.1 NOTICE OF MOTION - SINGLE USE PLASTICS

Author: Manager Property, Environment and Waste (Luke Chiu)

Qualified Person: Director Infrastructure and Development (Emilio Reale)

ECM File Reference: Waste Management Strategy for Tasmania

Community Plan Reference:

Valuing our Environment

We will value and enhance our natural and built environment

Strategic or Annual Plan Reference:

Leading our Community

Objective: Prioritise our resources to achieve our communities' goals

Strategy: Deploy Council's resources effectively to deliver value

Reporting Brief:

To provide advice on the potential introduction of a single use plastics ban in the Glenorchy municipal area.

Proposal in Detail:

At the Council Meeting of 30 October 2023, the following motion without notice was put and carried:

That Glenorchy City Council officers provide a report on how to remove single use plastics from our city, as per the Hobart City Council approach.

This report is presented in accordance with that motion.

Problematic and/or Unnecessary Single-Use Plastic Packaging

The following definitions of problematic and unnecessary single-use plastic are provided by the Australian Packaging Covenant Organisation (APCO). APCO is the independent, not-for-profit organisation that has been established to administer an agreement between the Australian, State and Territory Governments and the packaging industry.

Single-use packaging is routinely disposed of after its contents have been unpacked or exhausted or it is not part of an accessible reuse system where packaging can be used again in the same application for which it was originally designed.

Unnecessary packaging can be reduced or redesigned with a fit-for-purpose alternative without diminishing product integrity, compromising product accessibility, hindering ability to meet health or safety regulations, or causing undesirable environmental outcomes.

Problematic packaging is currently either:

- Difficult to collect for effective reuse, recycling, or composting, or
- A material that hinders, disrupts, or obstructs opportunities to recover other materials or resources including via existing recycling streams, or
- A significant contributor to the litter problem, or
- Manufactured with hazardous chemicals or materials that pose a significant risk to human health or the environment.

[Source: Action Plan for Problematic and/or Unnecessary Single-Use Plastic Packaging, APCO 2023]

Research undertaken by CSIRO has revealed that three-quarters of rubbish along the Australian coastline is plastic. As detailed above there is a range of single-use plastic packaging that is deemed problematic and/or unnecessary. It is these plastics that are the focus of the sector to remove from usage.

Australian Packaging Covenant and 2025 National Packaging Targets

The Australian Packaging Covenant is an agreement between the Australian, State and Territory Governments and the packaging industry. APCO is an independent, not-for-profit company established to administer the Covenant on behalf of government and Covenant's signatories.

In 2018, the Australian packaging industry and government committed to the 2025 National Packaging Targets (2025 Targets) which are reinforced by the National Waste Policy and National Waste Policy Action Plan.

One of the 2025 targets is to phase out problematic and/or unnecessary single-use plastic packaging by 2025.

APCO has released an *Action Plan for Problematic and/or Unnecessary Single-Use Plastic Packaging* in August 2023 (version 2).

Tasmanian Waste and Resource Recovery Strategy 2023-2026

Released in 2023, the Tasmanian Waste and Resource Recovery Strategy is the State's first ever legislated waste strategy. The Strategy has the following stated purpose:

- Support strong circular economy to reduce waste and greenhouse gas emissions and improve the amenity, liveability, and sustainability of Tasmania.
- Divert products and materials from landfill and recognise the inherent value of products and materials.

- To invest in circular economy programs to increase the recovery and reuse of products and materials and respond to emerging issues.

Importantly, in the context of this report, the Strategy confirms the State Government's commitment to:

"A phase out of problematic and unnecessary plastics by 2025", and specifically to "Develop policies and legislation to phase out the use of a range of problematic single-use plastics and single use items in Tasmania by 2025".

The State Government outlines their commitment to phase-out a range of problematic single-use plastics such as plastic straws, bowls, plates, utensils and expanded polystyrene consumer food containers by 2025, via legislation. The State Government also outlines that between now and 2025 they are helping to ensure that the recovery sector is prepared for the increase in compostable service ware (e.g. bowls, plates and cutlery) which will be generated by the phase-out and has committed \$6M towards the establishment of commercial composting facilities to assist in managing this increased load.

The State Government would also undertake a state-wide education campaign that coincides with the introduction of the legislation.

City of Hobart (CoH) Single Use Plastics By-law

Background

In November 2016, a motion was brought to the CoH in relation to plastic pollution. The resolution from that meeting was to the effect 'that Council sought a timeline for implementing appropriate measures to ban the use of non-compostable packaging for takeaway food'.

In August 2017, CoH resolved to amend their Environmental Health By-law for the purposes of restricting the use of single-use plastic takeaway food packaging. This was later abandoned in preference for the development of a standalone by-law.

Throughout 2018 CoH undertook community and stakeholder consultation in relation to the proposal to introduce the by-law.

In 2019 CoH resolved its intention to make the by-law and delegated the authority to the General Manager to prepare the required Regulatory Impact Statement to submit to the Director of Local Government for a certificate to advertise the by-law and, upon receipt of that certificate, to formally advertise the by-law.

In March 2020 CoH adopted the Single-Use Plastics By-law and authorised the General Manager to arrange the necessary authorities to enact the by-law.

On 1 July 2021 the CoH Single-Use Plastics By-law was enacted. This was a significant body of work for the CoH, with the process taking more than four and a half years from when the original motion was raised. It made CoH the only Local Government in Australia to have a by-law that bans single-use plastic takeaway packaging. Since this time most Australian States and Territories including Tasmania have either introduced, or committed to introducing, state-wide bans.

Scope of the CoH Single-Use Plastics By-law

The CoH by-law only applies to businesses that provide or sell food that is sold as takeaway food for immediate consumption and includes items such as plastic takeaway food containers, plastic cutlery and plastic lined cups. A range of items are excluded such as bottled beverages, soft plastic wraps, and plastic pre-wrapped confectionaries and chips.

Glenorchy City Council Options

If the Glenorchy City Council wishes to enact a similar ban on problematic and/or unnecessary single use plastics as CoH has done, there are two options:

- Introduce a similar by-law to CoH.
- Wait for the introduction of Statewide legislation slated for 2025.

Introducing a by-law similar to CoH's has the benefit of learning from their process and documentation. Whilst this advantage is likely to reduce the time it may take to enact a single use plastics by-law, it will still likely take around two-years to complete the by-law making process. There are a range of activities that would need to be undertaken such as community and stakeholder consultation and the statutory processes required to make a by-law.

Despite the benefit of many other councils already having similar by-laws in place, the process for making Council's most recent by-law – *Public Places and Infrastructure By-law 2022* – still took over two years to make.

If the Council does make a new by-law, it will also need to consider introducing additional resources to monitor and enforce non-compliance with the new by-law.

The steps involved in making a by-law are detailed in Attachment 1.

There is a risk that the State Government may not progress or approve a new single use plastics by-law given the State Government is already drafting legislation for the same matter. A by-law cannot override a provision already covered by State Parliament's legislation of Acts and Statutory Rules. The impending State legislation and its processes is likely to lead to a lengthy delay or refusal of any proposed by-law on the same matter.

Whilst banning of problematic and unnecessary single-use plastics is supported by officers, it is recommended that Council does not attempt to introduce a standalone by-law, but rather provide submissions and support for the statewide legislation that is slated to be introduced in 2025 on the same matter. The key reasons for recommending this approach are:

- The State Government has committed to introducing legislation to phase out problematic single-use plastics in Tasmania by 2025.
- There is an extensive process to bring in a new by-law that is likely to take two years, even with the support of CoH's by-law experience (i.e. 2026).
- There is a risk the State Government may not progress or approve the by-law given the State Government is already drafting legislation for the same

matter. (Noting a by-law cannot override a provision already covered by State Parliament's legislation of Acts and Statutory Rules.)

- There will be a state-wide education campaign that coincides with the introduction of the State legislation.
- There will be a consistent approach across all municipalities in Tasmania with regard to both the regulations and the education on the regulations.

Consultations:

Executive Leadership Team

Manager Development

Waste Services Coordinator

Senior Corporate Legal Counsel

Human Resource / Financial and Risk Management Implications:

There would be significant resources required to undertake the extensive process of developing a by-law (as detailed in Attachment 1). There would also be significant resource requirements to undertake an education campaign on the introduction of such a by-law. These resource requirements will be greatly reduced by the introduction of the State legislation that is slated to be introduced in 2025 for the same matter, and the associated state-wide education campaign that will coincide with it.

The key risk with attempting to introduce a by-law is that it is unlikely to be completed prior to the 2025 State Government legislation on the same matter. There is also the risk the State Government may not progress or approve such a by-law given the State Government is already drafting legislation for the same matter. (Noting a by-law cannot override a provision already covered by State Parliament's legislation of Acts and Statutory Rules.)

Community Consultation and Public Relations Implications:

Extensive community and stakeholder consultation is required to introduce a by-law. A significant education campaign would also be required with the community and stakeholders if/when such a by-law were to be introduced. The State Government will be undertaking stakeholder engagement and education in relation to the state-wide legislation slated for 2025 on the same matter.

Recommendation:

That Council:

1. RECEIVE and NOTE the attached report on how to remove single use plastics from the City of Glenorchy.
2. WRITE to the State Government to reinforce Glenorchy City Council's support for the State Government's commitment to introduce legislation to phase out problematic single-use plastics by 2025.

Attachments/Annexures

1 Steps in Making a By-law



CLOSED TO MEMBERS OF THE PUBLIC

17. CONFIRMATION OF MINUTES (CLOSED MEETING)

That the minutes of the Council meeting(Closed Meeting) held on 27 November 2023 be confirmed.

18. APPLICATIONS FOR LEAVE OF ABSENCE

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