

**Minutes of the Meeting
of the Glenorchy City Council
held at the Council Chambers
on Monday, 20 March 2017 at 3.00 p.m.**



Present: Commissioner Sue Smith

In attendance: Mr. P. Brooks (General Manager), Ms. S. Iskandarli (Director, Corporate Governance and General Counsel), Mr. P. Garnsey (Acting Director, City Services and Infrastructure), Mr. T. McMullen (Acting Director, Community, Economic Development and Business), Ms. C. Higgins (Manager Legal and Property), Mr. S. Scott (Manager, Governance and Risk), Mr. B. Hannan (Senior Internal Compliance Advisor), Mr. A. Mousavi (Transport Engineer), Mr. R. Blackwell (Property Coordinator), Mr. G. Blackwell (Engineering Projects Officer), Mr. M. Glover (Engineering Projects Coordinator) and Mrs. J. King (Mayoral and Executive Support Officer).

Mr. Barry Easter, member of Glenorchy City Council's Board of Inquiry

The Chair read two statements at the beginning of the Council Meeting:

Statement 1

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

Statement 2

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

1. APOLOGIES

None.

On 5 December 2016, a Special Meeting of Council was adjourned until 20 March 2017.

The usual practice is that this item would be given precedence at today's meeting, in accordance with regulation 13(3) of *Local Government (Meeting Procedures) Regulations 2015 (Regulations)*. However, under Regulation 42 of the Regulations, Commissioner Smith suspended the consideration of the adjourned item until the meeting reached Item 18 on today's agenda, which is in the closed session of Council.

Commissioner Smith advised that she had varied the usual meeting procedures under Regulation 42 because she considered it to be an inconvenience to ask the members of the public to leave the meeting while that item is considered in circumstances when it was not known how long the consideration of the item would take.

2. CONFIRMATION OF MINUTES

Moved: COMMISSIONER SMITH

Approved by Commissioner Smith:

That the minutes of the Council Meeting held on Monday, 20 February 2017 be confirmed.

3. ANNOUNCEMENTS BY THE CHAIR

Announcement by Commissioner Smith

Commissioner Smith made three announcements:

1. Public Question Time

Commissioner Smith advised that she has asked Management to change Council Meeting Policy in relation to Public Question Time for the next meeting of Council.

The revised Policy will permit members of the public to ask questions relating to the activities of Council, rather than limiting questions to those related to items of business on the Agenda.

2. Draft Report of Glenorchy City Council's Board of Inquiry

Commissioner Smith read the following statement to the meeting:

"The draft confidential report of the Board of Inquiry into Glenorchy City Council will be released to suspended Aldermen and the other affected parties before 10 April 2017, with a response invited.

I am aware that the Minister for Planning and Local Government, the Hon Peter Gutwein MP, when writing to Aldermen advising of their suspension, stated that any requests for access to information to assist them in their response to the Board of Inquiry's draft confidential report should be directed to the General Manager. I am also aware that the General Manager is seeking his own independent legal advice in relation to the report, as are the other respondents.

In view of that, I have taken advice on the issue of the suspended Aldermen contacting the General Manager. I consider it prudent that all possible inquiries from suspended Aldermen in relation to the Board of Inquiry's draft confidential report are directed through the office of the Commissioner, and not the General Manager. I have formed that view, despite the Minister's request that requests for information are directed to the General Manager.

Accordingly, any possible requests from suspended Aldermen for information or documentation to assist them to respond to the Board of Inquiry's draft confidential report are to be referred in writing, in the first instance, to the office of the Commissioner for consideration and action.

I will be formally writing to each suspended Aldermen about this announcement so they are aware of the process from this day forward."

3. Representation on Council and External Committees

Commissioner Smith made an announcement about the continued representation of the community by Council internal and external committees and at larger organisations such as TasWater and the Southern Tasmania Councils Authority.

Commissioner Smith:

- advised that she has instructed Management to present a process to her at the next Council meeting outlining how the continued representation of the Glenorchy City Council on all internal and external committees can be ensured
- assured the Glenorchy community that Council is taking the issue of representation on committees very seriously, that the valuable contribution of Council and the community (and particularly volunteers) on those committees continues, and that Council will facilitate that representation in any way possible, and

- advised that she will be representing the community at those forums herself wherever this is necessary. If she is unable to attend, she expects that managers from the relevant Council departments will attend those meetings, and provide her office with copies of the meeting minutes.

4. PECUNIARY INTEREST NOTIFICATION

No declarations of pecuniary interest were declared.

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Mr. Bob Holderness-Roddam, 155 Main Road, Austins Ferry

In relation to Item 10 on the Agenda (Dog Management Policy), what steps will be taken to improve the enforcement of dog management as per the Act and also the Council by-laws?

Answer – Commissioner Smith

Commissioner Smith began by noting that this was a new policy for which extensive public consultation had been undertaken (and for which, she noted, there had been some very impressive submissions received). In view of that, Commissioner Smith advised that it was her view that the policy to be considered at the meeting was correct and appropriate.

In relation to the question, Commissioner Smith asked whether Mr. Holderness-Roddam would be satisfied if Council undertook to provide him with a written answer within 7 days.

Mr. Holderness-Roddam advised that he was satisfied with that outcome.

A letter was sent to Mr. Holderness-Roddam on 21 February 2017 addressing the above matter.

6. PUBLIC QUESTION TIME (15 MINUTES)

Prior to question time commencing, Commissioner Smith advised that she undertook to provide a written response to any questions which she could not answer within 7 days.

Mr. Phil Butler, 504 Main Road, Glenorchy
Item 9 – KGV Community Park

Mr. Butler advised that he was present at the community forum held in relation to the proposed community park / skate park. He was concerned that the report in the Council Agenda notes that the location of the proposed park has received a positive response. It was Mr. Butler's view that whilst there was general support for the construction of a skate park, there was not support for its location.

Mr. Butler asked that Commissioner Smith test the veracity of the statement in the Agenda that there was broad support throughout the community for a skate facility to be located at the proposed location.

Response:

Commissioner Smith advised that she had received the relevant documentation and received a presentation, and has also had contact from people in the community expressing both their support and concerns about the proposal. She advised that she would address Mr. Butler's question when that particular item was discussed on today's Agenda.

Mrs. Kaye Smith, Constance Avenue, Glenorchy
Item 9 – KGV Community Park

Mrs. Smith raised a number of concerns about the location of the proposed community park and the extent of community consultation that has been undertaken. In relation to those concerns, Mrs. Smith asked the following questions:

1. what other areas were looked at and what was the outcome of these?
2. what was the response from the Hobart Northern Suburbs Rail Action Group?
3. Was the Hobart Indoor Skate Park group approached? Mrs. Smith understood that this group is looking at possible sites, including the Hobart Showgrounds.

Response:

Commissioner Smith advised that, like the previous question, she would address a number of items when the matter was considered during the meeting. However, she noted that she had today received a briefing on the project, and that she considered it unfortunate that not all of that information that she received was put in the public arena.

Commissioner Smith advised that five other locations were considered for the proposal (Abbotsfield Park, Windermere Bay Reserve, Claremont Recreation Ground at Box Hill Road, Montrose Bay on the Brooker Highway, and the current proposed location in the KGV Sports and Community Precinct).

Mr. Barry Smith, Constance Avenue, Glenorchy

Traffic Danger – Grove Road

Mr. Smith advised that the end of Grove Road where it meets Elwick Road has, for some months, been in a mess, with wide trailers, loads of wood, car bodies, camper vans and other debris, and even a goat tethered on one residence.

Mr. Smith noted that whilst the mess has now been cleaned up (in response to action taken by Council), it was present for some time and was, he understood, actioned only as a result of a complaint received from a member of the public. His questions relating to this were:

1. Is it the responsibility of Council officers or the public to report such matters to Council?
2. Does a member of the public have to take the 'risk' of complaining to Council, or should Council officers identify matters such as this themselves and address them in the absence of a complaint?

Response:

Commissioner Smith acknowledged that there were a number of issues arising from the scenario, including who owns the land, where was it located (a road, highway etc.), and was it the jurisdiction of the police (i.e. if it was a road safety issue) or Council.

She added that whilst Council officers are often out and about in the community, they do not always notice every matter that needs to be addressed. Commissioner Smith noted that it was her expectation that if a complaint is made by a member of the public, it should as much as possible, be dealt with delicately and without names being released. However, she also noted that in some circumstances, such as where there are legal proceedings related to the issue, it may not be possible to keep names confidential (for example, where the member of the public is required as a witness).

Commissioner Smith advised that it was the responsibility of both members of the community and Council to ensure that matters such as this were brought to Council's attention.

She undertook to provide further information to Mr. Smith within 7 days.

Mr. George Burrows, Black Snake Road, Granton**Item 8 – Glenorchy CBD Revitalisation Project**

1. Bearing in mind Tasmania's cool climate (especially in winter) what, if any, consideration was given to making a section of the CBD completely enclosed from the weather?
2. Has any consideration been given to the concept of 'timed automatic parking', which is a concept whereby parking is charged on a scale based on factors such as location and time of day and does not require physical monitoring. Its main advantage is that it minimises people from circling the block looking for a suitable parking space.
3. In relation to the parking of bicycles what data was the decision to include bicycle facilities in the project based on?

Response:Question 1:

Commissioner Smith advised that there were completely enclosed areas in the Northgate Shopping Centre, and that the concept of enclosed shopping was limited to shopping centre and mall facilities such as Northgate. These were distinct from the type of outdoor dining facilities that were being considered in this case, which people would utilise as an alternative to shopping centres. She nevertheless advised that it was likely that the issue of enclosed areas was considered in the design.

Question 2:

Commissioner Smith advised that there were distinct benefits in not having timed parking that required people to feed parking meters. She advised that she would not want to see anything implemented that was good for some people but was not good or equitable to everybody in the community. She was concerned it would not be to everyone's advantage if some people were able to pay, for example, \$25 an hour for a premium parking space whilst other more disadvantaged members of the community were required to park further away.

Question 3:

Commissioner Smith advised that bicycle use was on the rise, and that more and more people were buying bikes and utilising bicycle facilities. She advised that people were increasingly looking to ride their bikes to a public transport stop to avoid having to buy a second car, and that having secure facilities was necessary to encourage this. She also expressed the view that people should support innovative concepts such as this because it was something that would ultimately be a drawcard for the city of Glenorchy, and also had measurable health and environmental benefits.

7. PETITIONS/DEPUTATIONS

Mr. Philip Venables, Deputy/Acting CEO YMCA

Item 9 – KGV Community Park

Mr. Venables addressed the meeting in relation to the proposed KGV Community Park (Item 9 on the Agenda), and particularly the amount of consultation that had taken place with the YMCA.

He noted that Council had held discussions with the YMCA about the proposed facility, but not all of the issues that they had discussed had been tabled in the Agenda. He advised that he was therefore placing those issues on the record.

The matters raised by Mr. Venables in his deputation were as follows:

- The YMCA (being an international body) runs a National Skate Park League. The YMCA coordinates skating competitions in hundreds of locations across Australia. In Tasmania, the YMCA runs anywhere from 8 to 12 competitions for skateboarding, BMX and (soon) scooters. Accordingly, the YMCA has considerable expertise in relation to skate parks.
- The proposal put forward does not take some of the issues that the YMCA consider important into consideration. In particular, Mr. Venables was concerned that the space set aside for a skate facility in the community park is relatively narrow. This would place limitations on the type of facility that could be constructed, and, consequently, the YMCA's ability to conduct National Skate Park League competitions there. He noted that a number of skate parks constructed by Councils around Australia without proper consultation have been dangerous and have placed users at considerable risk.
- Elements of the designs for the community park that are proposed have impacts for the YMCA. For example, the introduction of exercise equipment would be in direct competition with the YMCA's facilities.
- The YMCA's interest in basketball has also not been addressed. The YMCA is in the process of implementing a 3x3x3 basketball competition. It would like consideration to be given to incorporating the particular type of urban basketball facilities used in that program into the community park.
- The YMCA would be able to run skate clinics at any facility that was constructed. Given that the facility is aimed at engaging youth and keeping them active, which is at the core of the YMCA's mission, they wish to have greater input into the design.
- In relation to the location of the proposed facility, Mr. Venables asked whether there was any additional investigation undertaken into the alternative locations and noted that the same locations had been discussed at the community forums some nine months earlier.

ENVIRONMENT

8. GLENORCHY CBD REVITALISATION PROJECT

File Reference: CBD Steering Committee

Reporting Brief:

The purpose of this report is to inform Council of the grant application submitted for the Glenorchy CBD Revitalisation Project to the Australian Government's 'Building Better Regions Fund'(BBRF) and to seek Council's approval for accepting the grant, should the application be successful.

Moved: COMMISSIONER SMITH

Approved by Commissioner Smith:

That Council:

1. NOTE Council's submission of the application for grant funding under the Australian Government's Building Better Regions Fund grant program
2. AUTHORISE Council officers to enter into negotiations with Regional Development Australia, to finalise the terms and conditions and to execute the grant agreement, in the event that Council's application is successful
3. EXPAND the CBD Revitalisation Project Steering Committee by invitation to the Moonah Glenorchy Business Association to nominate a representative, and
4. REQUIRE that a progress report for project is provided to Council bi-monthly.

GOVERNANCE

9. KGV COMMUNITY PARK

File Reference: KGV

Reporting Brief:

The purpose of this report is to brief Council on the work undertaken on the proposed KGV Community Park project, and to recommend that Council:

- (a) endorses the proposed location of the KGV Community Park, and
- (b) approves the progression of the project to the next stage (design and implementation).

Moved: COMMISSIONER SMITH

Approved by Commissioner Smith:

That this item lay on the table for a maximum of two months to allow for further consultation with stakeholders.

10. SPONSORSHIP POLICY

File Reference: Council Policy

Reporting Brief:

The purpose of this report is to recommend that Council adopts a '*Sponsorship Policy*', that provides direction as to:

- (a) the processes to be followed by Council prior to entering any binding sponsorship arrangements, (either as a recipient or provider), and
- (b) the principles that determine whether any proposed sponsorship arrangements are appropriate.

Moved: COMMISSIONER SMITH

Approved by Commissioner Smith:

That Council:

ADOPT the '*Sponsorship Policy*' in the form of Attachment 1, with the date of review changed from four (4) years to two (2) two years.

11. ADOPTION OF UPDATED COUNCIL POLICIES

File Reference: Council Policy

Reporting Brief:

This report recommends that Council adopts six (6) updated policies, in accordance with Council's ongoing policy review process.

Moved: COMMISSIONER SMITH

Approved by Commissioner Smith:

That Council:

1. ADOPT the 'Contribution to Boundary Fences' policy in the form of Attachment 1
2. ADOPT the 'Use of Jumping Castles and Similar Devices on Council Property' policy in the form of Attachment 3
3. ADOPT the 'Telecommunications Infrastructure on Council Property' policy in the form of Attachment 5
4. ADOPT the 'Sports Ground Lighting' policy in the form of Attachment 7
5. ADOPT the 'Advertising Devices on Council Property' policy in the form of Attachment 9, and
6. ADOPT the 'Human Resources' policy in the form of Attachment 11.

12. ANNUAL PLAN PROGRESS REPORT AS AT 31 DECEMBER 2016

File Reference: Quarterly Report - Annual Plan Progress

Reporting Brief:

To provide Council with the Quarterly Annual Plan Progress Report for the quarter ending 31 December 2016.

Moved: COMMISSIONER SMITH

Approved by Commissioner Smith:

That Council:

RECEIVE and NOTE the Quarterly Annual Plan Progress Report for the quarter ending 31 December 2016.

13. CORPORATE PERFORMANCE INDICATORS - JANUARY 2017

File Reference: Traffic Lights

Reporting Brief:

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

Moved: COMMISSIONER SMITH

Approved by Commissioner Smith:

That Council:

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

14. SOUTHERN TASMANIAN COUNCILS AUTHORITY - QUARTERLY REPORT TO MEMBERS - DECEMBER 2016

File Reference: STCA

Reporting Brief:

To provide Council with the Southern Tasmanian Councils Authority Quarterly Report to Members – December 2016.

Moved: COMMISSIONER SMITH

Approved by Commissioner Smith:

That Council:

RECEIVE the Southern Tasmanian Councils Authority – Quarterly Report to Members – December 2016 that has been provided for the part of the Council meeting that is open to the public.

15. ACTIONS LIST - UPDATE REPORT

File Reference: Actions List - Council Meetings

Reporting Brief:

To provide Council with the latest Actions List (Open Council Meeting), updated following the 20 February 2017 Council meeting.

Moved: COMMISSIONER SMITH

Approved by Commissioner Smith:

That Council:

NOTE the progress of the items on the Actions List (Open Council Meeting), as updated following the 20 February 2017 Council meeting.

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

None.

Moved: COMMISSIONER SMITH

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

CLOSED TO MEMBERS OF THE PUBLIC

17. APPLICATIONS FOR LEAVE OF ABSENCE

All staff left the meeting at 4.31 p.m. except:

- the General Manager
- the Director, Corporate Governance and General Counsel
- the Acting Director, City Services and Infrastructure, and
- the Acting Director Community, Economic Development and Business

Mr. Easter also remained in the meeting.

GOVERNANCE

18. GENERAL MANAGER'S 6-MONTHLY KPI REVIEW

This item is to be considered at a closed meeting of the Council by authority of the Local Government (Meeting Procedures) Regulations 2015 Regulation 15(2)(a) (Personnel matters, including complaints against an employee of the Council and industrial relations matters) and 15(2)(g) (Information of a personal and confidential nature or information provided to the Council on the condition it is kept confidential)

19. ACTIONS LIST - UPDATE REPORT

This item is to be considered at a closed meeting of the Council by authority of the Local Government (Meeting Procedures) Regulations 2015 Regulation 15(2)(g) (Information of a personal and confidential nature or information provided to the Council on the condition it is kept confidential).

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

The meeting closed at 4.55 p.m.

Confirmed,

CHAIRMAN