

**COUNCIL MEETING  
AGENDA  
MONDAY, 23 DECEMBER 2019**



**GLENORCHY CITY COUNCIL**

**Hour:** 6.00 p.m.

**Present:**

**In attendance:**

**Leave of Absence:**

**Workshops held since  
last Council Meeting**

**Date:** Monday, 2 December 2019

**Purpose:** To discuss:

- Public Places and Infrastructure By-Law 2019
- CBD Bus Mall Relocation

**Date:** Monday, 9 December 2019

**Purpose:** To discuss:

- Id Profile Training (Glenorchy Demographics)
- Strategic Land Purchase – 2 Anfield Street
- General update

**Date:** Monday, 16 December 2019

**Purpose:** To discuss:

- Skate Park Consultation update and Land Disposal Framework
- CBD Public Art
- Community Yarns

## **TABLE OF CONTENTS:**

|     |                                                                                                    |           |
|-----|----------------------------------------------------------------------------------------------------|-----------|
| 1.  | APOLOGIES .....                                                                                    | 4         |
| 2.  | CONFIRMATION OF MINUTES (OPEN MEETING) .....                                                       | 4         |
| 3.  | ANNOUNCEMENTS BY THE CHAIR .....                                                                   | 4         |
| 4.  | PECUNIARY INTEREST NOTIFICATION .....                                                              | 4         |
| 5.  | RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....                                         | 4         |
| 6.  | PUBLIC QUESTION TIME (15 MINUTES).....                                                             | 5         |
| 7.  | PETITIONS/DEPUTATIONS.....                                                                         | 8         |
|     | <b>COMMUNITY .....</b>                                                                             | <b>9</b>  |
| 8.  | ANNOUNCEMENTS BY THE MAYOR.....                                                                    | 10        |
| 9.  | CHILD CARE CONNECTIONS POLICY AND PROCEDURES REVIEW .....                                          | 14        |
| 10. | GLENORCHY ARTS AND SCULPTURE PARK (GASP) ANNUAL<br>REPORT .....                                    | 20        |
|     | <b>ENVIRONMENT .....</b>                                                                           | <b>24</b> |
| 11. | FOOD AND GREEN WASTE (FOGO) EXEMPTION CRITERIA REVIEW .....                                        | 25        |
|     | <b>GOVERNANCE .....</b>                                                                            | <b>33</b> |
| 12. | INVESTIGATION INTO THE DISPOSAL OF A PORTION OF COUNCIL<br>LAND AT 671 MAIN ROAD, BERRIEDALE ..... | 34        |
| 13. | ADOPTION OF 2020 COUNCIL AND GPA MEETING DATES .....                                               | 45        |
| 14. | MINISTERIAL DIRECTIONS UPDATE REPORT.....                                                          | 49        |
| 15. | PROCUREMENT AND CONTRACTS - MONTHLY REPORT .....                                                   | 51        |
| 16. | FINANCIAL PERFORMANCE REPORT TO 30 NOVEMBER 2019 .....                                             | 55        |
| 17. | NOTICES OF MOTIONS – QUESTIONS ON NOTICE / WITHOUT<br>NOTICE .....                                 | 57        |
|     | <b>CLOSED TO MEMBERS OF THE PUBLIC .....</b>                                                       | <b>58</b> |
| 18. | CONFIRMATION OF MINUTES (CLOSED MEETING) .....                                                     | 58        |

|                         |                                                                             |           |
|-------------------------|-----------------------------------------------------------------------------|-----------|
| 19.                     | APPLICATIONS FOR LEAVE OF ABSENCE.....                                      | 58        |
| <b>GOVERNANCE .....</b> |                                                                             | <b>58</b> |
| 20.                     | AUDIT PANEL MINUTES.....                                                    | 58        |
| 21.                     | SALE OF WILKINSONS POINT AND THE DEC .....                                  | 58        |
| 22.                     | NOTICES OF MOTIONS – QUESTIONS ON NOTICE / WITHOUT<br>NOTICE (CLOSED) ..... | 58        |

---

## **1. APOLOGIES**

---

---

## **2. CONFIRMATION OF MINUTES (OPEN MEETING)**

---

That the minutes of the Council Meeting (open meeting) held on 25 November 2019 be confirmed.

---

## **3. ANNOUNCEMENTS BY THE CHAIR**

---

---

## **4. PECUNIARY INTEREST NOTIFICATION**

---

---

## **5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

---

Question Taken on Notice – James Bryan, 14 England Avenue, Montrose  
(from Council AGM, 2 December 2019)

**Q. On page 76 of the Annual Report, Council has reported that it has a land tax expense of \$466,000. The State Government is exempt from paying Council rates but still charges Council for land tax. I note that several months ago when Council was investigating selling Council properties, one of the reasons given for doing that was to save on land tax. How many properties in the Glenorchy municipality does Council own which land tax is payable on? Is it all Council owned properties or only some?**

**A.** The State Government is not fully exempt from paying Council rates. The list of property classification in respect of which the State is exempt from rates is set out in section 87(b) and (c) of the *Local Government Act 1993*.

Council is required to pay State Government Land Tax on all Council owned properties in the municipality. This is in the order of approximately 450 properties.

---

## 6. PUBLIC QUESTION TIME (15 MINUTES)

---

**Please note:**

- the Council Meeting is a formal meeting of the Aldermen 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
- question time is for asking questions and not making statements (brief explanations of the background to questions may be given for context but comments or statements about Council's activities are otherwise not permitted)
- the Chair may permit follow-up questions at the Chair's discretion, however answers to questions are not to be debated with Council
- the Chair may refuse to answer a question, or may direct a person to stop speaking if the Chair decides that the question is not appropriate or not in accordance with the above rules

the Chair has the discretion to extend public question time if necessary.

**Questions on Notice - John Jessop, 1/29 Marys Hope Road, Rosetta  
(received on 16 December 2019)**

**Mr Jessop submitted the following questions regarding Council's process of investigating the potential sale or disposal of various parcels of Council owned land:**

**1. The strategic decision-making process:**

- **When was this much land last disposed of by Council? What percentage of public land does this represent of total public free open space in the city?**
- **When did Council make the decision to dispose of all unneeded land? What was the strategic reason behind this large land sell off?**
- **There appears to have been next to no community consultation in the development of the Asset Management Strategy. What consultations were done? What did the initial consultations about the land disposal reveal, why have these not been reported?**
- **How does the process used to formulate this strategy align with the Council's Community Consultation policy?**

- A. Council's *Open Space Strategy (the Strategy)* was prepared in 2015. It analysed public land within Glenorchy and made several recommendations to improve and plan for public land. One key recommendation in the Strategy was to dispose of public land that does not meet Council's requirements for safe, useable and well-connected places. The properties currently being investigated for potential disposal have been identified within the Strategy and through further fit-for-purpose assessments against the principles adopted in the Strategy.

In-terms of the percentage of land, Council will determine this and advise at (or before) the 23 December Council meeting.

In adopting its 2019/20 Annual Plan, Council made the decision to commence investigations into potential land disposals. The potential benefits of the disposal of surplus land include providing capital to invest in improving sport and recreation infrastructure across the City, investment in other areas of open space, reducing the demand to maintain areas of underutilised open space, and the ability to repurpose land to assist in growing our community.

All consultation undertaken as part of the disposal of land has been in accordance with Council's Community Engagement Policy and associated framework. In terms of the Asset Management Strategy, Council receives ongoing feedback from the community and this is at the core of ensuring that that strategy meets the needs of the community. Council's levels of service are informed not only through customer service requests and community surveys but through feedback from sporting and community groups.

**2. The assessment of the 'value' of the land up for sale**

- **What were the criteria used to determine the value of the land and its suitability for disposal?**
- **How has Council determined the "long-term" impacts on this land disposal on the community – what are the benefits?**
- **What assessment of future infrastructure upgrades or expansions has been given during assessment that might need to be considered?**
- **How were each parcel of land assessed – what was the actual process?**
- **Has each parcel been assessed from the view of 'why not sell it' rather than what might its other values be? Who should set these values and how should this be done?**
- **Is Council acting fairly and transparently by not detailing all issues with all parcels?**

- A. Through the Strategy, all land was analysed looking at the purpose and value the land currently contributes to Glenorchy's community, and, further, what its value may be in the future in relation to surrounding land use, potential for development, connectivity to other community spaces and its location relative to nearby open space.

There is a hierarchy of open space, and within that hierarchy there are varying categories of open space from social and family spaces, sport and trails to the conservation of values. From the Strategy, a fit-for-purpose assessment criteria is used to evaluate each property against a number of criteria.

With regards to the public land at Barclay Crescent, if Council decides to dispose of this land, a rezoning application would be required and any future development would need to comply with the *Glenorchy Interim Planning Scheme, 2015* (or its replacement).

**3. The Community Consultation process**

- **Why is some Council land being sold outside of the Community Engagement process?**
- **Will Council initiate a proper Community Engagement process about the use and value of Council land that abides by its own policy?**
- **In good faith should not the current sale process be halted until proper consultations that genuinely engage the Community can be undertaken?**
- **Will one Alderman move a motion to halt the current process to test the importance of proper community engagement to the whole of Council?**

A. The disposal by Council of any public land must follow the process set out in section 178 of the *Local Government Act 1993*. This includes a formal 21-day public exhibition period. Council has added the additional step of consulting with the communities affected by any potential disposal before deciding whether to start the section 178 process. This is over and above the statutory requirements. An administrative error did occur with the mail out to residents surrounding Barclay Crescent. This was corrected and residents affected by the potential sale of this property were provided with the opportunity to provide feedback.

Following the initial consultation, all feedback is taken back to Council to decide whether to proceed with the section 178 process or not.

The community consultation and formal advertising for disposal are important steps in the process, as they allow Council to make an informed decision in the best interests of the whole community when deciding on the sale of any parcel of public land. The section 178 process also allows for an appeal against a decision of Council by any person who submitted an objection.

**Questions on Notice - Judy Drew and James Loxton, 31A Marys Hope Road, Rosetta  
(Received 16 December 2019)**

**Re: 9 Barclay Crescent – intention to dispose of land**

**The information Council has made public regarding the Barclay Crescent Reserve suggests that a development of 10 housing units would be possible however:**

**Q. The one access point to the Barclay Reserve from Barclay Crescent is narrow with residential fencing running along both sides. Not only would this restrict vehicle access but also create a traffic hazard due to the one entry point being situated where the street starts to corner. What would happen if this one access point became obstructed? Large emergency vehicles would also struggle to gain access.**

A. Satisfying town planning and any other regulatory requirements is the responsibility of any potential purchaser of this, or any other, parcel of land. It is up to the purchaser to carry out appropriate due diligence as part of any investigations into whether to purchase the property. Council would assist in providing any relevant information necessary for a purchaser to conduct due-diligence investigations.

**Q. There is major pipework that runs the length of the one access pathway/driveway which is also uneven and unsealed. How would a new access road be constructed without causing damage or blocking access to these pipes? There is also other major pipe work running along 2 boundaries of the Barclay Reserve.**

A. As with the previous answer, it is a matter for a purchaser to conduct due diligence as part of any pre-purchase investigations and determine whether they are prepared to purchase the property and whether it is suitable for the type of development they propose (if any).

**Q. Could Council information be construed as misleading for a potential developer who may be severely constrained when wanting to build due to poor access and pipework etc. Could Council planning regulations potentially prevent a high-density development on the Barclay land?**

A. No. Council has not yet decided whether to sell the Land and it has not been offered for sale. If, and when, it is offered for sale, Council will make all relevant information available.

Further, the site is currently zoned as Open Space. If Council does ultimately decide to dispose of 9 Barclay Crescent, it is Council's intention to apply for the land to be re-zoned to General Residential before it is offered for sale. It would be a matter for a purchaser to then carry out appropriate due-diligence as part of their pre-purchase investigations to determine whether the land is suitable for the type of development they propose (if any).

**Q. Does the Council pay land tax for the 9 Barclay Crescent land?**

A. Yes.

---

## **7. PETITIONS/DEPUTATIONS**

---

## **COMMUNITY**

***Community Goal: “Making Lives Better”***

---

## 8. ANNOUNCEMENTS BY THE MAYOR

---

Author: Mayor (Ald. Kristie Johnston)  
Qualified Person: General Manager (Tony McMullen)  
ECM File Reference: Mayoral Announcements

**Community Plan Reference:**

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

**Strategic or Annual Plan Reference:**

Objective 4.1 Govern in the best interests of the community  
Strategy 4.1.1 Manage Council for maximum efficiency, accountability and transparency.

**Reporting Brief:**

To receive the announcement of events by the Mayor for the period from 19 November to 16 December 2019.

**Proposal in Detail:**

The following is a list of events and external meetings the Mayor has attended during the period Tuesday, 19 November 2019 and Monday, 16 December 2019.

**Tuesday, 19 November 2019**

- Hosted the 26Ten Business Breakfast
- Attended the Greater Hobart Mayors’ Forum

**Wednesday, 20 November 2019**

- Attended a tour of a new Co-working Space in Moonah
- Presented Keep Australia Beautiful Awards
- Attended the 2<sup>nd</sup> Community Yarns session at the Glenorchy Library

**Thursday, 21 November 2019**

- Attended a meeting with a representative of State Government about unemployment

**Friday, 22 November 2019**

- Attended a meeting with a business representative
- Attended a meeting with Macquarie Point Development Corporation
- Attended the Goodwood Primary School Kitchen Garden Program Spring Community Lunch

## **Monday 23 December 2019**

## **Council Meeting Agenda**

- Attended a meeting with Andrew Wilkie MP
- Attended the Migrant Resource Centre's 40<sup>th</sup> Birthday Celebrations at Town Hall

## **Saturday, 23 November 2019**

- Attended a rehearsal of the Bright Stars

## **Monday, 25 November 2019**

- Attended a meeting with a northern councillor
- Chaired a Council workshop
- Chaired the Council meeting

## **Tuesday, 26 November 2019**

- Attended an interview with ABC Radio 936
- Hosted a 'Meet your Council' session for Migrant Resource Centre clients
- Attended a LGAT Charitable Rates Steering Committee meeting
- Attended the Special Committees Training Session

## **Wednesday, 27 November 2019**

- Launched the Safer Communities Framework

## **Thursday, 28 November 2019**

- Attended the Dominic College Year 6-10 Presentation Assembly
- Attended the Special Committees Training Session
- Attended the Greater Glenorchy Group Christmas Function

## **Friday, 29 November 2019**

- Attended the Greater Hobart Act workshop

## **Sunday, 1 December 2019**

- Danced with the Bright Stars and opened the 'Day on the Foreshore' event for International Day of People with a Disability 2019

## **Monday, 2 December 2019**

- Attended a meeting with the Premier and Treasurer
- Attended the Rosetta Primary School End of Year Assembly
- Chaired the Council's Annual General Meeting
- Chaired a Council workshop
- Attended an aldermen Christmas function

## **Tuesday, 3 December 2019**

- Attended the West Moonah Community House Christmas Eating with Friends Luncheon

## **Wednesday, 4 December 2019**

- Attended a meeting with a business representative

## **Monday 23 December 2019**

## **Council Meeting Agenda**

- Guest Speaker at the Hobart Northern Suburbs Rail Action Group Annual General Meeting
- Attended a meeting with representatives of the Glenorchy Ratepayers Association

## **Thursday, 5 December 2019**

- Attended the LGAT Mayors' Professional Development Day

## **Friday, 6 December 2019**

- Attended a meeting with the Treasurer
- Attended a meeting with Madeleine Ogilvie MP
- Attended a staff Christmas function

## **Saturday, 7 December 2019**

- Attended and opened the Glenorchy Carols – A Not So Silent Night

## **Monday, 9 December 2019**

- Attended a media event regarding the Draft Mountain Bike Masterplan
- Chaired a Council Workshop

## **Tuesday, 10 December 2019**

- Participated in the Selection Panel for the Greater Hobart Strategic Partnerships Executive Officer position

## **Wednesday, 11 December 2019**

- Attended and spoke at the Wellington Park Trust Christmas Breakfast
- Attended the Combined Staff Achievement Awards

## **Thursday, 12 December 2019**

- Attended the Cosgrove High School Prize Day Assembly
- Attended the Goodwood Primary School End of Year Concert and Presentation Assembly
- Attended the Collinsvale Primary School Celebration Ceremony
- Attended a staff Christmas function

## **Friday, 13 December 2019**

- Interviewed by 96.1 FM Community Radio
- Attended a meeting with the Treasurer

## **Sunday, 15 December 2019**

- Attended the 10<sup>th</sup> Anniversary Celebration of the Bhutanese Settlement in Hobart event

## **Monday, 16 December 2019**

- Attended a meeting with representatives of LK Group and State Government
- Chaired a Council Workshop

- Chaired the Glenorchy Planning Authority meeting
- Attended the Ogilvie High School Presentation Evening

A significant number of other internal Council meetings and administrative duties were also undertaken.

**Consultations:**

Nil.

**Human Resource / Financial and Risk Management Implications:**

Nil.

**Community Consultation and Public Relations Implications:**

Nil.

**Recommendation:**

That Council:

RECEIVE the announcements about the Mayor's activities during the period from 19 November to 16 December 2019.

**Attachments/Annexures**

Nil.

---

## 9. CHILD CARE CONNECTIONS POLICY AND PROCEDURES REVIEW

---

Author: Child Care Delivery Coordinator (Kate Whitbread)

Qualified Person: Director Community and Customer Services (David Ronaldson)

ECM File Reference: Child Care Connections

### 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:

#### Leading our Community

Objective 4.1 Govern in the best interests of our community

Strategy 4.1.3 Maximise regulatory compliance in Council and the community through our systems and processes.

#### Open for Business

Action 2.1.1.06 Provide quality, sustainable, compliant childcare services for Glenorchy children.

### Reporting Brief:

To recommend that Council adopts eight (8) updated Child Care Connections Policies and Procedures

### Proposal in Detail:

Policies and procedures at Council’s two Child Care Connections long day care centres are reviewed on a two (2) year cycle, or as required.

Previous reports to Council have presented groups of Child Care Connections policies and procedures for adoption in accordance with the *Education and Care Service National Law (ECSNL)*.

The eight attached policies have been reviewed and updated and are recommended to Council for re-adoption for a further two years.

### Compliance

Council has certain statutory requirements with respect to policies under the *Local Government Act 1993 (LG Act)*. In accordance with section 28(2)(b) of the LG Act, all Council policies (including Child Care Connections policies) must be approved by Council.

Council currently operates two approved child care centres within the municipality which are covered by the relevant Education and Care Services legislation (Benjafeld Centre, Moonah and Berriedale Centre, Berriedale).

Under the ECSNL, it is a mandatory requirement that an approved provider of an education and care service keeps prescribed documents available for inspection by an authorised officer (see section 175 of the ECSNL).

The *Education and Care Services National Regulations (Regulations)*, regulation 168, provides that Council must ensure that the service has in place a range of legislated policies and procedures.

### Policy Updates

In-line with the continuing review of Council policies, Council's Child Care Connections team, headed by the Child Care Delivery Coordinator, has reviewed the following Child Care Connections Policies and Procedures:

| Policy/Procedure Title                            | Summary of changes                                                                                                                                                                                |
|---------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Design Building and Grounds Maintenance        | Updated terminology, Department name change, Responsible Person, Source                                                                                                                           |
| 2. Educational Program and Practice               | Updated Forms, Department Name, New educator reflection form, family program communication form.                                                                                                  |
| 3. Educator Training and Professional Development | Updated terminology, Updated Department name, Cross Reference update.                                                                                                                             |
| 4. Enrolment and Orientation                      | Updated Department name, Updated terminology in procedure, Updated forms, Addition of Privacy Statement to forms.                                                                                 |
| 5. Environmental Sustainability                   | Updated department name, Updated terminology to reflect current practice, Inclusion of GCC FOGO service.                                                                                          |
| 6. Excursion                                      | Updated Department name, Updated terminology to reflect current practice, Removed repetition.                                                                                                     |
| 7. Food and Nutrition                             | Updated terminology and source relating to the Australian Guide to Healthy Eating, Updated to reflect current practice in relation to bottle preparation. Addition of reference to Regulation 80. |

| Policy/Procedure Title                            | Summary of changes                                                                                                |
|---------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| 1. Design Building and Grounds Maintenance        | Updated terminology, Department name change, Responsible Person, Source                                           |
| 2. Educational Program and Practice               | Updated Forms, Department Name, New educator reflection form, family program communication form.                  |
| 3. Educator Training and Professional Development | Updated terminology, Updated Department name, Cross Reference update.                                             |
| 4. Enrolment and Orientation                      | Updated Department name, Updated terminology in procedure, Updated forms, Addition of Privacy Statement to forms. |
| 5. Environmental Sustainability                   | Updated department name, Updated terminology to reflect current practice, Inclusion of GCC FOGO service.          |
| 8. Immunisation                                   | Updated Department name, Removal of outdated information regarding child care benefit                             |

The Child Care Connections Policy and Procedures Review also included the following:

- consultation and feedback with key stakeholders, educators, families and Council management
- updated information made in line with current recommendations by recognised child care specific authorities, and
- updated requirements in line with changes to the ECSNL and other legislation and the relevant National Quality Standard.

Due to the specific nature of the Child Care Connections Policies and Procedures, the attached policies are presented in a different format to Council's normal policy template.

#### **Consultations:**

Key stakeholders, educators, families and Council management were consulted and provided input into the revised Child Care Connections policies and procedures.

- Educators, Child Care Connections
- Educational Coordinator, Child Care Connections
- Childcare Delivery Coordinator, Child Care Connections
- Manager Community

**Human Resource / Financial and Risk Management Implications:**Financial

From a compliance perspective, under the ECSNL Council could be liable for a penalty of \$20,000 if it does not keep the prescribed policies and procedures (and other prescribed documents) available for inspection by an authorised officer: section 175(1).

Furthermore, it is an offence under the Regulations:

- not to have the policies and procedures in place (\$1,000 – regulation 168(1))
- not ensuring policies and procedures are being followed by the nominated supervisor, staff and volunteers (\$1,000 – regulation 170(1)), or
- are readily available (\$1,000 – regulation 171(1)).

Human resources

There are no material human resource implications.

Risk management

| Risk Identification                                                                                                                                                                                                                    | Consequence   | Likelihood  | Rating  | Risk Mitigation Treatment                                                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-------------|---------|-----------------------------------------------------------------------------------------------|
| <b>Adopt the recommendation</b><br>The Policies erroneously fail to meet compliance requirements.                                                                                                                                      | Minor (C2)    | Rare (L1)   | Low     | Any errors or omissions that are identified are rectified outside of the normal review cycle. |
| <b>Do not adopt the recommendation</b><br>If recommended Child Care Connections policies and procedures are not adopted, then governance control effectiveness is less optimal and Council may be subject to adverse regulatory action | Moderate (C3) | Likely (L4) | Notable | Council adopts recommended policies                                                           |

**Community Consultation and Public Relations Implications:**Community consultation

Families using Child Care Connections services were consulted and provided input into the updated Child Care Connections policies and procedures.

Under regulation 172, Council as the approved provider of an education and care service must ensure that parents of children enrolled at the service are notified at least 14 days before making any change to a policy or procedure referred to in regulation 168 that may have a significant impact on:

- the services' provision of education and care to any child enrolled at the service or
- the family's ability to utilise the service.

Notification will occur in accordance with this requirement.

Public relations

There are no material public relations implications.

**Recommendation:**

That Council:

1. ENDORSE the following revised Child Care Connections Policies and Procedures:
  - a) Design Building and Grounds Maintenance Policy
  - b) Educational Program and Practice Policy
  - c) Educator Training and Professional Development Policy
  - d) Enrolment and Orientation Policy
  - e) Environmental Sustainability Policy
  - f) Excursion Policy
  - g) Food and Nutrition Policy
  - h) Immunisation Policy

**Attachments/Annexures**

- 1 Design Building and Grounds Maintenance Policy



- 2 Educational Program and Practice Policy



- 3 Educator Training and Professional Development Policy



- 4 Enrolment and Orientation Policy



- 5 Environmental Sustainability Policy



- 6 Excursion Policy



**Monday 23 December 2019**

**Council Meeting Agenda**

**7** Food and Nutrition Policy



**8** Immunisation Policy



---

## 10. GLENORCHY ARTS AND SCULPTURE PARK (GASP) ANNUAL REPORT

---

Author: Director Community and Customer Service (David Ronaldson)

Qualified Person: Director Community and Customer Service (David Ronaldson)

ECM File Reference: GASP

### Community Plan Reference:

#### Making lives better

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

#### Valuing our environment

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

#### Leading our community

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

#### Building image and pride

We are proud to live here and proud to share our wonderful community. We are a great city with a positive reputation.

### Strategic or Annual Plan Reference:

#### Making lives better

Objective 1.2 Support our communities to pursue and achieve their goals

Strategy 1.1.1 Build relationships and networks that create opportunities for our communities

#### Valuing our environment

Objective 3.1 Create a liveable and desirable City

Strategy 3.1.2 Enhance our parks and public spaces with public art and contemporary design

#### Leading our community

Objective 4.2 Prioritise resources to achieve our communities' goals

Strategy 4.2.1 Deploy the Council's resources effectively to deliver value

#### Building image and pride

Objective 5.1 We will show our pride as a city and others will see it.

Action: 5.1.1.10 Partner with the Glenorchy Art and Sculpture Park to progress the development of permanent and temporary artworks at GASP.

**Reporting Brief:**

To present the Annual Report of the Glenorchy Art and Sculpture Park (**GASP**) for 2018-19 to Council for noting.

**Proposal in Detail:**

GASP has been in existence for 6 years as an incorporated body with base funding support from Glenorchy City Council. During this time GASP has received two rounds of funding from Council, each with 3-year allocations. The current funding arrangement between GASP and Council (as reported to Council on 19 April 2019) expires on 30 June 2020.

Under the funding agreement, GASP is required to provide update reports to Council every six months, and also provide Council with a copy of its Annual Report.

GASP's Annual Report for 2018-19 is Attachment 1.

**Annual Report Summary**

The following are some brief notes about some of the highlights of GASP's Annual Report.

GASP Annual General Meeting

The GASP Board held its Annual General Meeting on 15 November 2019. The previous GASP AGM was held in January 2019. The reason that a second AGM was held within the 12-month period was to re-establish the annual reporting cycle of GASP AGMs. The January AGM had been significantly delayed due to staff departures and was outside the normal sequence. The Annual report for the 2018/19 financial year was presented at the November AGM. It is expected that future AGM's will be held at around the same time from now on.

As reported to Council on 27 May 2019 GASP has gone through a period of restabilising during the past 12 months, with new Chair of the GASP board (David Palmer) being appointed and a new Artistic Director (Frances Butler) being employed.

Highlights from the GASP year as reported in the Annual Report can be summarised as:

Projects Completed:

- **REFRACTION PRINCIPLE** James Geurts.  
Part of *Swimmable!* Launched 13 October 2018.
- **HUNTING GROUND incorporating BBQ area**  
Julie Gough. Part of *Swimmable!*  
Two permanent photographic billboard works. Launched on 13 October 2018.

- ***ACROSS THE COALS***

Partnership with Constance ARI by 4 artists in dialogue with Julie Gough. Presented on 18 November 2018.

Other Actions:

Other actions and activities reported in the Annual Report are:

- the commencement of a new Artistic Director, Frances Butler
- the development of GASP Strategic Plan
- the renewal of GASP's website
- the commencement of negotiations to lease the GASP Food Truck
- the finalisation of GASP's current funding agreement with Council.

**Consultations:**

Manager Community

**Human Resource / Financial and Risk Management Implications:**

Financial

There are no material financial implications associated with this report.

However, for information, and as previously reported to Council, GASP currently receives the following support from Council under its funding agreement.

- an annual payment of \$104,500 (incl. GST)
- provision of office accommodation and support facilities at Council's Main Rd Glenorchy offices
- support from Council's Community department, and
- the ongoing maintenance of the GASP infrastructure (the GASP boardwalk and Pavilion) and the grounds of the area licensed to GASP.

Human resources

There are no material financial implications associated with this report, which is for noting only.

While GASP has an independent board, which employs the GASP Artistic Director and manages the human resource functions for the position, Council's Manager Community is the key point of contact for GASP within Council. Other Council officers from across the organisation provide support and internal liaison with GASP.

Risk management

There are no material risks in Council accepting the recommendations to this report as it is for information only.

**Community Consultation and Public Relations Implications:**

Community consultation

Council has not undertaken any specific community consultation activities on this matter.

The GASP Annual Report is publicly available via the GASP website and was presented to an open AGM for GASP members.

Public relations

There are no material public relations implications.

**Recommendation:**

That Council:

RECEIVE and NOTE the Glenorchy Art and Sculpture Park (GASP) Annual Report for the 2018-19 financial year.

**Attachments/Annexures**

- 1 2018 - 2019 GASP Annual Report



## **ENVIRONMENT**

***Community Goal: “Valuing our Environment”***

---

## 11. FOOD AND GREEN WASTE (FOGO) EXEMPTION CRITERIA REVIEW

---

Author: Manager Property, Environment and Waste (Alex Woodward)

Qualified Person: Director Infrastructure and Works (Ted Ross)

ECM File Reference: Waste Management Strategy

### **Community Plan Reference:**

#### Making Lives Better

Young people and their families will be encouraged to play an active part in their education and their community. Community facilities and services are important to us.

#### Valuing our Environment

We will value and enhance our natural and built environment.

#### 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.

#### Leading Our Community

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

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

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

### **Strategic or Annual Plan Reference:**

#### Making Lives Better

Objective 1.3 Facilitate and/or deliver services to our communities

Strategy 1.3.2 Identify and engage in partnerships that can more effectively deliver defined service levels to our communities

#### Valuing Our Environment

Objective 3.1 Create a liveable and desirable City

Strategy 3.1.4 Deliver new and existing services to improve the City's liveability

#### Leading our Community

Objective 4.1 Govern in the best interests of our community

Strategy 4.1.2 Manage the City's assets soundly for the long-term benefit of the Community

Objective 4.2 Prioritise resources to achieve our communities' goals

Strategy 4.2.1 Deploy the Council's resources effectively to deliver value

The 2013-2023 Glenorchy City Council Waste Management Strategy has a key action to consider the introduction of a food organics garden organics kerbside service.

#### Reporting Brief:

To consider a motion passed at Council's 2019 Annual General Meeting for Council to review its decision on the current FOGO opt out policy and consider following the guidelines as set out by the City of Hobart in relation to their FOGO Policy.

#### Proposal in Detail:

##### Background – Decision to add FOGO/Green bin to kerbside waste services

At Council's Annual General Meeting on 2 December 2019, a motion was moved by Kaye Smith of Glenorchy (which was subsequently passed by 8 votes to 7) that:

*"That Council, at its next ordinary Council meeting, review its decision on the current opt out policy and follow the guidelines as set out by the HCC in relation to their FOGO Policy on behalf of the over 1400 signatories on the petition for an unconditional opt-out."*

The motion referred to Council's decision, made at its September 2019 Council meeting, to adopt three exemption criteria (service reviews) in respect of its incoming Food Organics Garden Organics (FOGO) service which will commence in February 2020.

The relevant part of that resolution was as follows:

STEVENSON/KING

*That Council:*

1. *APPROVE the following criteria for residents to become eligible for service review from the Food Organic Garden Organic (FOGO) kerbside collection service due to commence in February 2020:*

##### **Criterion 1: Home Composter**

*You may qualify for the 'Home Composter' service review if you can demonstrate that you are effectively managing the organic waste that your property generates on your own property through a variety of methods.*

##### **Criterion 2: Financial Hardship**

*You may qualify for the 'Financial Hardship' service review if you can demonstrate that you are in genuine financial hardship under Council's Financial Hardship Policy.*

*(NOTE: This will not exempt you from the FOGO service, but will provide options to assist with the cost of Council's rates and charges)*

**Criterion 3: Exceptional Circumstances**

*You may qualify for Exceptional Circumstances service review if you can demonstrate that there are exceptional or unusual circumstances which make the provision of a FOGO service unreasonable or impractical.*

2. *AUTHORISE the General Manager to develop internal guidelines for making decisions on service review applications that are consistent with the service review Criteria*
3. *AUTHORISE the General Manager to exercise his discretion to approve service review to the FOGO service that fall within the service review criteria and further authorise the General Manager to delegate that power and discretion to Council officers, ....*

Criterion 2 relates to Council's Financial Hardship Policy which was approved in June 2019 to provide options to assist ratepayers who could demonstrate that they were suffering genuine financial hardship to access Council services. While the Financial Hardship Policy would not allow a person to become exempt from receiving the FOGO service, it would provide the option to (for example) assist with the payment of Council rates and charges, including the FOGO charge.

Prior to re-examining the FOGO exemption criteria, it is relevant that Council receives an update on the current status of the procurement of the various components of the FOGO project.

**Update on FOGO roll-out**

Council Officers have been working on delivering the FOGO service since Council's decision to adopt the universal roll-out in February.

This has included the procurement of bins, caddies and compostable bin liners, as well as the provision of composting services and collection of FOGO bins.

The status of the procurement of the various products/services is as follows:

Disposal and composting of organic material

Shortly after the Council's resolution in March 2019 to commence FOGO service, Council, in conjunction with the City of Hobart (**Hobart**), undertook a joint tender process for the procurement of the provision of composting services for the acceptance and treatment of both cities' FOGO waste.

At the conclusion of the tender process, Hobart and Glenorchy City Councils awarded and entered into a joint contract with Pure Living Soils Pty Ltd located at Oatlands. This service will commence in mid-February 2020 and is for a period of 12-months with an option to extend for a further 12-months.

The contract is based on the organic waste generated from 20,000 dwellings. Any change to the exemption criteria which significantly reduced the number of dwellings serviced would impact on the volume of waste diverted.

Waste will be delivered by Council's bin collection contractor to a transfer station at Bridgewater and transported by Pure Living Soils to its facility at Oatlands.

Purchase of FOGO bins, caddies and compostable liners:

Officers have now awarded a contract for the procurement of bins, caddies and compostable bin liners for the FOGO service to MASTEC Pty Ltd. The purchase of bins, caddies and liners was undertaken through an existing cooperative procurement arrangement, the National Procurement Network contract for the supply of Mobile Garbage Bins (the NPN1.11-3 Contract). This process complies with the procurement requirements specified in regulation 27(d) of the *Local Government (General) Regulations 2015*.

Under the contract, MASTEC is required to provide 19,500 x 240L bins, 100 x 360L bins and 500 x 140L bin lids, along with 20,500 kitchen caddies and compostable bag rolls. The products are currently being manufactured and have already commenced being delivered to a holding site ready for delivery.

A change to the exemption criteria that caused any significant change to the number of dwellings receiving the FOGO service would result in the following impacts for this contract:

- more of the bins would be returned, and
- while those bins they could be kept for spares, Council would need to find an ongoing storage solution for these bins.

Delivery of FOGO bins, caddies and compostable liners:

Procurement for services to deliver (roll-out) FOGO bins, caddies and liners products to each tenement in Glenorchy (except for residents in areas zoned rural resource and rural living) commenced after the award of the contract to supply those items to MASTEC (discussed above).

This procurement process was undertaken in accordance with the *Local Government (General) Regulations 2015* and was awarded to State-wide Mobile Bin Solutions.

The roll-out is due to commence in early January 2020 and will be completed by mid-February. This contract has now been signed and is not able to be amended.

Kerbside collection

The final procurement required for the FOGO service was for the kerbside collection of the bins.

As part of this process, Council officers worked closely with Council's current collection provider for general waste and recycling bins, Veolia, and reached an agreement to vary the existing contract to include the collection of FOGO bins. The agreement was approved by Council at its October 2019 meeting (closed session).

A deed of variation to the contract is currently being finalised between both parties and will remain in place for seven (7) years.

Council is negotiating a variation to the existing contract that appropriately shares risk between Council and the contractor. This includes factoring in the number of dwellings, FOGO bin set-out rate, and average weight of organics collected.

In working out the most efficient way of delivering the service, the contractor has proposed that it purchases two new trucks which will each work five days per week. If the number of dwellings receiving the FOGO service was to drop by, say, 4,000 then this would increase the cost to Council under the contract by 20%.

**Consequences of changing the universal roll-out**

As noted in the above update on procurement for the various elements of the FOGO service, this is essentially completed, and contracts have been (or are very close to being) awarded. Each of these contracts was negotiated and awarded based on the FOGO service being universally adopted.

As these contracts have now been completed, they are unable to be altered without Council becoming liable for any contractual damages. Any deviation from the exemption criteria would need to be modelled and impacts understood before the financial impact on Council could be estimated.

**Comparisons with City of Hobart's FOGO service**

In speaking to her motion at Council's Annual General Meeting, Mrs Smith drew comparisons between Council's FOGO service and the service being offered by the City of Hobart. Mrs Smith outlined concerns regarding the cost of its FOGO service alleging that Hobart had provided a FOGO service to their residents for free. Hobart's service was rolled out through its existing green waste service which attracted a fee.

Mrs Smith also compared Hobart's exemption criteria for their Green Waste / FOGO service to Council's and, as stated in her motion, suggested that Council should follow Hobart's criteria.

The above two claims are addressed below.

**Cost of Hobart's FOGO Service**

Hobart's FOGO service has not been, and will not be, provided for free. Rather, from 11 November 2019, all Hobart residents' existing green waste bins were converted to FOGO bins. This simply meant that residents who already had green bins could now also place food scraps in them. This is important, as it meant that Hobart had already provided the actual bins to residents several years ago, so there were no costs to purchase bins or deliver them.

Hobart residents with green waste bins paid a charge of \$50 for the current financial year for the green waste service. Hobart did not charge any additional fees for changing the service to a FOGO service for the remainder of the year. It is not known how much Hobart will charge next financial year for its FOGO service, however it is expected to be similar to Glenorchy City Council's charge. Hobart residents have already paid for the service and it is officers understanding that they will continue to do so.

**CoH's Exemption Criteria**

Shortly after announcing its FOGO service, the CoH announced its exemption criteria.

Attachment 1 is a document which provides a direct comparison between Hobart's exemption criteria and Council's proposed exemption criteria. That comparison shows that the criteria are, in fact, very similar.

Hobart has four exemption criteria. Council has three exemption criteria. However, Council's second criteria (exceptional circumstances) is very broad and would easily cover two of the Hobart's criteria, as well as a number of other circumstances. It should also be noted that Hobart has had green bins for some time and therefore already had the criteria, systems and processes in place to begin applying those criteria immediately.

### **Summary**

Council has made significant progress towards implementing the new FOGO service and has contracts in place for the purchase and delivery of bins, bin collection and the disposal of compostable material. Any deviation from those contracts will result in significant risk to Council in either increased contract fees or liability for contractual damages.

Further, the exemption criteria adopted by Council for its FOGO service are very similar to, and potentially less restrictive, than those adopted by the City of Hobart.

For those reasons, it is not recommended that Council follows the criteria adopted by Council previously, as sought in the motion being considered.

### **Consultations:**

All Aldermen  
Executive Leadership Team  
Waste Services Team

### **Human Resource / Financial and Risk Management Implications:**

#### Financial

The financial implications of allowing a more flexible exemption criteria cannot be accurately estimated given that the final cost of the FOGO service is subject to contractual arrangements, and it is not known how many people will apply.

The financial impacts will be known in time for inclusion in Council's 2020-21 budget.

#### Human Resources

It is likely that Council will need to employ additional staff to ensure the exemption process is implemented effectively. However, this is in line with the approved business case and current resources allocated to the FOGO Project.

Risk management

| Risk Identification                                                                                                                                                                           | Consequence   | Likelihood    | Rating   | Risk Mitigation Treatment                                                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|---------------|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Adopt the recommendation</b>                                                                                                                                                               | Minor (C2)    | Possible (L4) | Moderate | Communicating to the community the reasons behind providing an exemption criteria and the need for and benefits of FOGO.                                                             |
| Community dissatisfaction that an unconditional opt-out has not been adopted.                                                                                                                 |               |               |          |                                                                                                                                                                                      |
| Council receives a high volume of exemption requests impacting on the cost of the service and requiring additional resources to assess the applications.                                      | Moderate (C3) | Unlikely (L2) | Moderate | Ensure adequate resources/timeframes are available to assess a large amount of applications. Ensure contracts for the treatment and collection of FOGO take exemptions into account. |
| <b>Do not adopt the recommendation</b>                                                                                                                                                        | Major (C4)    | Likely (L4)   | High     | Communicating to the community the reasons behind not providing an exemption process. Revisit the exemption criteria.                                                                |
| Community dissatisfaction that exemption criteria previously committed to have not been adopted and the service is inflexible and causes unjustifiable disadvantage to some community members |               |               |          |                                                                                                                                                                                      |

**Community Consultation and Public Relations Implications:**Community consultation

Council has undertaken extensive discussions with the community since making the decision to introduce the FOGO service. This has included:

- one-on-one meetings and discussion between Council officers and ratepayers
- establishing a 'Waste Wise Advisory Group' comprised of community members
- holding a waste 'drop-in session', and
- written correspondence with ratepayers.

Council will continue to consult widely with the community both formally and informally as the transition to the new FOGO service continues.

Public relations

All decisions and commentary around the new FOGO service has generated significant public interest and will continue to do so.

**Recommendation:**

That Council:

1. NOTE the following motion moved by Kaye Smith and passed at Council's Annual General Meeting on 2 December 2019:

*That Council, at its next ordinary Council meeting, review its decision on the current opt out policy and follow the guidelines as set out by the HCC in relation to their FOGO Policy on behalf of the over 1400 signatories on the petition for an unconditional opt-out.*

2. RECEIVE and NOTE the information contained in the report to Council on the current status of the implementation of Council's green and food waste (FOGO) kerbside service and the comparison between Council's and Hobart's FOGO exemption criteria.
3. Having considered the information contained in the report, REAFFIRM its decision made on 30 September 2019 to adopt criteria for residents to become eligible for a service review of their FOGO service, without further alteration.

**Attachments/Annexures**

- 1 Comparison of Exemption Criteria - City of Hobart and Glenorchy City

[!\[\]\(f1d73e448c1fd3bf7b3c3929545023ac\_img.jpg\) Council](#)

- 2 Financial Hardship Policy

[!\[\]\(67337fe6bf23598d4c837f80569dc56b\_img.jpg\)](#)

- 3 FOGO Exemption Process

[!\[\]\(8f3ec3126694d835f2e1584652e390da\_img.jpg\)](#)

# **GOVERNANCE**

***Community Goal: “Leading our Community”***

---

## 12. INVESTIGATION INTO THE DISPOSAL OF A PORTION OF COUNCIL LAND AT 671 MAIN ROAD, BERRIEDALE

---

Author: Acting Property Assets Coordinator (Alli Coombe)

Qualified Person: Director Infrastructure and Works (Ted Ross)

ECM File Reference: Disposal of Council Land Public Consultation 2019

### Community Plan Reference:

#### Leading Our Community

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

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

### Strategic or Annual Plan Reference:

#### Leading our community

Objective 4.1 Govern in the best interests of our community

Strategy 4.1.1 Manage Council for maximum efficiency, accountability and transparency

Strategy 4.1.2 Manage the City's assets soundly for the long-term benefit of the community

Objective 4.2 Prioritise resources to achieve our communities' goals

Strategy 4.2.1 Deploy the Council's resources effectively to deliver value

### Reporting Brief:

To report back to Council on the outcomes of the community engagement process around the future use and potential long-term disposal of a portion of the Berriedale Foreshore Reserve at 671 Main Road, Berriedale, in accordance with Council's resolution at its meeting on the 30 September 2019 and recommend that Council:

- proceeds with the public land disposal process for part of the land under section 178 of the *Local Government Act 1993* (**the Act**)
- endorses further consultation with the sporting clubs affected by the potential disposal, and
- explores, in greater detail, the optimal location for a BMX facility into the future.

**Proposal in Detail:**

At its meeting on 30 September, Council made the following resolution:

*That Council:*

1. *AUTHORISE Council staff to undertake a community engagement process in relation to the part of the Berriedale Foreshore Reserve at 671 Main Road, Berriedale comprising approximately 15,950 m<sup>2</sup> adjacent to the Glenorchy City Tennis Club currently being used as vacant land, a car park and a BMX track (**the Land**), and*
2. *REQUIRE a further report to Council summarising the results of the community consultation process and identifying any specific concerns about the disposal of the Land and seeking authorisation to proceed with a statutory disposal process (if appropriate).*

The Berriedale Foreshore Reserve is a parcel of land owned by Council at 671 Main Road Berriedale. It sits on the Berriedale Peninsula adjacent to the Moorilla Estate and Cameron Bay Sewerage Treatment Plant with a total area of 8.1 hectares.

Council's *Open Space Strategy 2015 (the Open Space Strategy)* identified that Council should protect the Berriedale Foreshore Reserve and access along the foreshore from incremental development by MONA. The Open Space Strategy also identified that Council should upgrade the reserve, relocate the BMX track to Tolosa Park and develop a foreshore trail to connect MONA with Berriedale.

This property is zoned as 'Recreation' under the *Glenorchy Interim Planning Scheme 2015 (Planning Scheme)*. This may impact on the potential uses of the land.

Council currently has a lease agreement with MONA over a parcel of land approximately 5,400 m<sup>2</sup> in area, which is currently being used as MONA's overflow car park. The lease expires in June 2021. Immediately to the west of the car park area is a BMX track currently leased to the Southern City BMX Club with an area of approximately 8,500 m<sup>2</sup> and a further small area abutting Main Road of approximately 600 m<sup>2</sup>. In the September Council report, the total area was calculated to be 15,950 m<sup>2</sup>. However, following a more detailed review of the proposed disposal area this has been revised to 14,500 m<sup>2</sup>. For the purposes of this report, the part of the reserve proposed for disposal will be referred to as **the Land**.

The approximate location of the Land is the area outlined in red in figure 1 below. The Land is bordered by Moorilla Estate to the south, the Cameron Bay Sewerage Treatment Plant to the east, the Glenorchy City Tennis Club to the north east and Main Road to the west.



Figure 1. Area of **the land** advertised for investigation into the disposal

MONA has lodged a development application seeking to expand the existing carpark area to a multi-storey facility (application no. PLN 19-194). Alternative options are being explored by MONA which require additional land and were described in the September report to Council. Council's September resolution was to proceed to consult with the community around the potential disposal of the area outlined in red. Council placed an advertisement in the November edition of the Glenorchy Gazette ([Attachment 1](#)) notifying the public of this process.

In addition to obtaining the necessary planning approvals through the statutory assessment process, MONA would need to negotiate with Council in relation to its ongoing use of the Land, whether through a renewed lease or an outright purchase if Council proceeds in favour of disposal.

This report provides a summary of the feedback received from the community during the consultation period and recommends that Council continue along the process of potential disposal of the Land under section 178 of the *Local Government Act 1993* (**the Act**). However, the report recommends that, regardless of whether Council has resolved to proceed with the 178 process (as recommended) or not, Council should undertake further consultation with the Southern City BMX club, the Glenorchy City Tennis Club and the Glenorchy City Bowls Club around the future use of their facilities. If Council does ultimately dispose of the Land in the future, it is Council's absolute intention that the BMX club is not left without a facility.

The report also discusses the need to undertake more detailed work around master planning for both the Berriedale Foreshore Reserve and complete the work currently being undertaken for the Glenorchy Mountain Bike Park which is considering how BMX could be included in the Tolosa area.

### **Feedback from Community Consultation**

In the September Council report, it was predicted that due to the significant use and community value of the Berriedale Foreshore Reserve, its potential disposal was expected to generate a high level of interest from the community. The proposal was therefore considered to have a 'high impact' on the Local Government Area and as such was classified as a Level 1 impact under *Council's Community Engagement Policy*.

Because of that classification, the initial community engagement process included the following (in accordance with the policy's requirements):

- the preparation and implementation of a Community Engagement Plan
- advertising in the Glenorchy Gazette, social media and on Council's website
- displaying signage on the site and on Council's public display board in Council Chambers
- consultation with all stakeholders accommodated on the site, and
- an invitation to lodge submissions through an online survey or request a hard copy of the survey.

### **Discussions with BMX club**

Council officers also met with the Southern City BMX Club and undertook phone consultation with the Bowls Club and Tennis Club adjacent to the Land.

Discussions with the Southern City BMX Club explored the option of the club relocating to Tolosa Park in the future, which is one of the recommendations in the Open Space Strategy and is also currently being explored through the development of the Glenorchy Mountain Bike Master Plan and future Tolosa Park Master Plan. The club indicated that it was open to working with Council on this and to have a club representative on the Glenorchy Mountain Bike Park Project Expert Panel. The club did, however, acknowledge that their relocation would require significant funds to construct a new BMX facility to meet current regulations and safety standards. The existing facility at Berriedale was constructed prior to the new standards being adopted for National BMX facilities. While BMX Australia endorses the use of the current facility, a new facility would need to meet standards.

### **Survey results**

Council received nine completed surveys and three written responses from the three Berriedale sporting clubs. The survey results can be viewed in [Attachment 2](#), and the letters from the clubs in [Attachment 3](#). During the consultation period, officers also received two phone calls, both of which supported the potential disposal.

Half of the survey respondents currently use the area as members of the Southern City BMX Club or the adjacent Glenorchy City Tennis Club, and the majority that use it do so two or more times each week.

All three clubs objected to the disposal of the area currently occupied by the Southern City BMX Club, along with four of the survey respondents. The Southern City BMX Club detailed that they have occupied the site for over 20 years and have over 100 members that attend the facility on a regular basis for BMX coaching, practice and racing. The club currently maintains the site and has established working relationships with the Tennis Club, the Bowls Club and MONA. Both the Tennis and Bowls club echoed this and stated that the three clubs may look to form an overarching Glenorchy City Sports Club. None of the clubs expressed any concern with disposing the portion of the land that MONA currently leases.

The five community members who responded had no objection.

In summary, out of all the feedback (phone, writing and surveys) received, there were seven objections and seven expressing either support or no concerns with the potential disposal.

Some of the comments received in the objections are as follows:

*“Taking away a potentially good, safe area for the community and the children to use the BMX track. It’s keeping them off the streets and away from drugs/alcohol. Why aren’t we encouraging this?”*

*“The BMX club has been on this site for 20 years. We have done a lot of improvements to the site Bitumen Berms, a New Start gate and in the process of having lights erected, we maintain the area with no assistance. We have a great working relationship with the Bowls and Tennis clubs, and we have a healthy relationship with MONA. With over 100 members that attend the track we do not want to move”*

*“Our BMX club is a strong community of families with riders from 2 to 60 years old. It’s a place we’re we all come together each week to exercise and stay healthy. Leaving this facility would be a disappointing outcome”*

Those who objected have a desire for Council to keep the current use the same and improve the rest of the reserve and increase support to the existing clubs. One survey respondent suggested we sell the land to MONA.

While the number of responses to the proposal was low considering this consultation was open to the whole community, three of the respondents were sporting clubs who represent a much larger portion of the community. The key concern about the potential disposal was the loss of the Southern City BMX Club, established cooperative relationships between sporting clubs and the cost to relocate the BMX facility. The balance of feedback presented no objections to the disposal of the area currently utilised by MONA for car parking.

Council acknowledges that due to the upfront concerns by all three clubs that we need to undertake further consultation with the clubs and their members into the future use of the reserve.

**Council process to dispose of Public Land**

Council has developed a process for investigating the potential disposal of parcels of Council owned land to accompany the formal 178 process in the Act. The process is set out in the '*Disposal of Council Land Workflow*' ([Attachment 4](#)).

The workflow outlines the process that Council officers will take when identifying, investigating and recommending leases greater than five years or disposal of Council land. The workflow identifies the stage in the process that the current disposal has reached.

In preparing this report, Council officers have analysed the community's feedback, strategic open space planning undertaken for both the municipality, the Berriedale Foreshore Reserve and the current master planning underway for the Glenorchy Mountain Bike Park which includes part of Tolosa Park. This report proposes to commence the section 178 process for the disposal of public land as envisaged in the workflow, and for Council to work closely with the BMX club to decide on the optimal new location for their facility.

The current process of preparing the master plan for Tolosa Park allows Council to work towards identifying a potential location for BMX in the Tolosa area and acknowledges the potential of Tolosa Park as a bike hub. Similar work is needed to plan for the future of Berriedale Foreshore Reserve. Regardless of whether the section 178 process proceeds, and the outcome of that process, Council will continue to work with the club to secure the most optimal site for a BMX facility in the municipality. This differs from the recommendation in the Open Space Strategy (which proposes that the facility is located at Tolosa), however the sporting clubs at Berriedale had not formed a coordinated group when the Open Space Strategy was developed.

If Council decides to dispose the Land, the BMX club should remain in its current location until Council has completed the master planning for Tolosa Park and the Glenorchy Mountain Bike Park. In addition, the club should not be left without a facility and should only be relocated off its current site once a new facility has been constructed.

There are several possible outcomes if Council agrees to dispose of the Land at a future Council meeting. This may see Council potentially selling both the currently leased parcels or may result in Council leasing the area where the BMX track is and selling the car park area, or, alternatively, Council selling or leasing the car park area only. These outcomes would be subject to negotiation with the relevant parties.

**Process under section 178 of the Act**

Council's *Disposal of Council Land Policy (the Policy)* deems all land owned by Council to be 'public land' for the purposes of the Act.

A resolution of Council to dispose of public land is required to be passed by an absolute majority of Council. If such a resolution is passed, this does not mean that the land will be disposed of.

Rather, it requires that Council conducts a public consultation process and then considers any objections before making a final decision on whether to dispose of the land. It should be noted that Council has already undertaken a preliminary consultation process (the one described above) to determine whether there are any significant concerns. A section 178 process would be a new and separate process, which will give the community a further opportunity to comment on the potential disposal. If Council does resolve to commence the section 178 process (as recommended):

- Council's intention must be advertised on two (2) occasions in a daily newspaper circulating in the municipal area, and
- a copy of the notice must be displayed on any boundary of the public land that abuts a highway and notifies the public that objection to the proposal may be made to the General Manager within 21 days of the date of the first publication.

The Policy also provides that, in addition to the notification requirements in section 178, Council is required to:

- display a plan and relevant property information on the community notice board in Council's chambers (near the chambers' rear public entrance), and
- notify the owners of neighbouring and affected properties advising of the proposed disposal.

If Council resolves to commence the public notification and consultation process, officers will ensure that the requirements of section 178 and the Policy are complied with.

Following the completion of the notification, Council is required to consider any objections lodged with objectors having an opportunity to appeal a decision to dispose of the Land. This will be provided in a future report to Council.

If Council adopts the officers' recommendations, officers propose that the advertising of the section 178 would commence mid-January 2020. However, the three sporting clubs would be immediately notified of Council's decision so that they are able to consider their positions fully and participate in the section 178 process.

### **Specific requirements of the Disposal of Council Land Policy**

The Policy requires that the initial report to Council under section 178 contains information about how the matters set out below have been considered and addressed.

The matters to be considered and officers' comments on each are as follows:

#### **1. *The Council Land can be disposed of in a way which:***

- *transparently demonstrates achievement of the best value for the community, and*
- *does not expose Council or the community to unacceptable risks around the process or the outcome.*

Council is following the process set out in section 178 of the Act, and the additional requirements over and above that process which are set out in the Policy and Workflow.

Council will obtain a valuation for the Land which will be considered in any future decision as to whether to proceed with the disposal.

***2. Any transaction can be justified if questions are asked about market testing and competition***

The method or terms of any disposal have not yet been determined and will not be until public consultation under section 178 is complete and the final report is provided to Council.

***3. The community is given the opportunity to provide feedback about any potential alienation of Public Land***

The entire community has been given the opportunity to comment and provide feedback on the proposed disposal. In addition, there would be a further opportunity to object to the potential disposal through the statutory notification and consultation process mandated under section 178 of the Act, if Council resolves to commence that process.

***4. The disposal of the Council Land would be consistent with Council's Open Space Strategy***

The Land has been identified as suitable for development as it is currently being utilised as a car park members only, BMX track and vacant land and is not being used for general recreation or open space.

As noted above, the Open Space Strategy recommends improving the Berriedale Foreshore Reserve and providing access through it to and from MONA. It also recommends that the reserve should not be compromised by incremental development by MONA, although a portion of the Land has been used as MONA's overflow car park for some time. It could be perceived that, as such, there will be no significant loss to the open space the community already access. The Open Space Strategy also recommends relocating the BMX Club to Tolosa Park, although Council will consider all potential options to provide the optimal location for a relocated BMX track.

A review of the Draft Berriedale Reserve Master Plan ([Attachment 5](#)), is required. This plan was developed by consultants on behalf of Council but has not been finalised or endorsed by MONA.

***5. Access to areas and connectivity with any adjacent Public Land is maintained to a level that is acceptable and in keeping with reasonable community expectations***

This area is not currently accessed by the public other than those parking on the site, licenced to MONA.

***6. Any cost associated with creating saleable parcels of land is considered***

If Council's evaluation determines that the sale of the Land (or part of the Land) is the preferred option, it would be necessary to obtain a planning permit to subdivide the reserve and carve out any relevant cadastral parcels.

***7. Compliance with all applicable planning requirements is achieved, and***

A planning scheme amendment may need to be sought following the outcome of the 178 process, depending on MONA's interest in the Land.

***8. Any other relevant matters are considered.***

The proposal falls within the attenuation zone of the Cameron Bay wastewater treatment facility.

A limitation of this process is that no evaluation of MONA's business case related to the expansion and viability of their proposal to develop a facility on Council owned land has been undertaken.

All relevant matters at the current stage of the process have been considered. There will be other matters of relevance at the point at which Council is required to consider whether it wishes to proceed with the disposal, which will be after consideration of any representations received during public consultation and following the section 178 process.

**Expressions of interest**

As part of the section 178 process, Council will consider any expressions of interest received from any interested purchasers for any of the properties.

**Consultations:**

Director Infrastructure and Works  
Director Strategy and Development  
Manager Development  
Coordinator Planning Services  
Coordinator Community Planning and Inclusion

**Human Resource / Financial and Risk Management Implications:**

Financial

The cost of undertaking the section 178 process is expected to be in the order of \$1,000, for advertising in the Mercury and mail outs to neighbouring properties and affected properties.

Further development of the site will likely provide an opportunity for Council to increase revenue, whether through a higher rental return or revenue from the sale of the site. A more detailed analysis of financial implications would be reported to Council as part of the next phase of the section 178 process.

Human resources

Council staff will facilitate the process as part of their normal duties.

Risk management

| Risk Identification                                                                                                                                                                             | Consequence   | Likelihood          | Rating   | Risk Mitigation Treatment                                                                                                                                                                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|---------------------|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Adopt the recommendation</b>                                                                                                                                                                 | Moderate (C3) | Possible (L4)       | Moderate | Council considers all objections received during the statutory consultation process, as required under s. 178 of the Act.                                                                                                                      |
| Adverse public reaction to decision to advertise Council's intention to disposal                                                                                                                |               |                     |          |                                                                                                                                                                                                                                                |
| Council does not achieve best value for the community on disposal of <b>the land</b> .                                                                                                          | Moderate (C3) | Possible (L4)       | Moderate | An independent valuation will be obtained by Council and will be considered following the completion of public notification and as part of any decision to proceed with a disposal or lease.                                                   |
| <b>Do not adopt the recommendation</b>                                                                                                                                                          | Moderate (C3) | Almost Certain (L5) | Notable  | Council gives consideration to a strategy for realising land assets that are not required for strategic purposes.<br><br>Council articulates any issues with the proposed disposal and instructs officers to address these in a future report. |
| Council will delay the opportunity to potentially dispose of surplus land that serves no strategic purpose and may be able to be disposed of for money or land with greater strategic benefits. |               |                     |          |                                                                                                                                                                                                                                                |

**Community Consultation and Public Relations Implications:**Community consultation

Initial community engagement has been carried out for the Land, as detailed in this report.

If Council decides to proceed with the disposal, the next step would be to formally advertise Council's intention to dispose of a portion of the Land in accordance with Council's 'Disposal of Council Land Workflow' Attachment 4. This requires a 21-day public exhibition period. Anyone who responded in our initial engagement, as well as anyone else in the community, will have the opportunity to make formal submissions during the section 178 notification and consultation process.

It is also recommended that Council undertakes further consultation with the BMX, tennis and bowls clubs.

Public Relations

There may be public relations implications given, that there are three clubs who presented concerns about the potential disposal of the Land, and potential relocation of the BMX club.

Any concerns raised during the section 178 process will be monitored to gauge whether further action is required to address them.

**Recommendation:**

That Council:

1. FORM an intention under section 178 of the *Local Government Act 1993* to dispose of public land, being the part of the Berriedale Foreshore Reserve at 671 Main Road, Berriedale outlined in red in Figure 1 in the report to Council (**the Land**)
2. AUTHORISE the General Manager to take all actions necessary to complete public notification of Council's intention to sell the Land in accordance with section 178 of the Act and Council's Disposal of Council Land Policy
3. AUTHORISE the General Manager to consider and acknowledge any objection received pursuant to section 178(6) of the Act and report to a future Council meeting, and
4. INSTRUCT the General Manager to undertake further consultation with the sporting clubs at Berriedale in relation to the optimal location for a BMX park and provide a report to Council as part of the section 178 process.

**Attachments/Annexures**

- 1 Glenorchy Gazette Advert  
[!\[\]\(b8ef35af9c8af010b648fe96daa1ad43\_img.jpg\)](#)
- 2 Survey Results  
[!\[\]\(3bf8fc9ed38d84e1829df764e5fafc79\_img.jpg\)](#)
- 3 Berriedale Sporting Clubs Representations  
[!\[\]\(f68f9813273d24e8595456fbdeffe9bc\_img.jpg\)](#)
- 4 Disposal of Council Land Workflow  
[!\[\]\(5ef08917696a53ccfae07575a445d17a\_img.jpg\)](#)
- 5 Draft Berriedale Reserve Master Plan  
[!\[\]\(853b4d373116b3014173323f6e9488b7\_img.jpg\)](#)

---

### 13. ADOPTION OF 2020 COUNCIL AND GPA MEETING DATES

---

Author: Executive Officer (Bryn Hannan)

Qualified Person: General Manager (Tony McMullen)

ECM File Reference: Council Meetings

#### **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:**

##### Leading our community

Objective 4.1 Govern in the best interests of the community

Strategy 4.1.1 Manage Council for maximum efficiency, accountability and transparency

Strategy 4.1.3 Maximise regulatory compliance in Council and the community through our systems and processes

#### **Reporting Brief:**

To recommend that Council adopts Council and Glenorchy Planning Authority meeting dates and times for the 2020 calendar year.

#### **Proposal in Detail:**

Under regulation 7(2) of the *Local Government (Meeting Procedures) Regulations 2015 (Regulations)*, Council is required to publish the times and places of ordinary meetings of Council and Council Committees (as known) for the next 12 months.

This report seeks Council's adoption of the meeting dates, which will then be published in The Mercury as required under the regulations.

A list of the proposed meeting dates for meetings of Council and the Glenorchy Planning Authority is Attachment 1.

#### **Council meeting dates for 2020**

The proposed dates for Council meetings for 2020 continue to be scheduled for the final Monday of each month, starting at 6:00 pm, except for:

- The January 2020 meeting which is moved to Tuesday, 28 January 2020 due to the Australia Day public holiday, and
- The December 2020 meeting which is moved to Monday, 21 December 2020 due to the Christmas holiday period.

The proposed meeting dates for 2020 are:

| Meeting of | Day     | Date              | Start Time |
|------------|---------|-------------------|------------|
| Council    | Tuesday | 28 January 2020   | 6:00 pm    |
| Council    | Monday  | 24 February 2020  | 6:00 pm    |
| Council    | Monday  | 30 March 2020     | 6:00 pm    |
| Council    | Monday  | 27 April 2020     | 6:00 pm    |
| Council    | Monday  | 25 May 2020       | 6:00 pm    |
| Council    | Monday  | 29 June 2020      | 6:00 pm    |
| Council    | Monday  | 27 July 2020      | 6:00 pm    |
| Council    | Monday  | 31 August 2020    | 6:00 pm    |
| Council    | Monday  | 28 September 2020 | 6:00 pm    |
| Council    | Monday  | 26 October 2020   | 6:00 pm    |
| Council    | Monday  | 30 November 2020  | 6:00 pm    |
| Council    | Monday  | 21 December 2020  | 6:00 pm    |

#### **Glenorchy Planning Authority meeting dates**

The Glenorchy Planning Authority (**GPA**) is a council committee established under section 23 of the *Local Government Act 1993*.

The GPA has resolved to commence its ordinary meetings at 5:00pm (Item 7 at the 13 March 2018 GPA meeting). GPA Meetings will be held on either the second or third Monday of each month, which was also the case in 2019.

The proposed GPA meeting dates for 2020 are as follows:

| Meeting of                   | Day    | Date              | Start time |
|------------------------------|--------|-------------------|------------|
| Glenorchy Planning Authority | Monday | 20 January 2020   | 5:00 pm    |
| Glenorchy Planning Authority | Monday | 17 February 2020  | 5:00 pm    |
| Glenorchy Planning Authority | Monday | 16 March 2020     | 5:00 pm    |
| Glenorchy Planning Authority | Monday | 20 April 2020     | 5:00 pm    |
| Glenorchy Planning Authority | Monday | 18 May 2020       | 5:00 pm    |
| Glenorchy Planning Authority | Monday | 15 June 2020      | 5:00 pm    |
| Glenorchy Planning Authority | Monday | 13 July 2020      | 5:00 pm    |
| Glenorchy Planning Authority | Monday | 10 August 2020    | 5:00 pm    |
| Glenorchy Planning Authority | Monday | 07 September 2020 | 5:00 pm    |
| Glenorchy Planning Authority | Monday | 5 October 2020    | 5:00 pm    |
| Glenorchy Planning Authority | Monday | 9 November 2020   | 5:00 pm    |
| Glenorchy Planning Authority | Monday | 7 December 2020   | 5:00 pm    |

**Public notice of 2020 meeting dates**

If the proposed meeting dates are adopted by Council, the General Manager will ensure that a public notice containing the times and places of the ordinary Council meetings and GPA meetings is published in accordance with regulation 7(2) of the Regulations.

**Consultations:**

Mayor  
Executive Leadership Team

**Human Resource / Financial and Risk Management Implications:**Human resources

There are no material human resources implications

Risk management

The risk management implications from the adoption of the Policy are as follows:

| Risk Identification                                                                                                                                                                                                           | Consequence | Probability         | Rating  | Risk Mitigation Treatment                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|---------------------|---------|-----------------------------------------------------------------------------------------------------------------------------|
| <b>Adopt the recommendation</b><br><br>Dissatisfaction with proposed meeting dates and times from members of the public or other stakeholders.<br>Meetings do not align with key events.                                      | Low (C1)    | Unlikely (L2)       | Low     | Council and GPA schedule Special meetings, as required to address particular issues.                                        |
| <b>Do not adopt the recommendation</b><br><br>Council will be in breach of the relevant regulations around meeting dates leading to potential regulatory action and dissatisfaction from the community / reputational damage. | Minor (C2)  | Almost Certain (L5) | Notable | Council identifies alternative meeting dates either at the present meeting or in time for the January 2020 Council meeting. |

**Community Consultation and Public Relations Implications:**Community consultation

Community consultation has not been undertaken. However, Council has received anecdotal feedback that its practice of holding Council meetings at 6:00 pm on the last Monday of each month has been well received by the community.

Public relations

Notice of meetings in the form adopted by Council will be publicly notified in accordance with the regulations. There are otherwise no material public relations impacts.

**Recommendation:**

That Council:

1. ADOPT the meeting dates and times for Council and the Glenorchy Planning Authority for the 2020 calendar year that are set out in the Schedule in Attachment 1, and
2. NOTE that the General Manager will ensure that a public notice containing the times and places of the ordinary Council meetings and Glenorchy Planning Authority meetings is published in accordance with regulation 7(2) of the *Local Government (Meeting Procedures) Regulations 2015*.

**Attachments/Annexures**

- 1 Council and Glenorchy Planning Authority Meeting Dates and Times



---

## 14. MINISTERIAL DIRECTIONS UPDATE REPORT

---

Author: Manager Corporate Governance (Tracey Ehrlich)

Qualified Person: Director, Corporate Services (Jenny Self)

ECM File Reference: Ministerial Directions

### 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:

#### Leading our Community

Objective 4.1 Govern in the best interests of our community

Strategy 4.1.1 Manage Council for maximum efficiency, accountability and transparency

Strategy 4.1.3 Maximise regulatory compliance in Council and the community through our systems and processes

### Reporting Brief:

To inform Council of the progress towards completing the action items out of the Ministerial Directions Implementation Plan for the period ending 17 December 2019.

### Proposal in Detail:

At its meeting on 30 September 2019, Council was informed of the progress towards satisfying the Ministerial Directions as at 18 September 2019. This report noted Council had completed all outstanding actions and continued to comply with Direction 7, action item 58 *“Report quarterly for the term of the current Council to the Minister on the progress of actions taken to comply with these Directions and make the report publicly available on the Council's website”*.

On 3 October 2019 the Mayor wrote to the Department of Premier and Cabinet (DPAC) enclosing Council's report. DPAC officers then contacted Council officers seeking evidence of compliance and this was provided to DPAC. DPAC officers confirmed on 30 October 2019, the report from Council was under consideration by the Minister.

The Minister for Local Government, Honourable Mark Shelton MP, wrote to Council on 5 December 2019 and advised that, following a review of Council's progress, he was satisfied Council had completed Directions 1 and 2 in their entirety and Direction 7, action item 58 should be revised to remove the requirement for monthly and quarterly reporting.

Instead, this action should now be amended to require annual reporting on a small selection of items from the Ministerial Directions. The Minister advised he will be issuing a further Ministerial Direction to this effect and officers from the Local Government Division will be in contact with Council to discuss the content of the Direction. Council officers are currently awaiting this contact.

Based on the term of office of the Council the Minister will require two (2) annual reports which will cover the periods 1 October 2019 to 30 September 2020 and 1 October 2020 to 30 September 2021.

The Minister acknowledged and thanked Council for demonstrating a clear commitment towards implementing the Ministerial Directions and improving governance practices.

#### **Consultations:**

Mayor  
General Manager  
Director Corporate Services

#### **Human Resource / Financial and Risk Management Implications:**

There are not considered to be any material financial or human resources implications.

| Risk Identification                     | Consequence | Likelihood | Rating | Risk Mitigation Treatment |
|-----------------------------------------|-------------|------------|--------|---------------------------|
| No material risks have been identified. |             |            |        |                           |

#### **Community Consultation and Public Relations Implications:**

Community consultation was not required or undertaken.

#### **Recommendation:**

That Council:

NOTE the Minister's letter acknowledging and thanking the Council's elected members and staff in implementing and satisfying the Ministerial Directions.

#### **Attachments/Annexures**

- 1 Letter from Minister for Local Government 5 December 2019



---

## 15. PROCUREMENT AND CONTRACTS - MONTHLY REPORT

---

Author: Manager Corporate Governance (Tracey Ehrlich)

Qualified Person: Director, Corporate Services (Jenny Self)

ECM File Reference: Procurement

### 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:

#### Leading our Community

- |                |                                                                                               |
|----------------|-----------------------------------------------------------------------------------------------|
| Objective 4.1  | Govern in the best interests of our community                                                 |
| Strategy 4.1.1 | Manage Council for maximum efficiency, accountability and transparency                        |
| Strategy 4.1.2 | Manage the City's assets soundly for the long-term benefit of the community                   |
| Strategy 4.1.3 | Maximise regulatory compliance in Council and the community through our systems and processes |

### Reporting Brief:

To inform Council of exemptions that have been applied to procurements under Council's Code for Tenders and Contracts for the period 14 November to 12 December 2019 and provide updates on other relevant procurement matters.

### 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 clause 10.2 of the Code, the General Manager is required to provide a regular report to Council on exemptions that have been authorised to the procurement requirements under the Code. Clause 10.2 relevantly provides:

*In accordance with Regulation 28(j), the General Manager will establish and maintain procedures for reporting to Council **at the first ordinary meeting of Council after the event** in relation to the procurement of goods and/or services in circumstances where a public tender or quotation process is not used.*

*Such report will include the following details of each procurement:*

- a) a brief description of the reason for not inviting public tenders or quotations (as applicable);*
- b) a brief description of the goods or services acquired;*
- c) the approximate value of the goods or services acquired; and*
- d) the name of the supplier.*

A copy of an extract from Council's Purchasing Exemption Register (**Exemption Report**), which is delivered to Council as required under clause 10.2 is Attachment 1 to this report.

The Exemption Report covers the period from 14 November 2019 to 12 December 2019. There have been three (3) exemptions approved for the period, accounting for \$46,240.00 in budgeted operational expenditure. The exemptions are for a property management consultancy, continuation of a software licence and postage for a mail out to residents. The above amount was accounted for in Council's current 2019-20 budget.

#### **Expenditure on External Legal Services**

For the month of October 2019, the total amount spent on external legal services for all of Council was \$8,858.00.

#### **Expenditure update - Sugden & Gee (KGV consultancy services)**

At its meeting on 29 October 2018, Council approved additional expenditure of \$100,000 with Sugden & Gee Pty Ltd for ongoing services in relation to the KGV project, bringing the total expenditure on Sugden & Gee to \$500,000 (inc GST).

Council also approved the non-application of the tender process for the contract with Sugden & Gee on the basis that extenuating circumstances meant that a satisfactory result would not be achieved by inviting tenders. The reasons for that decision are outlined in the report to Council's October 2018 meeting.

Council has requested that it be kept informed of the running total of expenditure on Sugden & Gee for its services in relation to KGV.

A single invoice for Sugden & Gee was paid in November 2019 for \$2,470.00. At the date of this report, the total expenditure on Sugden & Gee is \$410,561.68.

On 12 August 2019 the Director Regional Programs and Financial Reporting wrote to Council confirming the redevelopment of the KGV Sports and Community precinct is complete and the five (5) year operational period, as per the funding agreement, has commenced.

#### **Consultations:**

Executive Leadership Team  
Accounts Payable Supervisor

**Human Resource / Financial and Risk Management Implications:**Human resources

There are no material human resources implications.

Financial

The report identifies the following budgeted operational expenditure that has been approved during the reporting period:

- \$46,240.00 in budgeted operational expenditure,
- \$8,858.00 on external legal services, and
- \$2,470.00 on Sugden and Gee project management expenses.

Risk management

| Risk Identification                                                                                                                                                                                                           | Consequence   | Likelihood    | Rating   | Risk Mitigation Treatment                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|---------------|----------|---------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Adopt the recommendation</b><br>Criticism of Council's acceptance of procurement process exemptions and associated expenditure.                                                                                            | Minor (C2)    | Unlikely (L2) | Low      | Council notes the reasons identified for the exemptions and satisfies itself that each is sound and in accordance with approved procedures. |
| <b>Do not adopt the recommendation</b><br>Council officers less likely to seek exemptions in accordance with approved processes, leading to business inefficiency and excessive administrative burden on staff and suppliers. | Moderate (C3) | Possible (L3) | Moderate | Council communicates reasons for refusal and identifies preferred practices and information required for future exemptions.                 |

**Community Consultation and Public Relations Implications:**

Community consultation was not required or undertaken.

There is unlikely to be any material public relations impact.

**Recommendation:**

That Council:

RECEIVE and NOTE the Procurement and Contracts Monthly Report for the period from 14 November 2019 to 12 December 2019.

**Attachments/Annexures**

- 1 Procurement Exemption Report 12 December 2019





---

**16. FINANCIAL PERFORMANCE REPORT TO 30 NOVEMBER 2019**

---

Author: Manager Finance and ICT (Tina House)

Qualified Person: Director Corporate Services (Jenny Self)

ECM File Reference: Corporate and Financial Reporting

**Community Plan Reference:**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:**Leading Our Community

- |                 |                                                                                               |
|-----------------|-----------------------------------------------------------------------------------------------|
| Objective 4.1   | Govern in the best interests of our community                                                 |
| Strategy 4.1.1  | Manage Council for maximum efficiency, accountability and transparency                        |
| Action 4.1.1.01 | Monitor Council expenditure and drive efficiency across the organisation                      |
| Action 4.1.1.02 | Develop and monitor Council's Budget, Long Term Financial Plan, Annual Plan and Annual Report |

**Reporting Brief:**

To provide the monthly Financial Performance Report to Council for the period ending 30 November 2019.

**Proposal in Detail:**

The Financial Performance Report (**Report**) for the period 1 July 2019 to 30 November 2019 is Attachment 1.

The Report highlights that at 30 November 2019 the operating result is \$1.119m better than the budgeted position.

A summary of the key indicators is as follows:

**Revenue**

Revenue is \$133k or 0.3% above budget representing a reduction to last month's result of \$200k or 0.4% above budget.

The bottom-line revenue result is excellent and represents a very minor favourable variation to budget. There are however variations to the individual revenue categories, further details of which are in the Explanatory Notes section.

### **Expenditure**

Expenditure is \$986k or 4.1% below budget, representing an increase to last month's result of \$775k or 3.9% below budget.

As detailed in previous Financial Performance Reports, position vacancies have resulted in a large underspend in Employee Costs to date. It appears this has stabilised as the number of vacant positions has declined substantially to just seven active recruitment processes at the end of November.

### **Capital Works**

Capital works expenditure is \$4.387m against an annual budget of \$14.009m.

November saw capital works expenditure achieve a 12% increase over budget for the month. This has reduced the underspend from \$1.14m in October to \$804k in November, with a predicted further reduction to \$688k by 30 June in the latest forecast.

In reviewing the Capital Works Program the General Manager has approved an additional \$900k in road resurfacing works for the current financial year. This has been funded through savings in other works and deferring of ICT projects to maintain the total approved budget allocation. This brings the total resurfacing budget for 2019/20 financial year to \$2.4m and closer to the estimated \$3.6m per year required to maintain a sustainable level of service.

More detailed information on noteworthy Revenue and Expenditure variances can be found in the Explanatory Notes in Attachment 1.

### **Consultations:**

General Manager

Executive Leadership Team

Officers responsible for Capital and Operational Budget reporting

### **Human Resource / Financial and Risk Management Implications:**

There are no material risk management or human resources implications.

### **Community Consultation and Public Relations Implications:**

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

### **Recommendation:**

That Council:

RECEIVE and NOTE the Financial Performance Report for the year-to-date ending 30 November 2019 in the form of Attachment 1.

### **Attachments/Annexures**

**1** Attachment 1 - Financial Performance Report to 30 November 2019



---

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

---

## CLOSED TO MEMBERS OF THE PUBLIC

---

### 18. CONFIRMATION OF MINUTES (CLOSED MEETING)

---

That the minutes of the Council Meeting(Closed Meeting) held on 25 November 2019 be confirmed.

---

### 19. APPLICATIONS FOR LEAVE OF ABSENCE

---

## GOVERNANCE

### *Community Goal: “Leading our Community”*

---

### 20. AUDIT PANEL MINUTES

---

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

---

### 21. SALE OF WILKINSONS POINT AND THE DEC

---

*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)(b) (Information that, if disclosed, is likely to confer a commercial advantage or impose a commercial disadvantage on a person with whom the Council is conducting, or proposes to conduct, business) and (2)(c) (Commercial information of a confidential nature that, if disclosed, is likely to: prejudice the commercial position of the person who supplied it; confer a commercial advantage on a competitor of the Council; or reveal a trade secret) and (2)(g) (Information of a personal and confidential nature or information provided to the Council on the condition it is kept confidential).*

---

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

---