

Minutes of the Meeting of the Glenorchy City Council held at the Council Chambers on Monday, 26 March 2018 at 6.03 p.m.



Present: Aldermen K. Johnston (Mayor), M. Stevenson (Deputy Mayor), P. Bull, M. Carlton, J. Dunsby, S. Fraser, S. King, G. Richardson, K. Sims and B. Thomas.

In attendance: Mr. T. McMullen (General Manager), Mr. S. Scott (Acting Director Corporate Governance), Mr. D. Ronaldson (Acting Director Community, Economic Development and Business), Mr. P. Garnsey (Acting Director City Services and Infrastructure), Ms. C. Higgins (Manager Legal and Procurement), Mr. B. Hannan (Acting Manager Governance and Risk), Mr. B. Richardson (Chief Financial Officer), Mr. A. Wooldridge (Strategic Procurement Coordinator), Ms. K. Whitbread (Acting Manager Community and Customer Service) and Mrs. J. King (Mayoral and Executive Support Officer).

Mr. B. Cassidy, Page Seager Lawyers (for Item 26)

Eighteen (18) members of the public attended the open part of the Council meeting.

Workshops held since **Date: Monday, 5 March 2018**

last Council Meeting **Purpose:** To discuss:

- Statement of Expectations

Date: Monday, 19 March 2018

Purpose: To discuss:

- KGV Update

The Chair opened the meeting at 6.03 p.m.

The meeting began with a prayer by Pastor Les Batchelor.

The Chair acknowledged and paid respect to the Tasmanian Aboriginal community as the traditional and original owners and continuing custodians of the land.

The Chair read the following two statements:

Statement 1

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

Statement 2

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

1. APOLOGIES

None.

2. CONFIRMATION OF MINUTES

Resolution:

BULL/SIMS

That the minutes of the Council meeting (open session) held on Monday, 26 February 2018 be confirmed.

The motion was put.

FOR: Aldermen Bull, Thomas, Dunsby, King, Stevenson, Johnston, Richardson, Fraser, Carlton and Sims.

AGAINST:

The motion was CARRIED.

3. ANNOUNCEMENTS BY THE CHAIR

The Chair acknowledged the success of the Moonah Taste of The World Festival which was held on 25 March 2018 at Benjafield Park. The Chair thanked all sponsors, volunteers and staff involved in the festival, on behalf of Council.

4. PECUNIARY INTEREST NOTIFICATION

The Chair asked if any Aldermen or staff had or were likely to have a pecuniary interest in any items on the Agenda.

The General Manager declared an interest in Item 25 (Development of General Manager's Key Performance Indicators) in the closed part of the Council meeting.

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Mr. Tim Marks – Kenbrae Avenue, Glenorchy

Q: Mr Marks noted that the Glenorchy Red Cross as provided a rose and a plaque to be placed in the garden at the front of the Council Chambers, and that neither are in place as yet. Mr. Marks asked when the rose bush and plaque would be installed.

A: Council officers have contacted Mr Marks and have provided advice that the rose bush will be planted with the scheduled rose pruning season as determined by Council's garden staff.

6. PUBLIC QUESTION TIME (15 MINUTES)

Darrell Vincent - Berriedale

Q: Mr Vincent noted that there only two disabled car park spaces have been provided at the new (and yet to be opened) medical centre in Glenorchy. He also noted that the new medical centre provided services for dialysis patients who required parking for approximately five (5) hours, and that there was no patient drop-off area to assist patients with accessibility issues. Mr Vincent asked whether Council could look into this issue further?

A: The question was taken on notice.

Q: Mr Vincent advised that on a recent trip to North-west Tasmania, he observed that a large number of Councils had previously provided free camping and camper van parking facilities, but that these had recently been removed by some Councils. Mr Vincent also noted that Council did not currently offer these facilities and that the former Berriedale Caravan Park had been vacant and derelict for some time. Mr Vincent asked what Council's view on caravan parks was, and what Council was doing in that area?

A: The Mayor advised that there has been sector-wide discussion around the provision of free camping sites around the State and that she understood that the Local Government Association of Tasmania (LGAT) would be considering that issue shortly.

The General Manager advised that the National Competition Policy presented some problems for Councils in regard to providing free camping facilities, and that this was a state-wide issue that had been discussed at recent LGAT meetings.

In relation to the Berriedale Caravan Park, the General Manager advised that Council went through a process to select a preferred operator for that site (after the departure of the previous operator). However, the development of the site was hindered by issues surrounding odour attenuation provisions in the planning scheme which restrict residential development in close proximity to the nearby Cameron Bay sewerage treatment facility. The General Manager noted that TasWater and MONA recently announced that they have entered into a Memorandum of Understanding for the upgrade of the Cameron Bay facility, and that this was a positive step towards for the prospects of future development on the peninsula.

George Burrows - Granton

Q: Mr Burrows noted the recent decision of Council to change its meeting times from 3.00 p.m. to 6.00 p.m., and that this appeared to have been based on anecdotal evidence as to the number of public attendees at previous meetings held of an evening. Mr Burrows asked whether Council would now be formally recording the number of public attendees at meetings to guide future decisions in relation to meeting times?

A: The Mayor advised that Council would be taking attendance numbers at meetings and that this would be recorded so that any change in the patterns of attendance could be properly observed. The Mayor also noted that the decision to change meeting times was not made only on the basis of the number of attendees, but rather was made for a number of reasons which were noted in the report presented to the 26 February 2018 Council meeting.

Q: Mr Burrows noted recent comments by the Mayor published in The Mercury to the effect that Council's current budget deficit was larger than expected. In view of his deputation given at the previous Council meeting, Mr Burrows asked when Council would be opening its books to the public and what input would there be from citizens into the next budget, especially since the forthcoming budget was likely to be extremely vital?

A: The Mayor advised that Alderman had been elected half way through the financial year and would receive a number of briefings and reports over the next few months to get a clear understanding of the budget process and what would be required to address the current budget situation. The Mayor acknowledged that the Council's budget position was not as Alderman may have thought and or what community may have expected, however there were a range of factors that have led to this.

The Mayor advised Mr Burrows that Council takes its community engagement obligations very seriously, but that it cannot delegate or abrogate the responsibility for making budget decisions to members of the community (though can obviously consult with the community as to their expectations).

Q: Mr Burrows advised that he had recently completed an online survey in relation to the Tolosa Park redevelopment. Mr Burrows asked, given Council's current financial situation and the current housing shortage in Greater Hobart, whether Council had considered selling the Tolosa Park land or working with a developer to develop housing on it?

A: The Mayor advised that there had been no discussion regarding a potential sale of Tolosa Park, which she noted was a much-loved community asset. The Mayor noted that community members were welcome to add any comments that they wished on the Tolosa Park survey and that these would be considered by Council.

In terms of budgeting, the Mayor advised that while Council is still consulting with the community, there will undoubtedly be a capital works component regardless of the outcome. Any capital works will need to go through the normal rigorous budgeting process.

The General Manager advised that Council has developed a property strategy (which is still in draft form), the aim of which was to look at Council's land holdings as a city and identify those which are strategically important and which are not, and also to consider any desirable new land purchases to ensure Council's land holdings provide maximum value to the community. Once finalised, the Property Strategy will allow Council to maximise value from important land and not carry any surplus land. This may include identifying land that could potentially be used for housing.

Pam Harvey – Montrose

Q: Mrs Harvey raised a concern that a number of roads in Glenorchy are effectively being used as public 'for sale' yards. In particular, Mrs Harvey noted that there are two cars that are regularly parked outside Centrelink on Main Road with 'for sale' sign on them for 24 hours every day, and also, on occasion, a boat. Mrs Harvey advised that these particular cars take up the majority of the five (5) parking spaces outside Centrelink and prevent other people from parking in that area. Mrs Harvey asked whether Council would consider implementing a two (2) hour parking zone in this area.

A: The question was taken on notice.

7. PETITIONS/DEPUTATIONS

None

COMMUNITY

8. ANNOUNCEMENTS BY THE MAYOR

File Reference: Mayoral Announcements

Reporting Brief:

To receive the announcement of events attended by the Mayor.

Resolution:

THOMAS/FRASER

That Council:

RECEIVE the announcements about the activities of the Mayor's office during the period from Tuesday, 20 February 2018 to Monday, 19 March 2018.

The motion was put.

FOR: Aldermen Bull, Thomas, Dunsby, King, Stevenson, Johnston, Richardson, Fraser, Carlton and Sims.

AGAINST:

The motion was CARRIED.

9. GLENORCHY LEARN - 26TEN PROJECT

File Reference: 26TEN Glenorchy LEARNS

Reporting Brief:

To provide an outline of the 26TEN 'Glenorchy LEARNS' project and demonstrate how Council can promote lifelong learning by becoming individual supporters of 26TEN.

Resolution:

CARLTON/FRASER

That Council:

1. NOTE the objectives 26TEN 'Glenorchy LEARNS' project and its potential benefits to the Glenorchy community, and

2. ENCOURAGE Aldermen to consider becoming an individual supporter of 26TEN.

The motion was put.

FOR: Aldermen Bull, Thomas, Dunsby, King, Stevenson, Johnston, Richardson, Fraser, Carlton and Sims.

AGAINST:

The motion was CARRIED.

10. STATE EDUCATION ACT CHANGES

File Reference: Agenda for Children and Young People

Reporting Brief:

To brief Council on the State Government's changes to the *Education Act 2016* and decision to facilitate earlier access to quality early learning by providing two (2) years of pre-school to Tasmanian children who are vulnerable or disadvantaged, and provide an overview of the current situation.

Resolution:

SIMS/DUNSBY

That Council:

1. NOTE the information contained in this report, and State Government's *Working Together for 3 Year Olds Initiative*, and
2. REQUEST that a further update on the implementation of the *Working Together for 3 Year Olds Initiative* on Council's Child Care Centre's Benjafield and Berriedale be provided to Council during 2018/2019.

The motion was put.

FOR: Aldermen Bull, Thomas, Dunsby, King, Stevenson, Johnston, Richardson, Fraser, Carlton and Sims.

AGAINST:

The motion was CARRIED.

ENVIRONMENT

11. GLENORCHY CBD REVITALISATION PROJECT PROGRESS UPDATE (15 JANUARY TO 26 MARCH 2018)

File Reference: CBD Steering Committee

Reporting Brief:

To provide the bi-monthly update to Council on the progress of the Glenorchy CBD Revitalisation Project.

Resolution:

FRASER/KING

That Council:

RECEIVE and NOTE the CBD Revitalisation Project bi-monthly progress report for the period from 15 January to 26 March 2018.

The motion was put.

FOR: Aldermen Bull, Thomas, Dunsby, King, Stevenson, Johnston, Richardson, Fraser, Carlton and Sims.

AGAINST:

The motion was CARRIED.

GOVERNANCE

12. FINANCIAL PERFORMANCE REPORT TO 31 JANUARY 2018

File Reference: Corporate and Financial Reporting

Reporting Brief:

This report provides the Financial Performance report to Council for the year-to-date, ending 31 January 2018.

Resolution:

STEVENSON/DUNSBY

That Council:

RECEIVE and NOTE the Financial Performance report for the year-to-date, ending 31 January 2018.

The motion was put.

FOR: Aldermen Bull, Thomas, Dunsby, King, Stevenson, Johnston, Richardson, Fraser, Carlton and Sims.

AGAINST:

The motion was CARRIED.

13. ANNUAL PLAN PROGRESS REPORT AS AT 31 DECEMBER 2017

File Reference: Quarterly Report - Annual Plan Progress

Reporting Brief:

To provide Council with the Quarterly Annual Plan Progress Report for the quarter ending 31 December 2017.

Resolution:

DUNSBY/STEVENSON

That Council:

RECEIVE and NOTE the Quarterly Annual Plan Progress Report for the quarter ending 31 December 2017.

The motion was put.

FOR: Aldermen Bull, Thomas, Dunsby, King, Stevenson, Johnston, Richardson, Fraser, Carlton and Sims.

AGAINST:

The motion was CARRIED.

14. COUNCIL POLICY: DEALING WITH UNREASONABLE CUSTOMER CONDUCT

File Reference: Council Policy

Reporting Brief:

To present the proposed 'Dealing with Unreasonable Customer Conduct' policy to Council for approval.

Resolution:

RICHARDSON/KING

That Council:

ADOPT the 'Dealing with Unreasonable Customer Conduct' policy in the form contained in Attachment 1.

AMENDMENT

THOMAS/STEVENSON

Include the following words in the motion:

"with an inclusion under section 4.2 noting that the customer would be advised in writing of any restriction."

The amendment was put.

FOR: Aldermen Bull, Thomas, Dunsby, King, Stevenson, Johnston, Richardson, Fraser, Carlton and Sims.

AGAINST:

The motion was CARRIED.

Amended motion:

That Council:

ADOPT the 'Dealing with Unreasonable Customer Conduct' policy in the form contained in Attachment 1 with an inclusion under section 4.2 noting that the customer would be advised in writing of any restriction.

The amended motion was put.

FOR: Aldermen Bull, Thomas, Dunsby, King, Stevenson, Johnston, Richardson, Fraser, Carlton and Sims.

AGAINST:

The motion was CARRIED.

15. MINISTERIAL DIRECTIONS - STATEMENT OF EXPECTATIONS

File Reference: Ministerial Directions

Reporting Brief:

To seek Council's approval of the drafted Statement of Expectations as per the Ministerial Directions requirements under Direction 1 – Governance.

Resolution:

THOMAS/STEVENSON

That Council:

1. ADOPT the Statement of Expectations in the form of Attachment 1, in satisfaction of the relevant Ministerial Directions
2. AUTHORISE the General Manager to use Council's common seal on the signed Statement of Expectations as per section 19(3) of the *Local Government Act 1993*, and
3. NOTE that a copy of the signed Statement of Expectations will be published on Council's website.

The motion was put.

FOR: Aldermen Bull, Thomas, Dunsby, King, Stevenson, Johnston, Richardson, Fraser, Carlton and Sims.

AGAINST:

The motion was CARRIED.

16. MINISTERIAL DIRECTIONS - MONTHLY REPORT

File Reference: Ministerial Directions

Reporting Brief:

To inform Council of the progress toward completing the action items out of the Ministerial Directions Implementation plan for the period ending 16 March 2018.

Resolution:

THOMAS/KING

That Council:

NOTE the progress satisfying the Ministerial Directions as at 16 March 2018.

Alderman Stevenson left the meeting at 7.09 p.m.

The motion was put.

FOR: Aldermen Bull, Thomas, Dunsby, King, Johnston, Richardson, Fraser, Carlton and Sims.

AGAINST:

The motion was CARRIED.

17. PROCUREMENT EXEMPTIONS - MONTHLY REPORT

File Reference: Procurement

Reporting Brief:

This report provides a monthly update to Council on exemptions that have been applied to the procurement requirements under Council's Code for Tenders and Contracts.

Alderman Stevenson returned to the meeting at 7.10 p.m.

Resolution:

DUNSBY/FRASER

That Council:

RECEIVE and NOTE the monthly Procurement Exemptions Report for the period 20 February to 14 March 2018 (inclusive).

The motion was put.

FOR: Aldermen Bull, Thomas, Dunsby, King, Stevenson, Johnston, Richardson, Fraser, Carlton and Sims.

AGAINST:

The motion was CARRIED.

18. PROPOSED LGAT MOTION - QUALIFIED PERSONS

File Reference: General Manager

Reporting Brief:

To seek Council's approval to submit a Notice of Motion to the 2018 Annual General Meeting of the Local Government Association of Tasmania regarding amendments to the *Local Government Act 1993* and the resolution of conflicts of interest arising from General Managers providing qualified advice on matters pertaining to their Contract of Employment.

Resolution:

STEVENSON/RICHARDSON

That Council:

SUBMIT a Notice of Motion to the Local Government Association of Tasmania's 2018 Annual General Meeting to the effect that it recommends that the *Local Government Act 1993* be amended to allow a Mayor (or their delegate) to qualify a Council or council committee agenda item that relates to the performance of or contractual arrangements with the General Manager.

The motion was put.

FOR: Aldermen Bull, Thomas, Dunsby, King, Stevenson, Johnston, Richardson, Fraser, Carlton and Sims.

AGAINST:

The motion was CARRIED.

19. ACTIONS LIST (OPEN COUNCIL MEETING): UPDATE REPORT

File Reference: Actions List - Council Meetings

Reporting Brief:

To provide Council with the Actions List (Open Council Meeting), updated following the Council meeting on 26 February 2018.

Resolution:

STEVENSON/SIMS

That Council:

NOTE the progress of the items on the Actions List (Open Council Meeting) as updated, following the 26 February 2018 Council meeting.

The motion was put.

FOR: Aldermen Bull, Thomas, Dunsby, King, Stevenson, Johnston, Richardson, Fraser, Carlton and Sims.

AGAINST:

The motion was CARRIED.

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

KING/CARLTON

That the responses to previous questions on notice from Alderman Stevenson and Alderman Dunsby which were incorrectly included in the closed Council agenda be moved to the open Council agenda.

The motion was put.

FOR: Aldermen Bull, Thomas, Dunsby, King, Stevenson, Johnston, Richardson, Fraser, Carlton and Sims.

AGAINST:

The motion was CARRIED.

Alderman Stevenson

Q: In relation to the component of Council reports which are discussed in the closed part of the Council meeting, can a recommendation be provided as to which (if any) parts of the report can be discussed publicly?

A: Council Governance staff are working on a Council report writing directive which will be brought to a future Council meeting for acknowledgement. As part of drafting that directive, consideration will be given as to whether a recommendation can be added in the body of the report to highlight which parts may be subsequently disclosed to the public.

Alderman Dunsby

Q: Where a previous resolution made by the Commissioner in closed Council states that information in the report may be disclosed 'by the Commissioner', where does the current Council stand in-terms of their ability to disclose that information?

A: Taking into account the current business practices around closed Council reports recommendations, it would be prudent in the first instance to read this as 'May be disclosed by the Mayor as the spokesperson of Council, and may not be disclosed by Aldermen'.

Alderman Dunsby

Q: Alderman Dunsby noted that Recovery Tasmania, which operates Glenorchy tip shop, will be celebrating 25 years of trading in Glenorchy in April. Alderman Dunsby acknowledged the contribution that Recovery Tasmania had made to the community in-terms of diverting waste from landfill, employing members of the Community, and changing the culture around waste minimisation and reuse. Alderman Dunsby asked whether Council could formally acknowledge the work of Brad Mashman and his team since 1993.

A: The Mayor advised that she would write to Recovery Tasmania to congratulate them on their 25th birthday. The Mayor also noted that she would be attending Recovery Tasmania's Birthday celebrations in April, and would pass on her congratulations at that event.

Q: Alderman Dunsby advised that she had been made aware by a member of the community of an inquiry to the Tasmanian Electoral Commission as to the non-arrival of their ballot papers for the recent Council election, which revealed that they had been removed from the General Manager's Roll prior to the election but after the roll had closed. The Electoral Commission advised Alderman Dunsby that it had fielded multiple similar inquiries. Alderman Dunsby asked to be informed of the policies and procedures of Council in respect of the General Manager's Roll and why an eligible voter would be removed from the roll without being advised?

A: The General Manager advised that Council, in accordance with its statutory obligations under the *Local Government Act 1993* (the Act), wrote to all electors on the General Manager's Roll prior to the election, and required them to confirm wished to remain on the roll for the upcoming election. The General Manager noted that some voters had not responded to that request and had subsequently been removed from the roll, as required under the Act.

The General Manager advised that he would take the balance of the question on notice and would provide a more considered response in writing.

Alderman Fraser

Q: Alderman Fraser noted that at the Council meeting on 26 February 2018, George Burrows gave a deputation which included a question as to why Council cannot accept payment of rates by an automatic deduction from credit cards. Alderman Fraser asked why Council could not accept automatic credit card deductions, and also why could Council not offer a discount for up-front payment of rates?

A: The Mayor advised that a detailed written response had been provided to Mr Burrows on those issues, and that she would circulate a copy of that response to Aldermen.

Alderman Fraser left the meeting at 7.35 p.m.

Resolution:

KING/RICHARDSON

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

The motion was put.

FOR: Aldermen Bull, Thomas, Dunsby, King, Stevenson, Johnston, Richardson, Carlton and Sims.

AGAINST:

The motion was CARRIED.

Alderman Fraser returned to the meeting at 7.36 p.m.

CLOSED TO MEMBERS OF THE PUBLIC

Resolution:

KING/DUNSBY

That Item 26 on the Agenda be the first item to be considered in closed Council.

The motion was put.

FOR: Aldermen Bull, Thomas, Dunsby, King, Stevenson, Johnston, Richardson, Fraser, Carlton and Sims.

AGAINST:

The motion was CARRIED.

Brett Cassidy from Page Seager Lawyers joined the meeting for the following item.

26. ACTIONS LIST (CLOSED COUNCIL MEETING): UPDATE REPORT

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

Mr. Cassidy left the meeting at 8.30 p.m.

21. CONFIRMATION OF MINUTES (CLOSED MEETING)

22. APPLICATIONS FOR LEAVE OF ABSENCE

GOVERNANCE

23. BAD DEBT WRITE OFF - SECTION 76 LOCAL GOVERNMENT ACT 1993

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).

24. SALE OF LAND - 29 STOURTON STREET, ROSETTA

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)(f) (proposals for the council to acquire land or an interest in land or for the disposal of land.)

The General Manager and all staff left the meeting for the following item at 8.52 p.m.

25. DEVELOPMENT OF GENERAL MANAGER'S KEY PERFORMANCE INDICATORS

This item is to be considered at a closed meeting of the Council by authority of the Local Government (Meeting Procedures) Regulations 2015 Regulation 15(2)(a) (Personnel matters, including complaints against an employee of the Council and industrial relations matters.)

The General Manager and staff returned to the meeting at 9.12 p.m.

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

KING/RICHARDSON

That Council move back into open Council.

The motion was put.

FOR: Aldermen Bull, Thomas, Dunsby, King, Stevenson, Johnston, Richardson, Fraser, Carlton and Sims.

AGAINST:

The motion was CARRIED.

STEVENSON/KING

It be noted that Council decided in the closed Council meeting (Item 23) to write-off an amount of \$36,004.66 incurred in 2011 upon advice from the Tasmanian Collection Service that after exhaustive efforts to recover the debt, the debt is not recoverable.

The motion was put.

FOR: Aldermen Bull, Thomas, Dunsby, King, Stevenson, Johnston, Richardson, Fraser, Carlton and Sims.

AGAINST:

The motion was CARRIED.

The meeting closed at 9.39 p.m.

Confirmed,

CHAIR