

**COUNCIL MEETING
AGENDA
MONDAY, 25 SEPTEMBER 2023**



GLENORCHY CITY COUNCIL

QUALIFIED PERSON CERTIFICATION

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

A handwritten signature in blue ink, appearing to read 'Tony Mullen'.

Tony Mullen
General Manager
MONDAY, 25 SEPTEMBER 2023

Hour: 3.30pm

Present (in Chambers):

Present (by video link):

**In attendance (in
Chambers):**

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

Leave of Absence:

**Workshops held since
last Council Meeting**

Date: Monday, 4 September 2023

Purpose: To discuss:

- Bridgewater Bridge update
- AFL High Performance Centre briefing
- Ice Sports Tasmania

Date: Monday, 11 September 2023

Purpose: To discuss:

- New Council Policy
- Bushfire Risk Management report
- Flood and Storm Ready program
- Sparking Conversations Igniting Action

Date: Monday, 18 September 2023

Purpose: To discuss:

- Wellington Park Trust status update and Management Plan Review briefing
- Strategic Land Use Planning updates
- Council Reference Groups and Committees

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1. APOLOGIES

2. CONFIRMATION OF MINUTES (OPEN MEETING)

That the minutes of the Council meeting held on 26 June 2023 be corrected, so that under Item 6 Questions without Notice on page 24 in response to the second question from Pauline Elliott, Claremont, the statement from the Director Infrastructure and Works is amended from '*Without looking up the records for the exact size, I **do** believe that is correct in relation to that area of land*' to '*Without looking up the records for the exact size I don't believe that is correct in relation to the land area.*

That the minutes of the Council meeting held on 28 August 2023 be confirmed.

3. ANNOUNCEMENTS BY THE CHAIR

4. PECUNIARY INTEREST NOTIFICATION

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Question taken on notice – Neale Hall, Claremont

Q1: Did the owners sign the DA application as required under 40T (6) of LUPAA, where it states the DA must:-

- (a) Be signed by each owner of the land; or**
- (b) Be accompanied by the written permission of each owner of the land to the making of the request.**

Response provided:

Form No 1 – Owners Consent, the form approved by the Tasmanian Planning Commission, has been signed by Nickolas Lambrakis, Director and Peter Barrett, Director regarding CTs 213250/1 and 64165/1 and Tony McMullen, General Manager regarding CT 136272/1.

Q2: Were the signatories the Directors, Nicholas Lambrakis and Peter James Barrett or the owners NHJ Enterprises Pty Ltd and Sheila Barrett?

Response provided:

The signatories for CTs 213250/1 and 64165/1 were Nickolas Lambrakis and Peter Barrett, who are directors of 8MLC Pty Ltd the owner of the land.

Question taken on notice – Paul Campton, Claremont

Q1: In terms of the zoning amendment request for 8 to 10 Main Road, what additional information was required by the planning scheme applying to the land was sought by the developers by the Council. Specifically what further information was requested?

A: [General Manager] We did receive an earlier enquiry about this and one of the things we need to establish is whether we have reached a point in the process where this is a public part of the planning process. We will seek advice on that, but clearly if we can release this information, then we are happy to release it.

Response provided:

The response previously provided to this question on notice from the 31 July 2023 Council meeting was:

Our planning area does not provide documents for review by the community until all the necessary information has been provided and the documentation is ready to go on public exhibition. This ensures that people are looking at the application that is being considered and assessed rather than reviewing something that may still be missing information.

Q2: LUUPA section 4T, subsection 6 states a valid application is an application that contains all relevant information required by the Planning scheme applying to the land. Will Council now exercise its power to refuse the amendment, for it was an invalid application, you have the power under 42 and if it was a valid application, it must have contained all relevant information in accordance with the Tasmanian Planning Scheme, clause 612, and you have the power under LUUPA at 42 to refuse that without seeking further information. Will you exercise your power?

Response provided:

Under section 6 of the State Planning Provisions, it states:

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

To be a valid application must include:

- (a) A signed application form*
- (b) Any written permission and declaration of notification of s52 of the Act and, if any document is signed by the delegate, a copy of the delegation*
- (c) Details of the location of the proposed use or development*
- (d) A copy of the current certificate of title for all land to which the permit sought is to relate, including the title plan, and*
- (e) A full description of the proposed use or development.*

A valid application has been received by Council.

The State Planning Provisions also states:

In addition to the information that is required under this clause:

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

Question taken on notice – Leeanne Rose, Glenorchy

Q1: I have contacted the Tasmanian Heritage Register, John Stevenson kindly informed me the Council responsibility in regard to identifying places of local heritage value through your local planning scheme process. I ask the Council to come together as a community as it did in the 1960's and identify this War Memorial facility as a place of significant local heritage, in accordance with your local planning scheme process.

Q2: I request that the reasonable finance requests be made to State and Federal governments and special conditions be attached to the heritage value listing to allow for the demolition if necessary or rebuild to appropriate standard,

upgrading is necessary. Maintenance and compliance with ever changing pool registrations as and when required on a regular basis for years to come. I ask that the pool remains at its current location in the centre of Glenorchy as a memorial to our fallen soldiers, as was the pool's original intention and purpose.

A: [Mayor] Council is commissioning a heritage assessment on the Glenorchy Memorial pool.

Response provided:

The heritage assessment is intended to inform a heritage amendment project aimed at addressing matters identified during the preparation of Council's Local Provisions Schedule/s and includes consideration of Council-owned properties that have been previously flagged as potentially suitable for heritage listing (one being the Glenorchy War Memorial Pool).

Its purpose is twofold:

1. To understand through a combination of historical research and site inspection, the heritage significance of the Pool complex, and;
2. To establish whether any of the values identified meet the threshold-level that would justify any further consideration of the Pool complex for entry via planning scheme amendment in the Local Historic Heritage Code Lists - GLE-Table 6.1 Heritage Places, TPS-Glenorchy.

It is expected that information from the heritage study will be available for consideration as options for the future of the facility that are being canvassed and evaluated.

Question without notice – Pauline Elliott, Claremont

Q1: Did the Director of Infrastructure say on 26 June in regards to the Country Music Club carparking for 12 Main Road it 'not over the whole council plan' and 'I don't believe it is parcel/block of land'?

Q2: The minutes for June meeting state 'without looking up the records for the exact size, I do believe that is correct in relation to that area of land'. Given the minutes are meant to be a true and accurate, but recognising the difficulty of transcription, then can you please adjust the minutes to reflect what was said, 'not over the whole council plan' and 'I don't believe'?

Response provided:

A check of the Minutes from the 26 June Council meeting and the video recording, confirmed that there was an error in the written minutes, that did not match the audio of the meeting. There will be a correction to the minutes so it does reflect the answer provided at the Council meeting.

The recorded minute says:

Q: *The land size is quite large, I understand it is 741 square metres?*

A: *[Director Infrastructure and Works] Without looking up the records for the exact size, I **do believe that is correct in relation to that area of land.***

It should say:

I **don't** believe that is correct in relation to the land area.

The following response was provided to Ms Elliott after the 26 June meeting.

=====

Thank you for your email expressing your concerns over the answers to your question at the recent Council Meeting. You mentioned that both Emilio Reale and I showed a lack of knowledge about the facts surrounding 12 Main Road, Landowners Consent. This was in relation to as stated; *apparently the council officers were unaware of the size of the block of land involved and the scope of the lease they had entered into with the County Music Association for the use of said land.*

Whilst Council officers did not have the land area with them at the time of the question, Council does have accurate land mapping system which does provide detail of land size and area by individual title. Council officers and the General Manager were aware of the licence agreement on this land between Glenorchy City Council and the Country Music Club of Southern Tasmania Inc. Both the land size and the licence agreement were considered in the landowner consent process. Thanks for raising your concerns with us.

Question taken on notice – David Kernke, Claremont

Q1: For what reason is a drive through a prohibited use under the Tasmanian Planning Scheme (TPS) for an inner residential area?

Response provided:

The current proposal is prohibited under the State Planning Provisions because it does not meet the qualification for "Food Premises" namely: "If not for a take-away food premises with a drive through facility."

While the explicit reason for the qualification is not given, the zone purpose for the Inner Residential Zone (cl. 9.1) can be taken to have informed the subsequent Zone provisions, including the use table. In particular:

9.1.3 To provide for non-residential use that:

- (a) primarily serves the local community; and*
- (b) does not cause an unreasonable loss of amenity, through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off site impacts.*

Q2: Given the Tasmanian Planning Scheme is meant to embody what is in the public interest, would a 24-hour drive-through be a prohibited use because it is considered to be an unreasonable loss of amenity for neighbours in an inner residential area?

[General Manager] I will make the comment, that would be a reason for its prohibition and that might be the reason why Council might ultimately consider that it had determining weight in any future assessment. But it would be something more black and white than that in relation to the use and development status in the zone which goes to your first question.

Q2a. You mean amenity would form part of an assessment or future assessment by Council?

[General Manager] Residential amenity would form part of a future assessment.

Q2b. Will I be getting an answer or is that it by Council to the rest of my question?

Response provided:

It is a reasonable statement that a take-away food premises with a drive through facility is prohibited in the Inner Residential Zone because it was considered by the framers of the State Planning Provisions to be inconsistent with the Zone purpose.

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.

Question on notice – Clare Lond-Caulk, Collinsvale (received Sunday, 27 August 2023)

Q1. I note Council's letters to relevant Federal and State representatives regarding potential funding for repairs to the pool; has Council submitted any grant applications under the many and various grants available from those levels of Government?

A: As you note, council has advocated to both the State and Federal Governments in recent years for funding to support investigations into the future of and the redevelopment of the pool. For details of these advocacy efforts, please see the August 2023 council meeting report and associated attachments.

Council is not aware of any current grant programs it is eligible for that provide the level of funding that will likely be required to redevelop the pool. However, council will further explore grant programs and continue advocacy to other levels of government once it has more detailed costings on options for a replacement facility.

Q2. It is apparent from the Lacus report that the consultants undertaking the inspection were not given full access to the site and were not accompanied by a person who has been responsible for operating the pool in recent years. This has led to certain 'worst case' assumptions being made. Can Council please explain why the consultants were not given full access/information to inform their report.

A: The consultants were provided with full access to inspect the pool facilities and any requested information to inform their report.

Q3. The issues classified as urgent in the Lacus report total less than \$1M. More than half of this relates to safety of the grandstand which could simply be closed off in the interim. Given this can Council explain why the pool cannot be opened this year in October as scheduled?

A: The consultants provided the audit of the individual physical elements of the pool (i.e. the Lacus report) as well as a presentation that contextualises the audit findings to explain the implications (the consultant's presentation is Attachment 2 to the July 2023 Council Report).

Whilst the consultants outline that the most urgent repairs could be undertaken for approximately \$1.35M they also outline that this would not improve many of the problems, take 18-24 months to complete the works, involve similar annual investments in future years, and even then only achieve a further 5 years of useful life of the assets given the facilities are already 60 years old.

The consultants go on to explain that the estimated cost of undertaking all of works required to get the existing facility operational are in the vicinity of \$5M and again, would only achieve a further 5 years of useful life, after which time full replacement would be necessary. Even if these works were to be funded, the pool cannot be opened this season due to the time it would take to complete them.

As per the July 2023 council meeting report on the pool, it is accepted that repairing the pool facilities would be financially uns given the investment required would only provide approximately five years of additional life to the pool.

Q4. Councils decision to not open the pool this season appears to be based in part on the loss of 35,000 litres of water a day. Given that this loss continues to occur while the pool sits full but unused isn't it better to have income while losing that water? Also can Council confirm that water levels are being maintained during the off season as the Lacus report describes a number of issues that will only occur once the pool is emptied or water level drops.

A: The excessive loss of water was one of the triggers for commissioning the specialist assessment of the pool condition. This detailed assessment unfortunately revealed that the facilities have reached an age and condition that presents significant health and safety risks. Now this advice has been received, Council would be negligent not to take immediate action.

The specialist advice also made clear that the works required to remove these risks would take more than 12 months to complete, hence the General Manager made the decision to announce that the pool will be closed for the coming season and until further notice, to give the operator, Belgravia Leisure, and users of the pool as much notice as possible. The General Manager made this call in fulfilling his workplace health and safety duties as the responsible Person Conducting a Business Undertaking (PCBU).

As noted above, and as per the Council Report on the pool from the July 2023 council meeting, it is accepted that repairing the pool facilities would be financially untenable given the large investment required would only provide approximately five years of additional life to the pool. Therefore, Council's current focus is on investigating options for redevelopment of the site, including costs and funding options for a new aquatic facility. Given this, there is no longer any need to maintain the pool water levels. Council will soon be draining the pool to prevent the water stagnating.

Q5. Councils decision to not open the pool this season appears to be based in part on the ongoing cost to ratepayers of operating the pool. Can Council confirm an assessment has been (or will be) undertaken of ways to mitigate this cost such as ticket pricing, maximising use (learn to swim, advertising (I lived in Glenorchy for approx 5 years before I realised there was a pool and have been a regular user ever since), fitness classes, associated activities such as water polo and hockey).

A: Council is yet to consider the long-term solution for the pool and at this stage has only made the call to leave the pool closed until further notice due to unacceptable risks to health and safety.

A report was presented to the August 2023 council meeting noting that the General Manager has initiated a project to investigate pool redevelopment or alternative options at the site. The work is to include consultation, concept designs, and cost benefit analyses. The council report and project proposal are available for viewing via this link: www.gcc.tas.gov.au/council/council-meetings/minutes-and-agendas/

Q6. Can Council please acknowledge that it has a duty of care to its residents and that facilities such as the pool are an essential health and wellbeing (and just enjoyable) service that do not need to be profit-making in the same way that parks, gardens and sport fields are loss making but essential.

A: Council acknowledges that many recreational facilities such as pools, parks and sports grounds do not return a profit and are subsidised by the ratepayer. The project to investigate options for the future of the site will include a cost benefit analysis and community consultation to determine the level of subsidy that is affordable and acceptable to Glenorchy ratepayers in developing a replacement pool facility.

Council also acknowledges that it has a duty of care to its residents, which is why the pool is currently closed due to unacceptable health and safety risks.

Q7. Can Council please explain why its website says Council meetings are at 6pm when they are in fact at 3.30pm and explain why Council meetings are held at 3.30pm making it almost impossible for the majority of working residents to attend (particularly given many work in Hobart and it takes approximately 30 mins to travel from Hobart to Glenorchy not the 10 mins that Council flippantly has said we can all travel to Hobart pool).

A: Annually, Council considers the schedule for council and Glenorchy Planning Authority (GPA) meetings, inclusive of commencement times. At its December 2022 meeting council brought all meeting times into alignment, ie: 3:30pm on Mondays, which means all council meetings, GPA meetings and workshops have a consistent start time to provide the community and Elected Members consistency and reasonable hours of operation for residents, Elected Members and officers attending. This was advertised in a number of pages on council's website – the link you refer to has been corrected.

Interestingly, public attendance has significantly increased since the meeting times changed to 3:30pm.

This decision was made in the context that all council and GPA meetings are live streamed to allow viewing and review of the meetings. Citizens continue to have full access to ask questions of council through the existing methods available as outlined in the *Local Government (Meeting Procedures) Regulations 2015*.

Question on notice – Rachaelle Downey, Granton

(received Friday, 8 September 2023)

Q1. Council claims the Glenorchy war memorial pool was losing 35,000 litres of water per day, identified by water metering. This equates to an increase in water usage over \$3700 per quarter. Why wasn't this picked up by council? how long has the usage been notably higher than average? Subsequent to this is the tap connected to the hose filling the pool have a separate meter to the amenities block or is council just guessing the usage relates to the pool and not another internal plumbing issue?

A: Council installed a submeter at the pool plant room, which is only used to fill the pool, at the start of the 2021/22 season, in response to pool operators noting there was a need to excessively top the pool up with water, beyond what would be expected from splash and evaporation.

The submeter reading at the end of the 21/22 season was 6,330KL, noting the pool was already filled when the submeter was installed. When divided by 183 days (i.e. 6 months season) that equates to an average of 34.6KL/day of water loss.

Q2: The community want the Glenorchy War Memorial Pool open for this season and open while engaged with on what a new facility will look like. The Lacus report details minor works required to open with a need to plan and prioritise remaining works. The minor works will cost less than \$1,000,000 (the report is ridiculously over inflated) why are council not getting on with the works while planning an upgrade? Open our pool!

A: Both reports have been provided to council by the same consultants. The audit report (Attachment 1 to the July council meeting report) provides an audit of the individual physical elements, the second report/presentation (Attachment 2 to the July council meeting report) is also provided by the consultants to contextualise the audit findings and explain the implications.

That report details an estimated cost of \$1.35M to undertake the most urgent works, but this option would leave many significant issues unaddressed and require similar year on year investments afterwards. The report also identifies an estimated cost of \$5.13M to undertake all of the required works.

The major issue with either of these options (as identified in the report) is that even if these works are undertaken it will only provide a further approximately five years of life for the pool given the facility is already 60 years old. As such this would not be a sound or sustainable financial decision.

Even if either of these options were to be adopted, the report also indicates that the pool would need to remain closed for at least the next two seasons to enable sufficient time for these works were undertaken.

Question on notice – Nicole Vout, Claremont
(received Sunday, 17 September 2023)

Q1. Does the Mayor concede her “10 minutes up the road” comment relating to Glenorchy residents utilising the Aquatic Centre was an ill-considered, non-inclusive statement that assumed everyone in the Municipality can drive and excluding those with financial, physical or logistical challenges?

A: It is appreciated that some people face challenges with transport and this comment was not made with the intention of offending or upsetting anyone.

The comment was made in consideration of data demonstrating greater visitation to the Hobart Aquatic Centre by Glenorchy residents than to the Glenorchy War Memorial Pool.

Research previously undertaken by the City of Hobart (CoH) that showed Hobart residents make up less than half of the visits to the Hobart Aquatic Centre and that Glenorchy residents make up approximately an eighth of the visitation (Doone Kennedy Hobart Aquatic Centre Redevelopment Master Plan, May 2017). CoH reports that annual visitation of the Hobart Aquatic Centre last financial year (22/23) was 556,000. Based on the above figures, it is reasonable to estimate that approximately 69,500 of the annual visits to the Hobart Aquatic

Centre are already from people who live in the Glenorchy local government area, which is almost four times the total number of annual visits to the Glenorchy Pool last season, which was 17,788 (including residents from Glenorchy and other local government areas).

Q2: For what purpose has the Glenorchy War Memorial Pool been drained by Council and how will you ensure the integrity of the structure having done so?

A: The shell of the pool is 60 years old, and if the pool is to be redeveloped, it would need to be replaced.

The pool has been drained to protect the environment and public safety. The water was stagnating and attracting wildlife, further polluting the water. Council also wanted to prevent further water leaking into the surrounding environment.

Council is investigating long-term solutions for the site and is open to rebuilding a new aquatic facility, if a sound business case is presented, funding can be secured and it is supported by the community, as per the process that was outlined in the August 2023 Council meeting report.

There is no need to keep the pool full during this period and doing so presents further health and safety risks.

Q3: Why have Council taken a non-consultative approach with the Community and it's ratepayers to decide our GWMP will not be repaired?

A: The option to undertake repairs of the facility is a 'band aid' solution that would see ratepayers funding repairs to only extend the life of the pool for a few more years. Within those few years, Council would have expended significant ratepayer resources to simply end up exactly where we are now. Council does not believe that is a responsible use of ratepayer funds which would be better spent on achieving a long-term solution.

Council committed to a process at the August 2023 Council Meeting to investigate pool redevelopment or alternative options at the site, including engagement with the community and stakeholders.

The detailed pool condition assessment unfortunately revealed that the Glenorchy Pool facilities have reached an age and condition that presents significant health and safety risks. Now this advice has been received, Council would be negligent not to take immediate action.

The specialist advice also made clear that the works required to remove these risks would take more than 12 months to complete, hence the General Manager made the decision to announce that the pool will be closed for the coming season and until further notice in order to give the operator, Belgravia Leisure, and users of the pool as much notice as possible. The General Manager made this call in fulfilling his workplace health and safety duties as the responsible Person Conducting a Business Undertaking (PCBU).

Q4: Why has Council decided to “sweat” our pool, a ratepayer asset, and when did this process begin? If Council have been “sweating” our asset why has there not been a pro-active approach by Council to provide a replacement Aquatic Facility from the time this “sweating” commenced?

A: The age of the pool is widely known (60 years) and Council has been open about the fact that there is a risk of pool closure if funds cannot be secured to redevelop the site. For example, the Council made a request to the last federal budget for \$26M to redevelop the site which included the following statement *“The pool, grandstand, plant and amenity buildings are in need of significant upgrade or replacement, without which the Glenorchy community will face future closure of the facility”*. The same statement was also included in the Council submission to the last federal election. These submissions were both made public.

The facility is at an age where capital upgrades are not financially sound. As outlined in the July Council report, a large investment would be required on the most urgent elements and would only achieve a further approximately 5 years of operation of the pool given that it is already 60 years old. The facility has stayed operational for 10 to 20 years longer than its expected life and can no longer be maintained by maintenance and upgrades. The pool is at the end of its life and requires complete replacement.

Council had hoped that the pool could stay operational for several more years whilst a replacement was planned, however as noted in the response to Q3 above, Council would be negligent not to close the pool once the specialist advice was received that reported unacceptable health and safety risks.

Question on notice – Angela Strk, Rosetta
(received Sunday, 17 September 2023)

Q1. What was the cost of the Lacus report regarding the Glenorchy War Memorial Pool?

A: The consultancy cost Council \$31,300 which included the engineering inspection and report (attachment 1 of the July Council Meeting Report), and the implications and options presentation to Council workshop (attachment 2 of the July Council Meeting Report).

Q2: What is the budgeted cost for the cost/benefit analysis to be done and presented in March next year about the Glenorchy pool?

A: The State Government has contributed \$200,000 funding for the project. However, the final cost of the project will not be known until a procurement process is completed.

Q3: As per The Local Government Act (20. Functions and powers) and Division 2 - Elector polls 60B. (1) and (2) Council-initiated elector polls - my question is could council please move a motion to initiate to conduct an elector poll by postal ballot, in relation to the options about the Glenorchy Pool's future, as they are outlined by council on page 36 in the GLENORCHY CITY COUNCIL ATTACHMENTS, dated Monday, 28 August 2023, http://glenorchy.infocouncil.biz/Open/2023/08/OC_28082023_ATT.PDF

A: Council has the power under the Act to initiate an elector poll. Council would need to consider the merits of taking such a step, having regard to matters such as alternative means of engaging the community, the existing project to explore pool redevelopment and other options and the cost benefit of holding an elector poll.

Question on notice – Angela Strk, Rosetta
(received Monday, 18 September 2023)

Q1. The Lacus report states the Glenorchy pool's concrete shell is in good condition . This weekend council has commenced draining the pool completely which will lead to the shell cracking. Please explain why council has done this and not maintained the asset for the duration of at least the cost benefit analysis period, until March next year?

A: The Lacus report states the pool's concrete shell is in 'fair' condition. The shell of the pool is 60 years old, and if the pool is to be redeveloped, it would need to be replaced.

The pool has been drained to protect the environment and public safety. The water was stagnating and attracting wildlife, further polluting the water. Council also wanted to prevent further water leaking into the surrounding environment.

Council is investigating long-term solutions for the site and is open to rebuilding a new aquatic facility, if a sound business case is presented, funding can be secured and it is supported by the community, as per the process that was outlined in the August 2023 Council meeting report.

There is no need to keep the pool full during this period and doing so presents further health and safety risks.

Q2: The local government act requires councils to consult community in decisions. Why has council not consulted the community in regards to options in relation to the pool's future , particularly in relation to the option of repairing the pool instead of only looking at redevelopment and demolition ? It's the community's asset and they deserve the right to have a say in its future.

A: The option to undertake repairs of the facility is a 'band aid' solution that would see ratepayers funding repairs to only extend the life of the pool for a few more years. Within those few years, Council would have expended significant ratepayer resources to simply end up exactly where we are now. Council does not believe that is a responsible use of ratepayer funds which would be better spent on achieving a long-term solution.

Council committed to a process at the August 2023 Council Meeting to investigate pool redevelopment or alternative options at the site, including engagement with the community and stakeholders.

The detailed pool condition assessment unfortunately revealed that the Glenorchy Pool facilities have reached an age and condition that presents significant health and safety risks. Now this advice has been received, Council would be negligent not to take immediate action.

The specialist advice also made clear that the works required to remove these risks would take more than 12 months to complete, hence the General Manager made the decision to announce that the pool will be closed for the coming season and until further notice in order to give the operator, Belgravia Leisure, and users of the pool as much notice as possible. The General Manager made this call in fulfilling his workplace health and safety duties as the responsible Person Conducting a Business Undertaking (PCBU).

Question on notice – Julie Maskell, Glenorchy**(received Monday, 18 September 2023)**

Q1. Re the recent closure of the Glenorchy war Memorial Swimming Pool council what are you planning on providing for the socio/economic disadvantaged teenagers - too large for playground equipment- in the municipality? not all these kids have mountain bikes nor skateboards. Where do they go on hot summer days to get a healthy lifestyle during the long summer school holiday break. Will you be happy to see them sitting on the floor of Northgate or all over your lawns. Is this your vision for the city?

A: Council is working to provide youth-focused recreation opportunities in Glenorchy. As noted, Council has just completed works on a new skatepark at Montrose and a major upgrade of the trails at the Glenorchy Mountain Bike Park. Council is also in the process of constructing a Multi Use Game Arena (MUGA), specifically targeted at this youth/teenager age group, as part of the Gibrins regional playspace project. Council also provides facilities for a wide range of sport and recreation opportunities such as soccer, AFL, netball, cricket, tennis, softball, baseball, disc golf, archery, walking and cycling, some of which have strong youth participation levels.

In addition, Council funds the Glenorchy PCYC program, which commenced in October 2022, providing mentoring support and activities for young people at risk in our community.

With regards to the pool site, Council committed to a process at the August 2023 Council Meeting to investigate pool redevelopment or alternative options at the site including engagement with the community and stakeholders.

7. PETITIONS/ADDRESSING COUNCIL MEETING (DEPUTATION)

COMMUNITY

Community Goal – Making Lives Better

8. ACTIVITIES OF THE MAYOR

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

Community Plan Reference:

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

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

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

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

Reporting Brief:

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

Proposal in Detail:

The following is a list of events and external meetings attended by Mayor Thomas during the periods from Monday, 21 August to Sunday, 17 September 2023.

Monday 21 August 2023

- Met with Andrew Wilkie, MP to discuss the Glenorchy Memorial Pool
- Chaired the Council workshop

Tuesday 22 August 2023

- Met with Adriana Taylor, Glenorchy Community Fund
- Participated in the Southern Tasmanian Regional Waste Authority meeting
- Chaired General Manager's Performance Review Committee meeting

Wednesday 23 August 2023

- Attended Cuppa with a Cop
- Met with Donna Woodleigh, Assistant Director Community Engagement TAS Immigration Group, Department of Home Affairs
- Attended Lutana Woodlands nature reserve volunteer weeding

Thursday 24 August 2023

- Attended tour of Cleanaway Derwent Park Materials Recovery Facility and Lutana Quarry Site operated by Southern Waste Solutions
- Attended Glenorchy Jobs Hub Jobs Pledge with Allyson Warrington, CEO Community Based Support
- Attended tour of Tasmanian Textiles in Mill Lane

Friday 25 August 2023

- Participated in 26TEN Sector Plan engagement meeting
- Met with Pauline Elliott, David Kernke and Paul Campton regarding 8-10 Main Road, Claremont
- Met with Angela Strk, Amber Forrest, Karen Forster and Natalie Rollings regarding Glenorchy pool

Saturday 26 August 2023

- Participated in Moonah Black Spot Funding Announcement with Senator Carol Brown, Brian Mitchell MP, Josh Willie MLC and Ella Haddad MP

Monday 28 August 2023

- Participated in ABC radio interview with Leon Compton
- Chaired the Council meeting

Tuesday 29 August 2023

- Met with rate payer Eddy Steenbergen
- Attended Media announcement with Premier Rockliff and Minister Nic Street about housing
- Participated in Joint Regional Cabinet Meeting with Premier and Cabinet
- Attended Drinks and Nibbles at KGV with the Premier, the Hon Jeremy Rockliff and Tasmanian Cabinet Ministers

Wednesday 30 August 2023

- Participated in the 26TEN Coalition meeting
- Participated in the Greater Hobart Mayors Forum

Thursday 31 August 2023

- Met with Ben McGregor from Anglicare
- Participated in the Local Government Board Western Shore Catchment Hearing

Friday 1 September 2023

- Participated in the Breakfast Club at Bowen Road Primary School
- Met with Josh Willie MLC about Glenorchy pool
- News interview with Channel 7 at Glenorchy Memorial Swimming Pool
- Met with 2023 Glenorchy Young Citizen of the Year, Emily Gamez
- Met with 2023 Glenorchy Sports Achiever, Arielle Cannell
- Met with members of the Tasmanian Special Olympic Team, Riley Su, Braydon Gebel, Daniel Thomson and Matthew Mizzi
- Attended Nystar Hobart's Long Service Awards Presentation Dinner

Saturday 2 September 2023

- Officially opened the 2023 Claremont Flower Show

Monday 4 September 2023

- Met with Vica Bayley, Greens member for Clark
- Participated in the RSPCA Ready, Pet, Go media launch
- Chaired the Glenorchy Planning Authority meeting
- Chaired the Council workshop

Tuesday 5 September 2023

- Met with 2023 Glenorchy Local Hero awards winner, John Shoobridge
- Met with 2023 Glenorchy Senior Citizen of the Year winner, Corrie Bartle
- Participated in Channel 7 News interview in relation to the Glenorchy War Memorial Pool funding
- Participated in the Official Launch of the Glenorchy City Council Reflect Reconciliation Action Plan

Wednesday 6 September 2023

- Attended the Youth Forum hosted by the Glenorchy Jobs Hub

Thursday 7 September 2023

- Chaired the Glenorchy Jobs Hub meeting
- Attended the Glenorchy Jobs Hub meeting with Brotherhood of St Laurence
- Met with 2023 Glenorchy Citizen of the Year award winner, Lucy Baker

Monday 11 September 2023

- Met with Kath McCann from the Beacon Foundation
- Chaired the Council workshop

Tuesday 12 September 2023

- Met with rate payer, Rowena Clarke

Wednesday 13 September 2023

- Met with 2023 Glenorchy Business Person of the Year, Belle Parker
- Attended the Greater Hobart Mayors Forum meeting
- Met with Chloe Humes and Molly Hoyle, Mayors Sport and Academic fund recipients

Thursday 14 September 2023

- Participated in the Regional Jobs Hub Community of Policy and Practice meeting
- Attended the Regional Jobs Hub Community of Policy and Practice dinner

Friday 15 September 2023

- Participated in the Regional Jobs Hub Chairs meeting with Minister Felix Ellis

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

Consultations:

Nil.

Human Resource / Financial and Risk Management Implications:

Nil.

Community Consultation and Public Relations Implications:

Nil.

Recommendation:

That Council:

1. RECEIVE the report about the activities of Mayor Thomas during the period from Monday, 21 August to Sunday, 17 September 2023.

Attachments/Annexures

Nil.

GOVERNANCE

Community Goal – Leading our Community

9. NEW AND UPDATED COUNCIL POLICIES

Author: Manager People and Governance (Tracey Ehrlich)

Qualified Person: Director Corporate Services (Jenny Richardson)

ECM File Reference: Council Policies

Community Plan Reference:

Under the *City of Glenorchy Community Plan 2015 - 2040*, the Community has prioritised 'transparent and accountable government'.

Strategic or Annual Plan Reference:

Leading our Community

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

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

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

Reporting Brief:

To present the new Conflict of Interest Policy for adoption and to present the following updated policies for review and adoption:

- Committees Policy
- Committee Nominations and Appointments Policy; and
- Media and Communications Policy.

Proposal in Detail:

In February 2023 it was recommended as part of an internal audit that Council develops a single central conflict of interest policy. This report presents the policy for adoption.

Conflict of Interest Policy

A conflict of interest arises when the private interests of an employee (or of a close associate of an employee) conflict with activity the employee is involved with on behalf of Council. A conflict of interest can be potential, actual or perceived in nature.

An internal audit completed by WLF Accounting & Advisory recommended that Council implement a central conflict of interest policy. The Conflict of Interest Policy is not intended to restate legislated or Code of Conduct requirements, but instead sets out a framework for managing and monitoring conflicts of interest. It provides

resources such as decision-making tools to assist people dealing with conflicts of interest and includes scenarios which demonstrate where a conflict may arise. It is essential for conflicts of interest to be appropriately managed to mitigate risk.

The Conflict of Interest Policy promotes transparency and other good governance principles. It was developed with guidance from the internal auditor and with reference to the Integrity Commission materials. The Policy applies to all persons administered by, or working for, Glenorchy City Council. This includes Elected Members, the General Manager and all employees. The recommended Conflict of Interest Policy is Attachment 1 to this report.

Committees Policy

This Policy was previously adopted by Council at its meeting on 28 September 2020. The current review of the Policy has been necessary to clarify the Special Committee definition, update references of Alderman to Elected Member and to strengthen the Role of Committees statement. The Policy clarifies the requirement for Council to approve the Committee Terms of Reference and provides the ability for Elected Members as the Chair of the Committee through the Terms of Reference.

Cessation of the committee has also been updated to include Council's Election Caretaker Period Policy, so that the committee ceases upon the General Manager declaring an election caretaker period.

The 2020 Policy with tracked changes is included as Attachment 2 to this report and the updated Committees Policy, that is recommended for adoption, is included as Attachment 3.

Committee Nominations and Appointments Policy

This Policy was previously adopted by Council at its meeting on 19 December 2022. This policy has been reviewed to align it with Council's Committees Policy changes. The Policy has also been updated to include reference to Elected Members rather than Aldermen and the inclusion of subject matter experts on committees where their inclusion would assist informed decision making of Council. The methodology for Elected Members to nominate and be appointed to committees has not been amended.

The 2022 Policy with tracked changes is included as Attachment 4 and the updated Committee Nominations and Appointments Policy, that is recommended for adoption, is included as Attachment 5 to this report.

Media and Communications Policy

This Policy was previously adopted by Council on 28 September 2020. This Policy has been reviewed to clarify the role of a Committee Chair in relation to media and communications and to update references to Elected Members rather than Aldermen.

The 2020 Policy with tracked changes is included as [Attachment 6](#) to this report and the revised Policy, recommended for adoption, is included as [Attachment 7](#).

Consultations:

Elected Member workshop
Executive Leadership Team
Management Team
Corporate Governance
Senior Legal Counsel
Council officers

Human Resource / Financial and Risk Management Implications:

There are no material human resources or financial implications.

Risk management

Risk Identification	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the recommendation	Minor (C2)	Unlikely (L2)	Low	Responsible officers continue to monitor compliance with policies and ensure that any amendments are made in a timely manner, as required.
The policy does not represent any significant departure from established practices or statutory requirements. There is a chance that procedural difficulties may be identified once they are implemented, leading to operational inefficiencies.				
Do not adopt the recommendation	Minor (C2)	Likely (L4)	Medium	Council officers are instructed to review the policies and implement any changes requested by Council as soon as practicable.
Governance administration would be less optimal due to the presence of outdated and less effective policies.				

Community Consultation and Public Relations Implications:

The policies, when updated, will be published on Council's website.

Recommendation:

That Council:

1. ADOPT the Conflict of Interest Policy at Attachment 1;
2. ADOPT the reviewed Committees Policy at Attachment 3;
3. ADOPT the reviewed Committee Nominations and Appointments Policy at Attachment 5; and
4. ADOPT the reviewed Media and Communications Policy at Attachment 7.

Attachments/Annexures

- 1 Conflict of Interest Policy - Final



- 2 Committees Policy tracked changes



- 3 Committees Policy - Final



- 4 Committee Nominations and Appointments Policy tracked changes



- 5 Committee Nominations and Appointments - Final



- 6 Media And Communications Policy tracked changes



- 7 Media and Communications Policy - Final



10. DELEGATIONS FOR PLANNING OFFICERS UNDER THE LAND USE PLANNING AND APPROVALS ACT 1993 (TAS)

Author: Legal and Procurement Support Officer (Hayden Waterlow)

Qualified Person: Director Corporate Services (Jenny Richardson)

ECM File Reference: Delegations

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

Reporting Brief:

To recommend that Council:

1. delegates some of its powers and functions under the *Land Use Planning and Approvals Act 1993* (Tas) ('LUPAA') directly to Council planning officers.
2. increases the financial limit on senior planners' ability to determine permit applications, where three or fewer opposing representations have been received, from \$1,000,000 to \$2,000,000 in line with recent increases in costs for building materials.

Proposal in Detail:**Background**

Council is conducting an internal review of all statutory delegations made to Council officers. A review of the Planning Section delegations has highlighted inconsistency and created some confusion because multiple instruments have been used to confer powers on individuals.

LUPAA confers several planning functions and powers on Council as a Planning Authority. Section 6(3) provides that Council ‘*may, by resolution, delegate any of its functions or powers under this Act other than this power of delegation to a person employed by*’ Council. Section 6(4) goes on to allow delegations to be made ‘*either generally or as otherwise provided by the instrument of delegation*’.

It is more efficient, and already current practice at Council, for many of these operational planning functions to be delegated to relevant Council officers. The Glenorchy Planning Authority (‘GPA’) would still retain the power to determine other, more substantial, planning matters.

The current delegated Powers

One of the issues with the current delegations is how specific they are when they do not need to be to give proper effect. This has made it difficult to maintain a register and keep track of all the delegations given to each position in the Planning Section.

Implementing a new instrument of delegation from Council to confer statutory powers in a more general sense (as permitted by s 6(4) of *LUPAA*) will remove any possible doubt over delegated powers and enable planning staff to confidently understand the extent of their delegated powers.

Powers required for Operational Planning Purposes

Council officers are mostly required to undertake their planning duties as a representative of the GPA. As such, a sensible starting position for the delegations for senior planners is to confer all the planning authority’s powers and then to restrict powers where they are only to be exercised by a resolution of the GPA.

It is recommended the powers in the attachment to this report be delegated as written to enable Council officers in the Planning Section to effectively undertake their operational planning duties unless matters should be referred to the GPA.

No significant changes to Powers delegated

Historically, officers in Council’s Planning Section have held a long list of delegated powers. Recent legal advice has highlighted many of these written delegations are not required for the Planning Section to continue to function as it currently does.

Many of the provisions previously delegated were not strict legal administrative powers and therefore did not require delegation. Other powers under *LUPAA* are administrative powers already exercisable by Council Officers as it is practically necessary for Council officers to carry these functions out on the GPA’s behalf.

For these reasons, the list of delegations at Attachment 1 is significantly shorter than previous versions proposed or adopted. The recommendation will not result in any reduction in the Planning Section's capabilities but will instead streamline the instrument of delegation so planners can rely on it with confidence.

Increasing the delegation for cost of works

Senior planning staff can currently determine permit applications, where three or fewer opposing representations have been received, if the estimated cost of new development (excluding for multiple dwellings) is less than \$1,000,000.

Costs of materials has significantly increased in recent times, so the cost of works does not necessarily reflect the scale of a project. Increasing this threshold to \$2,000,000 could assist many businesses to deliver on projects in a timely manner. This would be consistent with Council's efforts towards Red Tape Reduction and its Open for Business philosophies.

Senior planning officers would be able to decide not to make a decision under delegation and refer the application to the GPA for its determination if this was considered appropriate. This would be considered on a case-by-case basis.

The GPA would still consider large scale projects (five or more lot subdivision, six or more multiple dwellings) and any residential use that seeks a discretion for car parking).

Consultations:

Director Infrastructure and Works
Manager Development
Coordinator Planning Services
Coordinator Strategic Planning
Senior Statutory Planner

Human Resource / Financial and Risk Management Implications:

There are no material financial or human resources implications.

Risk management

Overall delegations to planning staff in general format as per Attachment 1:

Risk Identification	Consequence	Likelihood	Rating	Risk Mitigation Treatment
<u>Adopt the recommendation</u>				
No significant risks have been identified regarding the general delegations proposed.	Insignificant (C1)	Unlikely (L2)	Low	This is usual operational practice for many legislated powers.
<u>Do not adopt the recommendation</u>				
Council officers are hindered by confusing delegations when dealing with permit applications, leading to increased Council responsibility and workload for operational decision-making regarding permit applications.	Moderate (C3)	Possible (L3)	Medium	More hesitation for planners carrying out routine planning functions. Potentially more involvement by GPA in operational planning decisions.
The current delegations may accidentally miss a statutory power because they attempt to be too specific in their wording which leaves them prone to misinterpretation.	Moderate (C3)	Possible (L3)	Medium	This could ultimately lead to an appeal against a planning decision at TASCAT. Depending on whether delegations were effective, Council may be unsuccessful defending a decision.

Increasing financial threshold for senior planner approval:

Risk Identification	Consequence	Likelihood	Rating	Risk Mitigation Treatment
<u>Adopt the recommendation</u>				
Senior planners would be able to approve larger developments without GPA input, possibly leading to contentious decisions being made on large developments without GPA input.	Moderate (C3)	Unlikely (L2)	Medium	Risk mostly mitigated by building material costs being much higher since Covid pandemic and economic inflation. It is expected this residual risk will also reduce with time as development costs continue to climb—thus reducing the overall size and community impact of a \$2,000,000 development.
<u>Do not adopt the recommendation</u>				
Senior planners are hindered by relatively low cost of capital works limitations, leading to increased GPA responsibility and workload for operational decision-making regarding permit applications.	Moderate (C3)	Likely (L4)	High	As building costs continue to climb, senior planners have no choice but to refer routine planning permit applications to GPA meetings due to unrealistic financial capital works thresholds—thus referring more operational work to GPA.

Community Consultation and Public Relations Implications:

Operationally, this will improve our processes with quicker responses for our customers. It will ensure the delegations register remains up-to-date and is easy to read and use. Community consultation is not required as this is an existing Council operational process.

Recommendation:

That Council:

1. DELEGATE to nominated Council officers the Glenorchy City Council's planning authority powers pursuant to s. 6 of the *Land Use Planning and Approvals Act 1993* in accordance with the delegations instrument set out in [Attachment 1](#).
2. NOTE the delegation in clause 1 does not alter or affect any previous delegations given to the General Manager.

Attachments/Annexures

- 1 LUPAA Planning Section Delegation Instrument



11. FINANCIAL PERFORMANCE REPORT TO 31 AUGUST 2023

Author: Manager Finance (Allan Wise)

Qualified Person: Director Corporate Services (Jenny Richardson)

ECM File Reference: Corporate and Financial Reporting

Community Plan Reference:

Leading Our Community

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

Strategic or Annual Plan Reference:

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

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

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

Strategy: Deploy the Council's resources effectively to deliver value while being financially responsible.

Reporting Brief:

To provide Council with the monthly Financial Performance Report for the period ending 31 August 2023.

Proposal in Detail:

Council's Financial Performance Report (Report) for the year-to-date ending 31 August 2023 is Attachment 1.

The Report highlights that Council's operating result as at the end of August is \$0.941 million better than the budgeted position. The favourable variance is the combined result of \$0.409 million more revenue than budgeted and \$0.531 million less expenditure than budgeted.

Executive Summary

A favourable operating result is reported at 31 August 2023.

Key budget revenue and expenditure targets continue to be achieved or are within acceptable tolerances. These include Rates, User Fees & Charges, Employee Costs and Materials & Services.

Revenue

Year-to-date operational revenue is \$58.824 million compared to budgeted operational revenue of \$58.415 million. This represents a favourable result of \$0.409 million or 0.7% against budget.

Revenue inflow is currently stable and is forecast to report favourable results until January 2024.

Expenditure

Year-to-date operational expenditure is \$10.257 million compared to budgeted expenditure of \$10.789 million. This represents a favourable result of \$0.531 million or 4.9% against budget.

Expenditure outflow is currently stable and forecast to report favourable results until May 2024.

Non-operating – Capital Grant Revenue

Capital grants revenue is \$4.571 million against an annual budget of \$9.198 million.

A total of \$0.606 million in unspent grants from last year were carried forward into this year. Federal government funded major projects at North Chigwell, KGV and Giblins Reserve have received \$3.320 million. State government Blackspot and Vulnerable Road User Program funding of \$0.513 million has also been received.

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

Disposal of assets currently records a loss of \$16k against an annual budgeted loss of \$0.418 million.

Activities in this area are disposal of obsolete computer equipment, minor plant and vehicle changeovers. Disposal of Council land pre-sale expenditure also contributes to the monthly result.

Non-Operating – Contributions Non-Monetary Assets

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

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

Non-Operating – Assets Written Off

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

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

Capital Works

Year-to-date Capital Works expenditure is \$2.527 million against a combined annual budget of \$32.686 million and a combined annual forecast spend of \$33.864 million.

Major projects have an annual budget of \$16.779 million of which \$1.484 million has been expended year-to-date.

Recurrent projects have an annual budget of \$15.908 million of which \$1.043 million has been expended year-to-date.

Separate quarterly capital update reports will continue to be provided to Council and where necessary will include recommendations for variations to the capital program or budget.

Summary

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

Consultations:

General Manager

Executive Leadership Team

Officers responsible for Capital and Operational Budget reporting

Human Resource / Financial and Risk Management Implications:

Financial implications are set out in the body of this report and in Attachment 1.

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

Community Consultation and Public Relations Implications:

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

Recommendation:

That Council:

1. RECEIVE and NOTE the Financial Performance Report for the year-to-date ending 31 August 2023 as set out in Attachment 1.

Attachments/Annexures

- 1 Attachment 1 - Financial Performance Report - August 2023



12. PROCUREMENT AND CONTRACTS EXEMPTIONS REPORT

Author: Manager People and Governance (Tracey Ehrlich)

Qualified Person: Director Corporate Services (Jenny Richardson)

ECM File Reference: Procurement

Community Plan Reference:

Under the *City of Glenorchy Community Plan 2015 - 2040*, the Community has prioritised 'transparent and accountable government'.

Strategic or Annual Plan Reference:

Open for Business

Objective: We encourage responsible growth for our City.

Strategy: Maintain a progressive approach that encourages investment and jobs.

Leading our Community

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

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

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

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

Reporting Brief:

To inform Council of three procurement exemptions under Council's Code for Tenders and Contracts.

Proposal in Detail:

Exemption report

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

Under the Code (Annex A), the General Manager is required to report to Council any purchases in circumstances where a normally required public tender or quotation process is not used. Instances of non-application of the quotation or public tender process are to be reported at ordinary Council meetings as soon as possible after a contract is executed or a purchase order is issued.

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

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

Plexipave resurfacing

On 4 September 2023, the Director Infrastructure and Works approved an exemption to Council's Code for Tenders and Contracts for the supply and installation of Plexipave resurfacing at the Netball Centre in Moonah. There is only one supplier of this product in Tasmania. Given this, the exemption is permitted under s27 of the *Local Government (General) Regulations 2015*. The exemption relates to a contract value of \$45,973.00 excluding GST.

Stormwater quality treatment devices

On 31 August 2023, the Director Infrastructure and Works approved an exemption to Council's Code for Tenders and Contracts for an upgrade to three (3) stormwater quality treatment devices in Chigwell. The reasons for the supplier selection and not seeking quotes for this work are:

- specialised knowledge from auditing similar proprietary devices in a range of mainland and State councils and understanding of the mechanism
- experience in performing the proposed upgrade works elsewhere with good results and workable design details; and
- no locally based supplier has the knowledge or the experience on scoping the proposed works.

Given this, the exemption is permitted under s27 of the *Local Government (General) Regulations 2015*. The exemption relates to a contract value of \$25,750.00 excluding GST.

Asbestos removal

On 28 August 2023, the General Manager approved an exemption to Council's Code for Tenders and Contracts for earth and civil works to remove asbestos at the Tolosa Park fire trail. Hazell Bros is the only civil works contractor with a class A asbestos removal licence listed on the WorkSafe Tasmania directory for southern Tasmania. Given this, the exemption is permitted under s27 of the *Local Government (General) Regulations 2015*. The exemption relates to a contract value of \$40,338.30 excluding GST.

Further details of the above exemptions are included as Attachment 1 to this report.

Consultations:

Procurement and Contracts Coordinator
Accounts Payable Supervisor

Human Resource / Financial and Risk Management Implications:

Financial

The report documents expenditure of \$112,061.30 excluding GST in budgeted operational costs.

Human resources

There are no material human resources implications.

Risk management

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

Community Consultation and Public Relations Implications:

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

Recommendation:

That Council:

1. RECEIVE and NOTE the Procurement and Contracts Report relating to three procurement exemptions approved in late August and September 2023, totalling \$112,061.30 excluding GST.

Attachments/Annexures

- 1 Procurement Exemptions September 2023



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

CLOSED TO MEMBERS OF THE PUBLIC

14. CONFIRMATION OF MINUTES (CLOSED MEETING)

That the minutes of the Council meeting (closed meeting) held on 28 August 2023 be confirmed.

15. APPLICATIONS FOR LEAVE OF ABSENCE

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