

**COUNCIL MEETING
AGENDA
MONDAY, 26 APRIL 2021**



GLENORCHY CITY COUNCIL

QUALIFIED PERSON CERTIFICATION

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

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

Tony McMullen
General Manager
21 April 2021

Hour: 6.00pm

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, 29 March

Purpose: To discuss:

- Budget Workshop No. 5 – Budget and Annual Plan

Date: Monday, 12 April 2021

Purpose: To discuss:

- Governance policies update
- Glenorchy Committees Structure

Date: Tuesday, 19 April 2021

Purpose: To discuss:

- Audit Panel meet and greet

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1. APOLOGIES

2. CONFIRMATION OF MINUTES (OPEN MEETING)

That the minutes of the Council meeting held on 29 March 2021 be confirmed.

That the minutes of the Special Council meeting held on 19 April 2021 be confirmed.

3. ANNOUNCEMENTS BY THE CHAIR

4. PECUNIARY INTEREST NOTIFICATION

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

6. PUBLIC QUESTION TIME (15 MINUTES)

Please note:

- the Council Meeting is a formal meeting of the Aldermen elected by the Glenorchy community. It is chaired by the Mayor
- public question time is an opportunity in the formal meeting for the public to ask questions of their elected Council representatives about the matters that affect ratepayers and citizens
- question time is for asking questions and not making statements (brief explanations of the background to questions may be given for context but comments or statements about Council's activities are otherwise not permitted)
- the Chair may permit follow-up questions at the Chair's discretion, however answers to questions are not to be debated with Council
- the Chair may refuse to answer a question, or may direct a person to stop speaking if the Chair decides that the question is not appropriate or not in accordance with the above rules
- the Chair has the discretion to extend public question time if necessary.

Questions on notice – Bob Holderness-Roddam, (received 6 April 2021)

Q: A local couple have asked me why access to the Shoobridge Park sports oval is not permitted. The male has a back problem, and he sometimes finds it hard to walk on the rougher ground outside the oval. Could Council please make a statement clearing up this access issue?

A: Turf cricket wickets have a high standard in terms of their use and associated maintenance. These wickets are often watered during preparation and any foot/paw traffic can damage the surface.

It is important to keep members of the public, especially dogs, off the wickets during preparation and therefore these wickets are often locked.

In addition, given the large amount of rabbits (hundreds) in the area that dig holes in the outfield surface, Council has invested significant amounts into fencing improvements to prevent rabbits from entering the playing area and to prevent safety issues for players from rabbit holes.

After receiving the Questions on Notice, Council turf crew has been instructed to remove the lock from the gate during the cricket off-season to allow general access. However, it is important to note that any visitors to the turf wickets need keep the gate closed at all times after passing through it. Council officers will monitor the situation and may take further actions if any unreasonable damage to the surface occurs.

Questions on notice – Eddy Steenbergen, Marys Hope Road, Rosetta (received 12 April 2021)

At the recent 2021 GCC AGM the Mayor said in an answer to a question by a member of the public about the Tolosa Park Reservoir that "We have been working very closely with Taswater to ensure that we get a good outcome for the community first and foremost, and part of that has been the commissioning of design work in conjunction with Taswater that has [??] commenced already. We have consultants who are working through that at the moment. I understand Inspiring Place have

been engaged to do that particular work and we look forward to the outcome of that." I'm interested in the project mentioned in her answer and would like some more information about it.

- Q1. Is a design project in fact currently under way?**
- Q2. Was the company Inspiring Place in fact engaged as consultants to undertake the project? If not then who?**
- Q3. Was a public tender used to select the consultants?**
- Q4. What was the brief given to the consultants?**
- Q5. What are the key deliverables of the project and when does Council expect to receive them?**
- Q6. What percentage of the project budget is Council committed to providing?**

The Mayor also made very clear that Tolosa Park Reservoir is an asset of Taswater, and it is therefore Taswater's responsibility to "decommission" it.

- Q7. It is not clear to me what the Mayor means by "decommission". Does she mean "remediate"? i.e. revert the land to pre-existing vegetation/landscape? Does she mean make the land "development-ready" (as Council has very generously committed to do for the ex-Berriedale Caravan Park for MONA)? Does she mean "make safe for public use"? If none of these then what did she mean by the term?**
- A. Answers to these questions are being finalised and will be provided to Mr Steenbergen in writing as soon as possible.**

**Question on notice – Janiece Bryan, Montrose
(received 20 April 2021)**

- Q. Could Council please explain why the Mill Lane/Barry/Regina St Car Park Petition wasn't compliant with the *Local Government Act 1993* as stated by the Aldermen at the Council Meeting on 25th January 2021? Why was it stated that "the petition may or may not be correct"? The format of the petition was based on previous advice obtained from the Director of Local Government.**
- A. The Council report to the 25 January 2021 meeting states that the petition complies with the requirements of section 57 of the Act. Council therefore considered and accepted the petition on the basis that it was compliant.**

The reason for the recommendation that Council does not stop investigations around selling the land or hold a public meeting about it are explained clearly in the report. Nowhere in the report does it state that recommendations were made because the petition was not compliant with the Act.
- Q. Who provided the advice regarding compliance or non-compliance of the petition to the Aldermen prior to the vote on Agenda Item 11 – Petition Mill Lane Car Park?**

A. The advice about the compliance status of the petition was provided in the Council officers' report, on which the authorship is clearly stated.

Q. Why have questions regarding the numerous errors in Agenda Item 11 not been answered?

A. Council's Acting General Manager (at the time) provided a written response to your letter dated 21 January 2021 in which you alleged that incorrect information had been published in item 11 on the agenda for the 25 January 2021 Council meeting.

The Acting General Manager's response advised that your concerns had been brought to the attention of the Mayor so she was fully informed of them prior to the meeting. For the avoidance of doubt, we do not consider that the report to Council contains any incorrect information nor that any corrections to the agenda or the public record are required.

To ensure your concerns are addressed, officers will prepare a brief response to your letter answering your specific questions in relation to Item 11.

Questions on notice – Janine Foley, Chigwell

(received 20 April 2021)

Ms. Foley submitted a list of questions which have been included as **Attachment 1** to this agenda. Answers to questions for which sufficient detail has been provided will be given at a future Council meeting.

7. PETITIONS/DEPUTATIONS

COMMUNITY

Community Goal: “Making Lives Better”

8. ANNOUNCEMENTS BY THE MAYOR

Author: Acting 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:

Objective 4.1 Govern in the best interests of the community

Strategy 4.1.1 Manage Council for maximum efficiency, accountability, and transparency

Reporting Brief:

To receive an update on the recent activities undertaken by the Mayor.

Proposal in Detail:

The following is a list of events and external meetings attended by Acting Mayor Thomas during the period Friday, 9 April 2021 to Monday, 19 April 2021.

An update on the activities undertaken by Mayor Johnston between 23 March 2021 and the start of her approved leave of absence on 2 April 2021 will be provided at the May Council meeting.

Friday 9 April 2021

- Toured KGV Football Facilities with Chair of Football Tasmania, Bob Gordon

Monday 12 April 2021

- Chaired the Council Workshop

Wednesday 14 April 2021

- Received a briefing from Council officers on the Glenorchy Jobs Hub

Friday 16 April 2021

- Attended a morning tea at the Glenorchy Golden Years Club
- Met with a community member
- Attended the launch of the Confederation of Greater Hobart Businesses

Saturday 17 April 2021

- Attended Wellington Cricket Club trophy night

Monday 19 April 2021

- Met with Revive Physiotherapy regarding the KGV Hydrotherapy Pool
- Received a briefing on the Hobart City Deal and the Greater Hobart Strategic Partnership
- Chaired the Council Workshop
- Chaired a Special Council Meeting
- Chaired the Glenorchy Planning Authority meeting

In addition to the above meetings and events, the Acting 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:

RECEIVE the announcements about the activities of Acting Mayor Thomas during the period from Friday, 9 April to Monday, 19 April 2021.

Attachments/Annexures

Nil.

GOVERNANCE

Community Goal: “Leading our Community”

9. RESCISSION OF HISTORICAL COMMITTEES AND WORKING GROUPS

Author: Manager Corporate Governance (Tracey Ehrlich)

Qualified Person: Director Corporate Services (Jenny Richardson)

ECM File Reference: Committees

Community Plan Reference:

Leading our community

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

Strategic or Annual Plan Reference:

Leading our community

Objective 4.1 Govern in the best interest of our community.

Strategy 4.1.1 Manage Council for maximum efficiency, accountability, and transparency.

Action 1.1.1.04 Review and update the roles and functions of Council’s Special Committees.

Reporting Brief:

To seek Council’s approval to formally close committees and working groups that are no longer meeting or have been superseded by an alternative committee or working group.

Proposal in Detail:

Following a review of committees and working groups to which Aldermen and Council officers are appointed, a number of historical committees and groups were identified as not having been formally rescinded by Council.

Section 24 of the *Local Government Act 1993* provides for the creation of Special Committees. Councils are able to delegate some decision-making powers to Special Committees which may be constituted by just Aldermen, or any combination of Aldermen, council officers and other persons. A formal Council resolution is required to create and rescind a s. 24 Special Committee.

The Good Governance Guide for Local Government in Tasmania 2018 (**the Guide**) was produced by the Local Government Division within the Department of Premier and Cabinet to promote and facilitate good governance in Tasmanian councils. The Guide is supported by the Local Government Association of Tasmania (**LGAT**).

The Guide states “*Engaging the community in decision making is a core element of good governance*” (page 55). Additionally, at its meeting on 23 January 2017 (Item 11),

Council adopted a Good Governance Framework Policy where accountable governance committees are noted as one of seven key principles.

In March 2021 a review was undertaken of committees and working groups where either an Alderman or Council Officer is appointed to:

- represent Council
- be part of the committee / working group's decision-making body, or
- consult with the community or other subject matter experts to assist in strategy and / or policy development for Council.

This review identified a small number of historical committees or working groups which had not been formally rescinded by Council. Some of these committees were s. 24 Special Committees. This report seeks a formal Council resolution to rescind those Special Committees.

The remaining committees and working groups are included in the list to be rescinded for procedural clarity, which will allow them to be formally 'closed' in the Committees and Working Groups Register maintained by Council's Corporate Governance department.

None of the committees and working groups included in the listing are currently operational. Discussions have been held with relevant stakeholders to assure related community groups that Council's consultation and engagement will continue and will not be adversely affected by the rescission of these committees and working groups.

The following table lists committees and working groups recommended for rescission:

	Name	Rationale for Rescission	Contact made with related parties
1	Glenorchy Tracks, Trails and Cycleways s. 24 Special Committee	This Committee was merged into the Healthy Communities Special Committee in 2018. However, the Council resolution did not formally rescind the original committee.	Not applicable as parties included in the Healthy Communities Committee which will continue unaffected by this decision.

	Name	Rationale for Rescission	Contact made with related parties
2	Glenorchy City Concert Brass (GCCB) s. 24 Special Committee	This s. 24 Special Committee was created to assist the GCCB with operational difficulties it was experiencing in 2003 to 2007. It has not met as a Special Committee for many years and Council maintains a relationship with the GCCB that will be unaffected by this change.	The Manager Community has spoken with the GCCB and made them aware of this report and reassured them regarding their ongoing relationship with Council.
3	Cultural Diversity Advisory s. 24 Special Committee	This Committee ceased meeting in 2018 when it was disbanded and replaced by the Multicultural Framework.	Not applicable as the Committee has ceased.
4	Glenorchy Citizen and Young Citizen of the Year, s. 24 Special Committee	The Special Committee has not met for a number of years. It was superseded by the Glenorchy Community Awards Working Group which is an active and current working group covering this content.	The Manager Community has assured this working group that it is unaffected by this decision.
5	Brooker Highway Beautification Steering Committee	No longer operational	
6	Wilkinsons Point / Elwick Bay Master Plan Steering Committee	No longer operational	
7	Tolosa Park Master Plan Steering Committee	No longer operational and superseded by master plan being developed by TasWater.	
8	CBD Revitalisation Master Plan Steering Committee	No longer operational	

	Name	Rationale for Rescission	Contact made with related parties
9	Berriedale Peninsula Master Plan Steering Committee	No longer operational since 2015/6. Delivered draft Master Plan which was updated in December 2020	
10	Glenorchy Recreation Ground (Eady St) Master Plan Steering Committee	No longer operational and has been superseded by the Healthy Communities s. 24 Special Committee.	
11	150 Years Glenorchy Working Group	No longer operational and draft Community Plan delivered fulfilling its remit.	

Consultations:

Aldermen
 Corporate Governance
 Senior Legal Counsel
 Manager Community
 Coordinator Community Planning and Engagement
 Executive Leadership Team

Human Resource / Financial and Risk Management Implications:

There are no material human resources or financial implications.

Risk Identification	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the recommendation	Minor (C2)	Unlikely (L2)	Low	Responsible officers continue to monitor compliance and actively maintain a Committees and Working Groups Register.
Council officers have not fully identified all s. 24 Special Committees for rescission.				
Do not adopt the recommendation	Minor (C2)	Likely (L4)	Moderate (8)	Council officers are instructed note the decision in the Committees and Working Groups Register.
Governance administration would be less optimal due to a lack of clarity regarding current s. 24 Special Committees.				

Community Consultation and Public Relations Implications:

Discussions have been held with the Glenorchy City Concert Brass and members of the Glenorchy Community Awards Working Group to reassure them that their current relationship with Council is unaffected.

There are no other material public relations or community consultation impacts.

Recommendation:

That Council:

1. RESCIND the Glenorchy Tracks, Trails and Cycleways s. 24 Special Committee,
2. RESCIND the Glenorchy City Concert Brass s. 24 Special Committee,
3. RESCIND the Cultural Diversity Advisory s.24 Special Committee,
4. RESCIND the Glenorchy Citizen and Young Citizen of the Year, s. 24 Special Committee, and
5. RESCIND the following committees for clarity and transparency in the Committees and Working Groups Register:
 - a) Brooker Highway Beautification Steering Committee
 - b) Wilkinsons Point / Elwick Bay Master Plan Steering Committee
 - c) Tolosa Park Master Plan Steering Committee
 - d) CBD Revitalisation Master Plan Steering Committee
 - e) Berriedale Peninsula Master Plan Steering Committee
 - f) Glenorchy Recreation Ground (Eady St) Master Plan Steering Committee, and
 - g) 150 Years Glenorchy Working Group

Attachments/Annexures

Nil.

10. PETITION - MILL LANE CAR PARK

Author: Executive Officer (Bryn Hannan)

Qualified Person: General Manager (Tony McMullen)

ECM File Reference: Petitions

Community Plan Reference:

Leading Our Community

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

Strategic or Annual Plan Reference:

Leading our community

Objective 4.1 Govern in the best interests of our community.

Strategy 4.1.1 Manage Council for maximum efficiency, accountability, and transparency.

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

Reporting Brief:

To consider a petition presented to the General Manager and tabled at the Council meeting on 29 March 2021 relating to the potential sale of Council-owned land, being the Mill Lane Car Park in the Glenorchy CBD.

Proposal in Detail:

Background

On 23 March 2021, Council received a petition opposing the potential sale of a parcel of Council land at Mill Lane, Glenorchy currently being used as car park.

The petition was delivered by Janiece Bryan of Montrose. It was tabled at the Council meeting on 29 March 2021. A copy of the petition and its covering letter is Attachment 1.

The petition

The subject of the petition is as follows:

"Petition to Glenorchy City Council

We respectfully request that Council hold a public meeting

STOP SELLING our CAR PARK

(Regina/Barry St)"

The petition relates to Council's decision to conduct preliminary investigations into the potential disposal of a Council owned car park in the Glenorchy CBD made up of two separate titles, CT43661/1 and CT29803/5. The land is the area outlined in red below. Its official address is Mill Lane, Glenorchy, however it is situated on the corner of Barry and Regina Streets.



Council's rationale for commencing the preliminary investigation was outlined in a report that was considered at the Council meeting on 28 September 2020. Council has not yet decided whether to commence the statutory process to dispose of this land and would consider this at a future Council meeting once its preliminary investigations are complete.

The covering letter to the petition states that it comprises a total of 3,008 signatures. However, that figure consists of:

- 1,310 signatures on a previous petition lodged by Mrs Bryan on 14 December 2020 (**the First Petition**). Although the First Petition purportedly contained 1,310 signatures, a count of those signatures identified that only 546 of those were electors of Glenorchy. The First Petition was considered by Council at its meeting on 25 January 2021, and
- A further 834 signatures on a further version of petition, which was received on 25 January 2020 (**the Second Petition**)

- A further 864 signatures on the latest version of the petition, which is the Petition the subject of this report (**the Third Petition**).

The Third Petition purports to add to the First and Second Petitions by adding additional pages of signatures. The signatures on the First Petition are on pages numbered 1 to 85. The signatures on the Second Petition are on pages numbered 86 to 140. The signatures on the Third Petition are on pages numbered 141 to 198

Action sought on petition

The covering letter states that the action sought on the petition is that:

1. For potential disposal of this public land/essential CBD car parking not to proceed.
2. As there are more than 1000 Glenorchy residents, who are on the electoral roll now having signed the petition, it qualifies for a Public Meeting.

It is not clear from the submitted petition whether the information contained in the covering letter was made available to people who signed the petition, or whether the statement at the top of each page of the petition was the only information viewed by signatories.

Requirements to compel a public meeting

In addition to requesting that the sale does not proceed, the Third Petition (like the First Petition and Second Petition) requests that Council holds a public meeting about the potential disposal of the Mill Lane car Park. Under section 59 of the *Local Government Act 1993*, Council is required to hold a public meeting if the petition:

- complies with the requirements of section 57 of the Act – officers are satisfied that it substantively complies with the requirements, and
- is signed by the lesser of 5% of the electors in the municipal area or 1,000 of those electors.

There are currently 33,194 electors for the Glenorchy Municipality, which includes electors on both the roll maintained by the Tasmanian Electoral Commission (33,126 electors), and the General Manager's roll which is maintained under section 258 of the Act (68 electors). Given that 5% of those electors would constitute 1,659 signatures, the threshold required to compel Council to conduct a public meeting is 1,000.

Analysis of signatures on Third Petition

The Third Petition purports to contain 864 signatures, however officers have only been able to identify 859 signatures. However, this includes signatures which are either illegible, duplicated, or are from people who have given their address as outside the Glenorchy municipality or have not provided an address.

Council officers have conducted an exhaustive check of all the signatures on the petition to determine how many of the signatories are electors in the Glenorchy municipality, either on the Electoral Roll maintained by the Tasmanian Electoral

Commission (TEC) or the General Manager's Roll. In conducting those checks, officers have adopted a fair and liberal approach to determining whether someone is on a roll, even where full address or name details have not been provided. For example, if the roll contained an entry for "J. Citizen" of "Berriedale" and there was any person with those initials living in Berriedale, that person would have been counted as an elector, even though their exact identity may not be able to be verified.

This approach ensured that the maximum number of signatures that could be reasonably identified as electors were included in the count.

Results of signature count

The results of the count were that:

- Council officers only identified 859 signatures, not 864
- of the 859 signatures counted only **360** signatures were able to be identified as electors in the Glenorchy municipal area.

Of the remaining 499 signatures:

- 299 signatures were from people who lived outside the Glenorchy municipality
- 144 signatures from residents of Glenorchy who were not able to be identified on either electoral roll
- 6 signatories had signed the petition more than once
- 50 signatures (or their listed addresses) were not legible and were therefore not counted.

The number of signatories to the petition therefore falls short of the 1,000 required to require Council to hold a public meeting by 640 signatures.

As has been reported in previous reports on the First and Second Petitions, it is not permitted to add the total number of signatures on multiple petitions submitted on different dates together to achieve the required number of signatures to trigger a public meeting. The statutory process for dealing with a petition is triggered when each petition is lodged and subsequently tabled. Each petition must therefore be treated as a separate petition.

Accordingly, the statement in Mrs Bryan's covering letter that the petition has achieved more than the 1,000 signatures is not correct.

Council is not required to hold a public meeting

Request that sale does not proceed

As noted above, the petition also seeks that Council does not proceed to sell the Mill Lane car park. It is premature for Council to make such a decision, as investigations into any potential sale are continuing.

Council's resolution made at its meeting on 20 September 2020 in relation to investigations of the potential sale of the Mill Lane car park were, relevantly:

"That Council:

- 2. ENDORSE the commencement of investigations into the potential disposal and rezoning of Council owned land at Mill Lane, CT43661/1 and CT29803/5*
- 3. AUTHORISE Council staff to undertake a community engagement process to identify any concerns about the potential disposal of the Land before commencing with the statutory processes for public land disposal and land rezoning, and*
- 4. REQUIRE a further report to Council summarising the feedback received (and identifying any concerns) and seeking approval to proceed with the statutory processes for public land disposal and land rezoning for the Land."*

Council would therefore consider all feedback received in relation to the potential sale when the matter is returned to Council at a future meeting for a decision on whether to commence the statutory process to dispose of land.

Council officers are preparing a detailed report to Council on the results of the community engagement process that will provide Aldermen with all relevant information about the potential sale, including information about parking availability and land use in the Glenorchy CBD. This will address any of the concerns that have been raised by Mrs Bryan

Given that Council is undertaking investigations into any concerns in the community about the proposed sale and would consider these at a future meeting, it is recommended that the action taken by Council in response to the petition is to make resolutions to the effect that the Third Petition, and the concerns noted by its signatories, are taken into consideration in any decision as to whether or not to commence the statutory disposal process. This is reflected in the recommendations to this report.

Council can, on its own motion, resolve to hold a public meeting despite not being legally required to (see section 60F of the Act). However, officers do not recommend that this occurs due to the considerable amount of financial and staff resources it would require, the likelihood that such a meeting would not produce any outcomes beneficial for either the public or Council, and the fact that doing so would set a precedent for future investigations which would consume considerable resources over time and the availability of appeal rights to any potential future public land disposal process.

Consultations:

Mayor

General Manager

Acting Manager Property and Environment

Property Sales and Administration Officer

Human Resource / Financial and Risk Management Implications:Financial

There are no material financial implications if the recommendations are adopted.

Human resources

There are no material human resources implications.

Risk management

Risk Identification	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the recommendation	Minor (C2)	Possible (L3)	Medium	Council officers address signatories' concerns in the future report to Council and continue to respond to and answer any inquiries about the investigations into the proposed disposal.
Dissatisfaction from signatories to the petition or others concerned that Council has not given due consideration to their concerns				
Do not adopt the recommendation	Moderate (C3)	Possible (L3)	Medium	Council takes alternative action to the recommendations provided but seeks qualified advice as to the impact of any such action prior to making a resolution.
Council would be in breach of its obligations under Part 6, Division 1 of the <i>Local Government Act 1993</i> .				

Recommendation:

That Council:

1. RECEIVE and NOTE the petition received on 23 March 2021 titled 'Stop Selling our Car Park' in relation to investigations by Council into the proposed sale of land at Mill Lane, Glenorchy (**the Petition**), and
2. NOTE that the number of signatories to the petition who are Glenorchy electors is insufficient to require Council to hold a public meeting under s. 59 of the *Local Government Act 1993*.
3. NOTE that a decision on whether to dispose of the land the subject of the petition will be formally considered by Council at a future meeting.

Attachments/Annexures

- 1 Petition No. 3 - Mill Lane Car Park



11. INFORMATION DISCLOSURE POLICY

Author: Manager Corporate 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:

Strategic Plan Reference 4.1.1 *Manage Council for maximum efficiency, accountability, and transparency.*

Reporting Brief:

To present a new Information Disclosure Policy to Council for adoption.

Proposal in Detail:

An audit of Council policies was undertaken recently by Council’s Corporate Governance department.

The audit indicated Council was required to develop and maintain an Information Disclosure Policy aligned to the intent of the *Right to Information Act 2009 (the Act)*. The requirement is derived from s. 23(1)(a) of the Act which requires the principal officer of Council to develop policies and procedures in relation to the disclosure of information, for use in the public authority.

This requirement was further detailed in the Ombudsman’s *Guideline in relation to process of disclosing information under each type of information disclosure, 3/2010*. Section 5.2 of this Guideline sets out the content to be included in an Information Disclosure Policy which includes:

- specify the policies, processes and procedures of the public authority with respect to each of the kinds of disclosure created by the Act – required, routine, active and assessed
- specify the classes of information which are made available and the types of information which are available in each class
- specify how the information is made available so that it can be easily accessed by members of the public, and
- include any details of costs which are payable and the circumstances under which they are payable.

Attachment 1 is a copy of the new policy.

Typically, councils have included statements regarding their information disclosure procedures on their websites. Glenorchy has also followed this pattern and a procedural statement can be found at:

<https://www.gcc.tas.gov.au/council/governance-and-operations/privacy-and-rti/>

However, given the complexity of right to information requirements, and with the intent to assist members of the public understand the differing types of disclosure considered by the Act, it is recommended that Council adopts a comprehensive policy which sets out matters to be considered by both the Council's principal officer and persons intending to make a Right to Information application.

The proposed Information Disclosure Policy is Attachment 1.

The Policy sets out how Council will manage and disclose its information in accordance with the Right to Information Act 2009. It contains detailed explanations of the various principles, details of processes and procedures and expectations of Council officers when dealing with requests for information.

Consultations:

Corporate Governance
Senior Legal Counsel
Executive Leadership Team
Ombudsman Tasmania

Human Resource / Financial and Risk Management Implications:

There are no material human resources or financial implications.

Risk Identification	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the recommendation The recommended policy aligns with established practices and statutory requirements. There is a chance that procedural difficulties may be identified once it is implemented, leading to operational inefficiencies.	Minor (C2)	Unlikely (L2)	Low	Responsible officers continue to monitor compliance with all Council policies and ensure that any amendments are made in a timely manner, as required.
Do not adopt the recommendation Governance administration would be less optimal due to the public not being fully informed regarding their rights and matters to consider when lodging a Right to Information application.	Minor (C2)	Likely (L4)	Moderate	Council officers are instructed to review the policies and implement any changes requested by Council as soon as practicable.

Community Consultation and Public Relations Implications:

Once adopted, the Policy will be promulgated via Council's website.

Recommendation:

That Council:

ADOPT the Information Disclosure Policy in the form of Attachment 1.

Attachments/Annexures

1 Information Disclosure Policy



12. CHILD CARE CONNECTIONS POLICY AND PROCEDURES REVIEW

Author: Child Care Delivery Coordinator (Kate Whitbread)

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

ECM File Reference: Child Care Connections

Community Plan Reference:

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

Strategic or Annual Plan Reference:

Leading our Community

Objective 4.1 Govern in the best interests of our community

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

Open for Business

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

Reporting Brief:

To recommend that Council adopts three (3) updated Child Care Connections policies and procedures.

The attached policies and procedures were adopted at the Council meeting held on 22 February 2021. Since this time the Services received additional information from Move Well Eat Well, Public Health Services, Department of Health, that is required to be included in the three (3) attached policies for the Services to attain the Move Well Eat Well Award. These changes can be seen in [Attachment 1](#), [Attachment 2](#) and [Attachment 3](#).

Proposal in Detail:

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

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

Within this report, three (3) policies presented to Council for readoption for a further two years.

Policy Updates

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

Policy/Procedure Title	Summary of changes
1. Educational Program and Practice Policy (review)	Addition of specific demonstrated practices to support criteria required for MWEW award
2. Risk Management / Workplace Health and Safety (review)	Addition of specific demonstrated practices to support criteria required for MWEW award
3. Media Policy (review)	Addition of specific demonstrated practices to support criteria required for MWEW award

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

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

Compliance

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

Council currently operates two approved childcare centres within the municipality, which are covered by the relevant Education and Care Services legislation: Benjafeld Child Care Centre at Moonah and Berriedale Child Care Centre at Berriedale.

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

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

Consultations:

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

Educators, Child Care Connections

Educational Coordinator, Child Care Connections

Manager Community

Human Resource / Financial and Risk Management Implications:

There are no material human resources or financial implications.

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

Furthermore, it is an offence under the Regulations:

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

Risk Identification	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the recommendation	Minor (C2)	Rare (L1)	Low (2)	Any errors or omissions identified are rectified outside of the normal review cycle.
The policies erroneously fail to meet compliance requirements.				
Do not adopt the recommendation	Moderate (C3)	Likely (L4)	High (12)	Council recommends an alternative course of action, such as an external review of the policies, with a view to re-adopting them as soon as possible to ensure compliance.
If recommended Child Care Connections policies and procedures were not adopted, then governance control effectiveness, is less than optimal and Council may be subject to adverse regulatory action				

Community Consultation and Public Relations Implications:Community consultation

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

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

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

Public relations

There are no material public relations implications.

Recommendation:

That Council:

1. ADOPT the following revised Child Care Connections policies and procedures:
 - (a) Educational Program and Practice Policy ([Attachment 4](#))
 - (b) Risk Management / Workplace Health and Safety ([Attachment 5](#)) and
 - (c) Media Policy ([Attachment 6](#))
2. NOTE that the changed policies will be appropriately communicated to all relevant parents and carers as required under regulation 172 of the Education and Care Services National Regulations.

Attachments/Annexures

- 1 Educational Program and Practice Policy_March 2021 Amended
[↗](#)
- 2 Risk Management_Workplace Health and Safety Policy_March 2021
[↗](#) Amended
- 3 Media Policy_March 2021 Amended
[↗](#)
- 4 Educational Program and Practice Policy_March 2021
[↗](#)
- 5 Risk Management_Workplace Health and Safety Policy_March 2021
[↗](#)
- 6 Media Policy_March 2021
[↗](#)

13. QUARTERLY REPORT - QUARTER 3 2020/21

Author: Executive Officer (Bryn Hannan)
Manager City Strategy and Economic Development (Erin McGoldrick)
Reporting Officer (Allan Wise)

Qualified Person: General Manager (Tony McMullen)

ECM File Reference: Corporate Reporting

Community Plan Reference:Leading Our Community

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

Strategic or Annual Plan Reference:Leading Our Community

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

Reporting Brief:

To provide Council with the Quarterly Report for the quarter ending 31 March 2021.

Proposal in Detail:

The Quarterly Report for the period ending 31 March 2021 provides detail on Council's key strategic projects, core business activities, financial performance and forecasting and monitoring of Council's Annual Plan.

The Quarterly Report comprises the following:

- Glenorchy City Council Quarterly Report ([Attachment 1](#)), and
- Quarterly Annual Plan Progress Report ([Attachment 2](#)).

The purpose of the report is to assist Council in its strategic oversight of Council operations and of progress on implementation of the Council's Annual (Operational) Plan.

A further benefit of this reporting is that it helps to make Council's operations more transparent to the community.

Quarterly Report

The Quarterly Report ([Attachment 1](#)) contains a comprehensive summary of Council's performance over the 3rd quarter of the financial year. The report consists of:

- the General Manager's summary of strategic and operational highlights
- Council's Quarterly Financial Performance Report.
- reporting against KPIs and
- a summary of Council's Risk Management profile.

Annual Plan Progress

The Annual Plan Progress Report ([Attachment 2](#)) currently records the status of the 18 priority actions.

Of those 18 actions, 5 are complete, 12 are on track and one is 10% behind schedule. Commentary on each priority item is provided in the report.

Financial Performance

Summary

The Quarterly Financial Performance Report included in the Quarterly Report provides a detailed update on Council's financial position at 31 March 2021.

Council's operating surplus for the YTD at 31 March 2021 is currently showing a favourable result of \$1.939 million against budget. This is comprised of \$1.449 million more in revenue and \$490,000 less in expenditure. The current variance forecast at the end of the financial year is \$302,000 favourable to budget. If achieved, this would translate to an end of year deficit of \$7.377 million.

Detailed information on noteworthy revenue variances can be found in the Quarterly Report [Attachment 1](#) at pages 7 to 20. Summaries of key points are provided below.

Revenue

Actual YTD operational revenue is \$54.048 million compared to budgeted operational revenue of \$52.599 million. This represents a favourable result of \$1.449 million or 2.80% against budget.

Expenditure

Actual YTD operational expenditure is \$43.408 million compared to budgeted expenditure of \$43.899 million. This represents a favourable result of \$490,000 or 1.1% against budget.

Capital Works

Council's YTD Capital Works expenditure is \$8.750 million or 50% of the annual budget of \$17.659 million.

Non-operating Revenue

Actual YTD non-operational revenue (capital grants and net gain/(loss) on sale of assets) is \$1.481 million compared to budgeted non-operational revenue of \$998,000. This represents a favourable result of \$483,000 or 48.3% against budget.

COVID-19 Response

For the 2020/21 financial YTD, expenditure and commitments totalling \$312,138 have been incurred in the carrying out of COVID-19 safety and control measures. This is in addition to the \$351,745 incurred in the 2019/20 financial year.

Consultations:

General Manager

Executive Leadership Team

Officers responsible for Capital and Operational Budget reporting

Human Resource / Financial and Risk Management Implications:

The Quarterly Report assists in Council's active risk management by monitoring and reporting on the progress of Annual Plan actions, major projects, key activities of Council and financial performance.

This enables Council to have oversight of the performance of the organisation, enabling informed decision-making and appropriate risk mitigation.

Given the report is for receiving and noting, there are no material risks in adopting the recommendations.

Community Consultation and Public Relations Implications:

Community consultation

As this is a report on the outputs and outcomes of Council services and activities, no community consultation was undertaken.

Public relations

There are no material public relations implications. Key information from the report has already been publicly released, including Council's forecast budget deficit and economic stimulus and community assistance measures.

Recommendation:

That Council:

RECEIVE and NOTE Council's Quarterly Report and Quarterly Annual Plan Progress Report for the quarter ending 31 March 2021.

Attachments/Annexures

1 Quarterly Report - Quarter 3 2021



2 Annual Plan Progress Report



14. PROCUREMENT AND CONTRACTS - MONTHLY REPORT

Author: Manager Corporate Governance (Tracey Ehrlich)

Qualified Person: Director Corporate Services (Jenny Richardson)

ECM File Reference: Procurement

Community Plan Reference:

Leading our Community

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

Strategic or Annual Plan Reference:

Leading our Community

Objective 4.1 Govern in the best interests of our community

Strategy 4.1.1 Manage Council for maximum efficiency, accountability and transparency

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

Reporting Brief:

To inform Council of exemptions that have been applied to procurements under Council's Code for Tenders and Contracts for the period 16 March to 12 April 2021 and provide updates on other relevant procurement matters.

Proposal in Detail:

Exemption Report

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

Under 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 normally required 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; and*
- *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.*

For the period from 16 March to 12 April 2021, there were no exemptions to Council's Code for Tenders and Contracts.

Expenditure on External Legal Services

For the month of March 2021 there was nil external legal expenditure.

Consultations:

Executive Leadership Team
Senior Legal Counsel
Accounts Payable Supervisor

Human Resource / Financial and Risk Management Implications:

Human resources

There are no material human resources implications.

Financial

There are no material financial 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:

RECEIVE and NOTE the Procurement and Contracts Monthly Report for the period from 16 March to 12 April 2021.

Attachments/Annexures

Nil.

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

CLOSED TO MEMBERS OF THE PUBLIC

16. CONFIRMATION OF MINUTES (CLOSED MEETING)

That the minutes of the Council meeting (closed meeting) held on 29 March 2021 be confirmed.

17. APPLICATIONS FOR LEAVE OF ABSENCE

GOVERNANCE

Community Goal: “Leading our Community”

18. PURCHASE OF LAND AT 7 PELTRO STREET, GLENORCHY

This item is to be considered at a closed meeting of the Council by authority of the Local Government (Meeting Procedures) Regulations 2015 Regulation 15(2)(b) (Information that, if disclosed, is likely to confer a commercial advantage or impose a commercial disadvantage on a person with whom the Council is conducting, or proposes to conduct, business) and (2)(d) (Contracts and tenders, for the supply and purchase of goods and services and their terms, conditions, approval and renewal) and (2)(f) (Proposals for the Council to acquire land or an interest in land or for the disposal of land).

19. CONTRACT NO. 0825 - GLENORCHY JOBS HUB

This item is to be considered at a closed meeting of the Council by authority of the Local Government (Meeting Procedures) Regulations 2015 Regulation 15(2)(b) (Information that, if disclosed, is likely to confer a commercial advantage or impose a commercial disadvantage on a person with whom the Council is conducting, or proposes to conduct, business) and (2)(d) (Contracts and tenders, for the supply and purchase of goods and services and their terms, conditions, approval and renewal).

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

ATTACHMENT 1

QUESTIONS ON NOTICE - JANINE FOLEY

Questions submitted to GCC ordinary meeting 26 April 2021 (Covid 19 protocol means no members of the public to attend) by J.Foley, (residential address previously supplied) Chigwell, Tasmania, 7011.

Q.1 What is 'Program 400'?

I am now referring to Glenorchy City Council documents [Annual Plan] previously identified to this authorising entity.

Q.2 Tranche document resource refers to "...as per program 400...". There are apparent 'movements' around numbers in relation to the recorded existence of something called 'Program 400' - [I am hesitant at this point to refer to these figures as anything other than 'figures' or 'numbers' in light of recent public 'comments' from appointed Glenorchy City Council personnel in relation to 'funds' and 'bank accounts']. There are substantial amounts in relation to the recorded 'numbers'. There are apparent movements-transfers of these 'numbers' relational to implied or stated 'Program 400'. Please clarify the organisational position in relation to the existence-location-operation of 'Program 400' as detailed in document line produced – lodged/presented – authorised by Glenorchy City Council. What is 'Program 400'?

Q.3 If the position of the organisation [Glenorchy City Council] is that the current iteration has no knowledge of, the existence to operation, of 'Program 400' recorded in officially authorised Glenorchy City Council document line - because of the amounts reflected in the recorded 'numbers' - then this matter needs to be **immediately** referred to an appropriate Tasmanian based entity for a thorough review to potential investigation. This position would also call into question the compliance requirements that have claimed to have been met by external and internal audit entities covering this period. Please detail the position that the entity [Glenorchy City Council] would like to record as the official position it intends to take moving forward. For this position to be recorded as an authorised one the response requires the name and position of the author constructing the answer. If this requirement is unable to be met, then please provide the reason and justification for the withhold of this data. Again, a denial of this data point would operate to intensify the need for an external investigation of these matters to commence **immediately**.

Audits –

Q.4 Because of the number of 'Annual Reports' in circulation [hard copy to electronic currently] can you confirm that the following data as 'GCC entity authorised'?

Q.4(a) Please identify the total amount [AUD] Glenorchy ratepayers were responsible for being for the stated purpose of external 'audit' [assurance] - Tasmanian Audit Office?

Q.4(b) Please identify the total amount [AUD] Glenorchy ratepayers were responsible for being for the stated purpose of internal WLF [internal audit]?

Q.4(c) If the internal audit data is stable then what 'framed' and informed the format to process the internal audit costed at **\$91,000** [AUD] by WLF/ Deloitte [?] within identified timeframe?

Q.4(d) Are there any issues that require public disclosure – action – activity – correction, specifically and particularly in relation to *this* internal audit process?

Q.4(e) Has constant 'format flux' which has been an unfortunate systemic feature of entity financial reporting been assessed in relation to position in the organisational risk matrix? This 'flux' makes meaningful longitudinal data mapping to application of stabilised systemic range analytic to take place *almost* impossible. This is troubling in relation to a range of issues. If these risks have been noted – mapped – managed please identify [specific matrix/heat map location] where this risk/s currently 'sit/s'?

Q.4(f) Please identify the process that will allow a Glenorchy Ratepayer to *completely* [actual data in the report] access the information provided by the internal audits – [WLF]? Please identify if the only way a ratepayer can access this information is via a 'right to information' process.

Consultants –

Q.5 Please confirm the complete amount recorded as spend on consultants covering the latest annual report time frame?

Websites –

Q.6 Please list all websites Glenorchy ratepayers are currently carrying operating to operational financial exposure to?

GIS –

Q.7 Please note this information is required for future question line. Can a complete [historic to current] explanation be provided explaining why and when Glenorchy ratepayers appear to have funded the 'development' of what is referred to in this context as 'GIS'? Please note reference of document [December 2012, Department of Infrastructure, Energy and Resources titled "Main Road Transit Corridor, Stage Two, Identification of Corridor Improvement Options, Developable Sites Analysis".] as an example of contextual answer detail requested and appreciated.

Q.7(a) The following is provided as 'context':

"The LIST Cadastral Parcels is a spatial index of polygons forming Tasmania's Cadastral framework. These polygons have been formed from The LIST Boundary Segments and the layers of Authority Parcel, Casement, Water areas and Private Parcel from The LIST Cadastral Area spatial table within the Cadastral Data Model." <https://www.thelist.tas.gov.au/app/content/data/geo-meta-data-record?&detailRecordUID=1a1d7f68-9a7f-4493-80a5-d21eeb3dd516>

Please provide a complete brief note regarding the "**Glenorchy Cadastral Upgrade Project** - A collaborative approach to improving the digital ". Under 'stakeholders' the following is noted - Glenorchy City Council (GCC) – project management, primary funding, scanning, ground control markup. Under 'challenges' the following is noted – "GCC managers, State DCDB custodian, Land Titles Office, **private enterprise** & other utility managers needed to be on board". Interestingly and alarmingly under 'challenges' the following is noted – "Resources • Substantial outlay of \$\$ and staff resources required of GCC cadastre to 'spade width' accuracy".

Is it correct to assume that '\$\$' refers to an amount of funding? If not what does '\$\$' indicate in this presentation? If '\$\$' does refer to an amount of funding please explain exactly how much '\$\$' ratepayers were exposed to via this 'project' – "**Glenorchy Cadastral Upgrade Project**".?

EPA transfer – [document line previously identified to GCC authorising entity]

Q.8 Please provide the legislative pathway for the 'apparent' transfer of, [application to responsibility to liability] power from Tasmanian Environment Protection Authority that appears to become activated in identified document line from the Tasmanian Environment Protection Authority to receipting entity the Glenorchy Planning Authority? Please identify the exact nature the instrument of transfer took? Is this transfer [instrument] still operational and have all risks been identified and are currently under active management in relation to risk appetite matrix?

Q.9 Please identify the matter [document line previously identified to authorising entity] in which then Magistrate Daly drew the attention of the then configuration/iteration of members of the Glenorchy Planning Authority in relation to matters relating to 'authorisation of planning scheme/s'?

Q.10 When the Glenorchy City Council votes on motions raised at meetings of the Local Government Association of Tasmania – for example *12 March 2021, 2 Items for decision, 2.2 Motion Council as Planning Authority, page 10* - does the Glenorchy City Council consult with the Glenorchy community widely as per the community engagement strategy for example before voting [weighted 4 votes] at LGAT meetings?

Copy