

**Minutes of the Meeting
of the Glenorchy City Council
held at the Council Chambers
on Monday, 26 June 2023 at 3.30pm**



Present (in Chambers): Alderman Bec Thomas (Mayor), Alderman Sue Hickey (Deputy Mayor), Aldermen Josh Cockshutt, Steven King, Stuart Slade and Russell Yaxley, Councillors Molly Kendall and Harry Quick.

In attendance (in Chambers): Tony McMullen (General Manager), Jenny Richardson (Director Corporate Services), Emilio Reale (Director Infrastructure and Works), David Ronaldson (Executive Manager Stakeholder Engagement), Allan Wise (Manager Finance), Patrick Marshall (Manager Infrastructure, Engineering & Design), Marina Campbell (Manager Community), Jill Sleiters (Community Development Coordinator), Lyndal Byrne (Coordinator Strategic Planning), Darshini Bangaru (Strategic Planner).

In attendance (by video link): Marian Maclachlan (Executive Assistant to the General Manager) and Andy Watson (Executive Assistant to the Mayor).

Leave of Absence:

Workshops held since last Council Meeting

Date: Monday, 5 June 2023

Purpose: To discuss:

- Review MAC business plan
- Finalisation of Risk Appetite Review

Date: Monday, 19 June 2023

Purpose: To discuss:

- 2023/24 GM's KPIs draft based on Annual Plan
- Southern Tasmania Regional Waste Authority
- Glenorchy City Council Waste Management

The Council meeting was live streamed on Council's website, Facebook page and YouTube channel. The peak number of viewers watching the live stream was 24 viewers and 18 members of the public attended in person.

The Chair opened the meeting at 3.32pm.

The Chair acknowledged and paid respect to the Tasmanian Aboriginal Community as the original and traditional owners and continuing custodians of the land and their elders, past, present and emerging.

The Chair read a statement noting that the meeting would be recorded and live streamed to members of the public, and about work health and safety at the Council meeting.

1. APOLOGIES

Alderman Jan Dunsby.

Councillor Harry Quick advised he would be attending, but he would be late and miss the start of the meeting.

2. CONFIRMATION OF MINUTES

Resolution:

SLADE/KING

That the minutes of the Council meeting held on Monday, 29 May 2023 be confirmed.

The motion was put.

FOR: Aldermen King, Thomas, Hickey, Cockshutt, Kendall, Yaxley and Slade

AGAINST:

The motion was CARRIED.

3. ANNOUNCEMENTS BY THE CHAIR

I'm pleased to note Glenorchy City Council was a finalist in the Tasmanian Top Tourism town awards program and I thank Alderman Yaxley for representing Council at the awards ceremony last week.

We have a lot to be proud of here in Glenorchy, and I'll share the script that was used for the video voiceover to reflect on this:

Visitors to Glenorchy can enjoy a wide range of experiences, from exploring the stunning natural landscapes of the region to discovering the city's rich cultural heritage.

Glenorchy is an ideal hub to disperse further into the southern regions of Tasmania.

The City is home to a range of world-class attractions, including the iconic kunanyi/Mount Wellington, MyState Bank Arena, and the Museum of Old and New Art (MONA), which is widely regarded as one of the most innovative and exciting museums in the world.

Glenorchy also offers a range of outdoor activities for visitors to enjoy.

The nearby Tolosa park and Mountain Bike park, abundant wildlife, and stunning natural beauty, is a must-visit for outdoor enthusiasts.

The City of Glenorchy is centrally located to many of Hobart's major sporting facilities such as MyState Bank Arena and King George V oval.

Glenorchy, like the rest of Tasmania, is developing a reputation as a foodie's paradise with a wide variety of interesting places opening up, showcasing the rich and varied population of the city.

Our nomination also referred to local accommodation offerings and the various micro-breweries established around our municipality.

Thank you to council staff who contributed to our nomination and to community members who voted for our entry.

We have a lot to celebrate, here in Glenorchy.

4. PECUNIARY INTEREST NOTIFICATION

The Chairperson asked if any Elected Member had or were likely to have a pecuniary interest in any items on the Agenda.

Alderman Slade declared a pecuniary interest in Item 10 – Draft Reflect Reconciliation Action Plan and Item 11 – Community Development Action Plan 2023-23 update.

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Question without Notice – David Kernke, Claremont

Q: My question relates to conflict of interest.

We are seeking confirmation that there is no conflict of interest between McDonald's Australia Limited for the 24-hour drive through facility, the owners of 8-10 Main Road, Claremont and the Glenorchy City Council, the elected representatives of the Glenorchy City Council, the Glenorchy Planning Authority, or any Glenorchy City Council officers involved in the assessment process.

Are you able to confirm whether any conflict of interest does exist or are you able to advise in due course?

Response to question taken on notice

A: [General Manager] I note the request during public question time at the 29 May ordinary Council meeting for Elected Members and Council officers to declare their interests in relation to the proposal for a 24 hour convenience restaurant with drive through at 8 -10 Main Road, Claremont.

Council's Elected Members and officers are mindful of the need to comply with the statutory obligations that apply to them in relation to conflict of interest.

In summary:

Pecuniary Interest Provisions

Under Part 5 of the *Local Government Act 1993* (s. 48), a councillor:

- (1) *A councillor must not participate at any meeting of a council or council committee etc. , in any discussion, nor vote on any matter, in respect of which the councillor–*

(a) has an interest; or

(b) is aware or ought to be aware that a close associate has an interest.

Penalty: Fine not exceeding 20 penalty units.

- (2) *A councillor must declare any interest that the councillor has in a matter before any discussion on that matter commences.*

Penalty: Fine not exceeding 50 penalty units.

- (3) *On declaring that he or she has an interest, the councillor is to leave the room in which the meeting is being held.*

Penalty: Fine not exceeding 20 penalty units.

- (4) *The councillor, by notice in writing, is to advise the general manager of the details of any interest that the councillor has declared under this section within 7 days of so declaring.*

Penalty: Fine not exceeding 20 penalty units.

- (5) *The general manager is to –*

(a) ensure that the declaration of interest is recorded in the minutes of the meeting at which it is made; and

(b) record the details of any interest declared in the register of interests kept under section 54.

- (6) *In addition to any penalty imposed under this section, a court may make an order –*

(a) barring the councillor from nominating as a candidate at any election for a period not exceeding 7 years; and

(b) dismissing the councillor from office.

Code of Conduct Obligations

Under Part 3 of the Act (s. 28U):

Compliance with code of conduct

In performing the functions and exercising the powers of his or her office with a council, a councillor is to comply with the provisions of the council's code of conduct.

Council's Elected Member Code of Conduct (May 2023) provides:

PART 1 - Decision making

- 1. An Elected Member must bring an open and unprejudiced mind to all matters being decided upon in the course of his or her duties, including when making planning decisions as part of the Council's role as a Planning Authority.*
- 2. An Elected Member must make decisions free from personal bias or prejudice.*
- 3. In making decisions, an Elected Member must give genuine and impartial consideration to all relevant information known to him or her, or of which he or she should have reasonably been aware.*
- 4. An Elected Member must make decisions solely on merit and must not take irrelevant matters or circumstances into account when making decisions.*

PART 2 - Conflict of interests that are not pecuniary

- 1. When carrying out his or her public duty, an Elected Member must not be unduly influenced, nor be seen to be unduly influenced, by personal or private interests that he or she may have.*
- 2. An Elected Member must act openly and honestly in the public interest.*
- 3. An Elected Member must uphold the principles of transparency and honesty and declare actual, potential or perceived conflicts of interest at any meeting of the Council and at any workshop or any meeting of a body to which the Elected Member is appointed or nominated by the Council.*
- 4. An Elected Member must act in good faith and exercise reasonable judgement to determine whether he or she has an actual, potential or perceived conflict of interest.*
- 5. An Elected Member must avoid, and remove himself or herself from, positions of conflict of interest as far as reasonably possible.*
- 6. An Elected Member who has an actual, potential or perceived conflict of interest in a matter before the Council must:*
 - (a) declare the conflict of interest and the nature of the interest before discussion of the matter begins; and*
 - (b) act in good faith and exercise reasonable judgement to determine whether a reasonable person would consider that the conflict of*

interest requires the Elected Member to remove himself or herself physically from any Council discussion and remain out of the room until the matter is decided by the Council.

7. *This Part does not apply in relation to a pecuniary interest.*

Misuse of Office

s. 339A of the Act provides:

(1) *A councillor, an employee or a member must not procure the doing or not doing of anything by the council to gain, directly or indirectly, an advantage or to avoid, directly or indirectly, a disadvantage for—*

- (a) the councillor, employee or member; or*
- (b) a close associate of the councillor, employee or member; or*
- (c) a member of the councillor's, employee's or member's family.*

Penalty: Fine not exceeding 50 penalty units.

(2) *In addition to any penalty imposed under this section, a court may make an order –*

- (a) barring the councillor from nominating as a candidate at any election for a period not exceeding 7 years; or*
- (b) dismissing the councillor or member from office.*

Staff Code of Conduct (General Manager's Directive)

It is a Code of Conduct Principle:

- We identify conflicts of interest and manage them responsibly.

2.3 WHAT WILL HAPPEN IF I BREACH THE CODE?

Failure to comply with the Code or the Policy Framework is considered serious and a breach and will be investigated. Breaches may result in disciplinary action, ranging from a verbal warning through to the termination of your employment for serious breaches.

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6. WE IDENTIFY CONFLICTS OF INTEREST AND MANAGE THEM RESPONSIBLY

6.1 WHAT IS A CONFLICT OF INTEREST?

A conflict of interest is when there is any possibility that personal interests (or the interests of people close to you) will conflict with your ability to perform your work

duties without bias. A potential conflict of interest does not need to be an actual conflict, it can be perceived or the potential for it can exist, separate from the actual situation.

- Declare all potential or actual or perceived conflicts of interest;
- Avoid situations that could comprise the organisation or ourselves;
- Do not accept gifts or any other benefits that could comprise GCC's integrity or reputation; and
- Do not use any information that you acquire through your work with GCC for your own personal gain or benefit.

6.2 THE 5 RS FOR MANAGING CONFLICTS OF INTEREST:

1. REGISTER (discuss and record) all actual and potential or perceived conflicts of interest with your supervisor, and then, together plan and carry out actions to manage the issue. Register this interest in GCC's Declaration of Interest Register.
2. RESTRICT your exposure to any actual, perceived or potential conflicts of interest.
3. RECRUIT someone to oversee the process that is completely neutral and has no direct involvement or interest in the situation.
4. REMOVE yourself from the situation or the issue.
5. RELINQUISH (give up or suspend) the private interest that is causing the conflict of interest.

Question without Notice – Janiece Bryan, Montrose

Q: Could you confirm the planning amendment PLAM 22/04, it changed the definitions for the central business zone.

Could you confirm yes or no, that you can currently, if the planning amendment is passed through the Planning Commission, that those car parks, there is a possibility that they will be able to be developed for apartments?

A: [Mayor] Council has no intention to dispose of public car parks as part of that planning amendment.

Q: But is it possible because they're in the planning amendment, is it possible for them to be used for that purpose?

A: [Director Infrastructure and Works] The car parks are covered by a number of covenants, so they wouldn't be able to be disposed of, but other council car parks are classed as Council land and would have to go through a s178 process if Council decided that they wanted to dispose of the land.

Q: Why doesn't the Council rezone them to community purpose to protect them for the community?

A: [Director Infrastructure and Works] Because the zoning is more suitable for the location that they are in.

Q: Then why are they in the planning amendment? The car parks are used by the community to access businesses and services in Glenorchy.

A: [Mayor] The Council has no intention of disposing of that land for development.

Q: The question is it possible because they're in the planning amendment that they can be used for apartment developments?

Response to Question taken on notice

A: Yes. The Council car park at 9-11 Mill Lane, Glenorchy currently zoned for Light Industrial can be sold or developed for another use without a rezoning. However, Council does not have plans to dispose of this land. Any future disposal of this land would go through a public consultation and process under the *Disposal of Council Land Policy* and the *Local Government Act 1993*. There is currently no plan to sell the Council car park or change its use. The new controls could also allow for opportunities to keep the car park at ground level and have apartments on the top of the car park. This project is only reviewing planning controls to provide opportunities for the future. No development is being considered at this stage. Any future planning applications will have to go through the formal planning approvals process which may include public advertising.

Q: Has the Berriedale Public reserve been disposed of?

A: [Mayor] We have not sold the land, but we do have a number of leases and licences in place and I understand we answered that question last month.

Q: I don't believe the question was answered adequately last month. It spoke about leases, but it also said there were separate titles and I have a letter from the Mayor stating that there is a combined title for that land, which includes the whole Berriedale reserve.

A: [Mayor] When you ask if the Berriedale land has it been disposed of, Council has not sold any of that land, but we do have a number of leases and licences in place over that land.

Q: What are the tenancies on the premium property report for the areas used by the public on that land, there are certain areas that are used by the public. Why have tenancies being created and why are we paying to rent our own land back? The Childcare centre, the Bowls Club, Tennis Club, BMX Park and recreational reserve, the BBQ shelters and car parking.

Tenancies have been created to the \$180,000 a year to rent those areas. Are we the ratepayers paying to rent those areas back? If the land has been disposed of?

A: [Mayor] No, ratepayers are not paying to lease the land back.

[Director Infrastructure and Works] The word disposal also refers to long-term leases and there are some parcels of land that have been long-term leased to MONA. The car park which was originally their staff car park and the BMX track, but they haven't actually taken that over as yet, as the BMX track still sits on that land.

Once the land is cleared and there's clear agreement between all parties, MONA will take over the lease of that land. They're the only parcels of land that have a long-term lease arrangement on them. There is a licence agreement on another parcel of land which I understand you inquired about last time, which are being used by some builders that are working on the MONA site, but that is not a long-term disposal that has an end date. They are the only ones that we have in place for that land.

Response to question taken on notice

Council confirms that it is not paying \$180,000 in lease rental, but instead is receiving rental income from the various leases. All of the existing leases and licences in this area have already been provided to Ms Janiece Bryan in March 2023 in response to her Right to Information request.

Q: The caravan park in particular has no lease on it, that is a large area of the public reserve, so a few things that don't add up. I'm just saying the answers to the questions don't make sense.

A: [Mayor] We haven't yet leased that land to MONA, Council has resolved its intention too to lease the land to MONA but the infrastructure services aren't in place to enable us to do so – the land is not development ready. At this point in time the land is still under Council's control.

Q: In 2020 the Mercury reported that the Council in their document said, given the long-term nature of the investment, MONA's preference would be to own this parcel of land. (We are talking about the peninsula). This would assist MONA with securing the necessary finance for the project and provide it with long-term surety of tenure.

MONA wants to own that land and there's a lot of things that are not clear to me about the land tenure. And I would like to clarify.

A: [Mayor] Council has not formed an intention to dispose of that land by way of sale to MONA or anyone.

Q: In the answers to the questions, it is stated that the Berriedale reserve has a number of different titles on it. I am not sure if you're referring to a specific title on the Berriedale public reserve. In July last year, you confirmed to me in writing that all titles had been combined into one PID (properly identify number) and the PID number was quoted. The letter also states the removal of the previous PID's was done by the Office of the Valuer General without the knowledge of the Council. Why did the Valuer General combine all of the titles for the public reserve into one title?

A: [Mayor] I am happy for it to be clarified if that was an error on my part.

[Director Infrastructure and Works] It's not unusual for land titles that are owned by the same owner to be included into one PID (a properly identify number). It groups the individual titles together under one identifier, but they are still individual titles.

Q: I understand that, but when they are leased, how do you manage the leases? Because if they were on individual PID's you could effectively manage the leases. So putting it onto one title takes that ability away.

A: [Director Infrastructure and Works] We can determine boundaries for at lease, without having to follow a title boundary or a peak boundary. Therefore, we can identify the area of land to be leased on a map, it is not necessarily to restrict it to just titles.

6. PUBLIC QUESTION TIME (15 MINUTES)

Question without notice – Ron Collidge, Claremont

(received 22 June 2023)

The Mayor has stated that the drive through development by McDonalds is a prohibited use of land at 8-10 Main Road, Claremont but also that the Planning Scheme Amendment and the development application could both be heard together.

I believe these two applications are individual, one from the owners of 8-10 Main Road and the other from McDonalds and should not be combined together creating the assumption if one is accepted the other will automatically follow and forwarding the Council's recommendation (if approved) to the Tas Planning Commission together would create the impression both applications are one.

Ratepayers should also be allowed to comment on each proposal individually.

Q: Will Council consider separating these two proposals?

A: Question taken on notice.

Q: Did the General Manager or any other staff consult with nearby residents or inspect the site prior to making this decision as the Acting General Manager stated would occur prior to any decisions being made?

A: Question taken on notice.

Q: Were any Councillors consulted on this prior to the decision being made?

A: Question taken on notice.

Q. Can the Council overturn this decision or are the elected members overridden by the Manager to grant access across this piece of land

A: Question taken on notice

Question without notice - Paul Campton, Claremont

Q1. In the GPA meeting, 12 August 2019, when 8-10 Main Road was still in a Local Business Zone the Council said "...the site is not appropriate for the greater range of business and retail services that can be considered under the zone" p.64 . . . "However, new use and development (including an application for the existing use) will be required to meet the standards of the Inner Residential Zone, and this will improve the amenity of the local residents". p72.

Given the site is now inner residential does Council uphold their previous statements on the use about 8-10 Main Road?

A: [General Manager] Assuming it was in the context of the Planning Scheme provisions, it is certainly the case that the zoning to inner residential has a focus upon residential, at a higher density than normal suburban residential. I believe it is a clear expression of the intent of that particular zoning change.

Q2. What reasons did the developer/owner of 8-10 Main give for not being able to contain their development solely within the principal site and what alternatives were considered by the developer or Council to avoid using Crown land at 12 Main Road for private purpose, so as to protect the amenity of residents in Lady Clark Avenue?

A: [Mayor] We can't speak on behalf of the owner of the land. As to the considerations of the developer, that would be a question for them.

[General Manager] The planning system allows for a proponent to make a request to the Council to change the planning scheme and to submit that with the associated planning permit application, even if it's prohibited under the current planning scheme. This provision is in the Tasmanian planning legislation and Council as a planning authority has an obligation to consider those requests in line with the processes that are set out in the *Land Use Planning and Approvals Act*. Notwithstanding, my earlier comments about the intent of the zoning, the State legislation allows for someone to make a request in those terms.

Q2a: My question is specifically in relation to 12 Main Road, Claremont in relation to the Crown land, the fact that they sought to gain landowner consent and my question was why weren't they able to contain it in within their own property being 8 – 10 Main Road? Why did they need crown land? And what reasons did they actually give for wanting it?

A: [General Manager] I believe what you are referring to as Crown land is council land, but for all intents and purposes, they are treated in a similar way in terms of Crown land or for Council land.

If an applicant intends to use that land, they require the consent of the Council or the Crown, as the case may be, to the making of the application. In this case it's clear that the proponent has decided they want to put forward to Council a proposal that does involve the use of that land for a drive through.

Q: Just to clarify, they wanted it for access but they didn't give any reasons why they couldn't contain it within their own land or provide any reason as to why they wanted it?

A: [General Manager] Not to my knowledge.

Q: Was the amenity of the residents on Lady Clark Avenue considered when granting access in terms of the potential for traffic even though you're blind to the development?

A: [General Manager] The situation is that I, as General Manager, gave consent to the request to make an application.

Considering how this proposal stacks up against the planning scheme, how it protects amenity, how it deals with issues such as traffic impact, how it takes into account the views of the community about this particular proposal, is all a matter which the planning process which it is set up to do.

In considering a request for owner's consent to make an application, it is not appropriate for Council to undertake a preliminary assessment in the sense of doing a planning assessment before we do the planning process. Rather, it is to consider whether there is anything so fundamental to the particular proposed use of Council land that it could not be considered in the planning process. That is the approach that I have taken in giving land owners consent to the making of the request.

Question without notice – David Kerne, Claremont

Q1: In reviewing the developers reports for 8-10 Main Road, Claremont there was no explanation for acoustic calculations, how they were derived, not data set provided so they could be independently verified.

Will Council be seeking the data sets and missing information from the developers to enable Council to form an opinion as to the reliability and accuracy of the data contained within such reports, thus enabling residents to also have the opportunity to have the data forensically examined.

A: [Mayor] Planning officers are working through the assessment of the application and part of that does involve making requests for further information to applicants. I believe this is where the process is at this stage.

[General Manager] Council has issued an extensive request for additional information and that went out last week to the applicant. In terms of the specifics around acoustics, I'd need to take that on notice.

Q2: McDonald's have said they will provide us with copies all reports and they already have. Would Council be happy for a delegation of us to meet with Council officers to discuss these reports?

A: [General Manager] It will depend upon the stage in the process. At this stage we are getting petitions, one of which is a petition from Claremont residents in relation to the proposal. Addressing this petition we have a Council report in this

agenda being Item 20. This report details the process that the planning legislation sets out for considering this proposal.

The first stage of the proposal involves the officers having a look at whether Council forms a view to prepare an amendment and that would then go to the Glenorchy Planning Authority for a decision. At that point, Council, as in the Planning Authority, may decide either to prepare an amendment or not to prepare an amendment. If they don't prepare an amendment, then that is effectively a refusal from council.

If the Planning Authority do decide to prepare an amendment, then the process moves on to the next step, where the proposal is publicly advertised and it's at that point it goes into the public domain and there is an opportunity for representations and those representations need to be considered formally by Council as part of the planning process.

After that has occurred Council then needs to make a report under the legislation to the Tasmanian Planning Commission, if it goes that far into the process. Council effectively becomes an applicant to the Tasmanian Planning Commission.

At this stage the Planning Commission will receive all of the information and they will hold hearings in relation to the representations that are made, which will provide the opportunity for formal hearings.

Having said that and going back to the start of my explanation, if Council's Planning Authority decides not to prepare an amendment, then that is the end of the process.

However, the proponent has the ability to effectively seek a review from the Planning Commission about the process and how Council came to its decision. It is a complex process and I can understand why this is creating confusion, but it is important to make it clear that it is because it does involve a change to the planning scheme. It is more rigorous than your normal assessment of a planning permit application, as it is potentially changing zoning or provisions in a planning scheme.

Q2a: Often the expert reports are not very good, they're very biased and they shouldn't be there as they are focused on the applicant and the developer. We will forensically examine all of the reports and we would like to have the opportunity of have some input with Council representatives into the process before everything goes to recommendations. Is that is at all possible?

A: [General Manager] I will take that on notice. Not because I am not sympathetic in terms of providing the community with input into the process, but it is because we need to take advice about whether we can do it at this stage of the process.

Council may be at a stage of the process that it is between the proponent and Council. Then, if Council decides to prepare the amendment, we will go into a public process and at that stage, there will be an opportunity, but it does depend on what happens in relation to the two options. That is if, Council decides not to prepare an amendment or decides to prepare an amendment. If Council decides not to, then we don't get to the public process.

Q3. General Manager when granting landowner consent to 8 to 10 Main Road, Claremont for access over 12 Main Road, Claremont did you seek input and advice from Glenorchy City Council officers and staff when formulating your approval?

A: [General Manager] Yes I did.

Q3a. Are you able to say who you consulted with?

A: [General Manager] We have an internal referral process which is managed through our property area who have information which I am able to access. Much of the information we did receive was relevant to the planning process rather than the owner's consent process, but I have since provided a copy of my reasons for decision to a neighbour who requested it, which I believe has been shared, and I am happy to resend them to you.

Q3b: In granting landowner's consent to the owners of 8 to 10 Main Road, Claremont for access over 12 Main Road, Claremont, can the General Manager please advise what pre-existing right of occupation permit, consent, licence or arrangements for use existed for 12 Main Road by any other groups when the landowner's consent was granted?

A: [General Manager] Are you talking in relation to the parking spaces?

Q3b: Yes, I would like to know if you were aware about the parking spaces being there, as it does cover the entire land area.

A: [General Manager] A country music group which resides in the former ambulance building over the road do use four car parking spaces. I am not clear on the precise landowner arrangements in relation to the leasing of the car parks.

Q3c. Is there some form of conflict there?

A: [General Manager] There is no conflict in terms of making the decision to grant landowner's consent to making a planning application to Council. It is not conferring any ownership rights, which is made clear in our standard responses to applicants in these situations. The granting of landowner consent to the making of an application neither provides any guarantees in terms of the planning process, nor does it confer any rights in terms of landowner's consent to licence or use the land.

Q: If there is already some form of licence with the Country Music Association over the land, doesn't this lead to a conflict straight away?

A: [General Manager] In terms of the planning legislation it requires, if it is crown land or Council land, that the landowner goes to the Council or the Crown to request consent. As an example, where a proponent wanted to go over someone else's private land to get onto their land, then they could make an application without needing the consent of the private landowner, because they don't get the rights conferred on them from a landowner point of view until they talk with the owner and come to an agreement.

It was agreed under the National Competition Policy years ago and the idea was to allow for proponents to go and put their proposals forward on land and to provide the opportunity for those to be tested. But at the end of the day, the landowner needs to give consent in those private landowner's situations, otherwise they can't use it.

Question without notice – Vivianne Vanderburg, West Moonah

Q1: I ask that GCC update your Advertising Devices within Council Property Policy, and other relevant policies, to exclude sponsorship and signage from fossil fuel businesses and organisations in recognition of the impact on health and climate as Council has already done for gambling, alcohol and tobacco. Advertising significantly affects behaviour. Fossil fuels products are negatively impacting our community health and affecting the resilience of our city, eg gas which exacerbates asthma.

A: Question taken on notice.

Q2. Does GCC's current investment strategy include companies whose primary business is coal and gas? If so, would Council consider divesting from these funds and only invest in funds that do not promote unhealthy or environmentally damaging products or activities.

A: Question taken on notice.

Question without notice – Shane Alderton

Q1: As part of the deal relating to the sale of Wilkinson's Point and the stadium formally known as the Derwent Entertainment Centre (DEC), my understanding is Council has given a commitment to complete infrastructure works including work on Lloyds Road at a cost of approximately \$2 million – is this correct?

A: [Mayor] Yes, that is correct.

Q2: Is this commitment of \$2 million a fixed cost to Council?

A: [General Manager] Yes, Council as part of the negotiation with the State Government over the sale of Wilkinson's Point, agreed to a \$2.4 million contribution to the upgrade of the road, which would be diverted from its current location to swing round behind the DEC, and then effectively run along the back fence of the property.

Council was very careful to make sure that it was a fixed cost monetary amount and not a commitment to do the works. The agreement is for \$2.4 million, which will come from the sale proceeds of the former Derwent Entertainment Centre.

Q2a: Who will bear the cost of any cost blow out in regards to Council's commitment to provide the infrastructure upgrade and realignment of Lloyd's Road? Or do you stop paying once you hit the \$2.4 million?

A: [General Manager] Council has agreed to \$2.4 million as our contribution to the rerouting of Lloyd's Road and that is in our terms of agreement.

With the remainder of Wilkinson's Point, Council made a decision to retain the GASP foreshore walkway and also the area at the end of Wilkinson's Point and as part of the deal, Council will continue to maintain Lloyd Road back around to Goodwood Road.

Essentially, Council has retained these areas and the rest of Wilkinson's Point has gone to the State Government. The State Government has redeveloped the MyState Bank Arena and has leased it to the LK Group. The next piece of work that is underway, is an indoor sports facility behind the MyState Bank arena and Council has an incomplete application at present, as we are waiting on a range of additional information before it can be publicly advertised.

This is not under Council ownership, it is State Government owned and there is a negotiation happening between the LK Group and the State Government, but essentially it is for the developer to provide any infrastructure for any upgrades that are required as part of those developments.

Q2b: Council is not responsible for sewerage, footpath etc.?

A: [General Manager] That is correct. The extent of our commitment is the \$2.4 million contribution towards the upgrading of the road. However, like any other development situation, Council ultimately gets many of those other assets onto our books once the development is completed and we have to maintain them into the future as assets. But in terms of the direct development, that is the responsibility of the developer.

Q2c. Has the \$2.4 million is been included in next year's budget?

A: [General Manager] It is not expected for those roadworks to be done until they have all the heavy plant off the site, otherwise the equipment will trash the road. Therefore, the reason why it is not in this upcoming budget is because of the timing of the development relative to the development of the road.

Q2d. The funding of the \$2.4 million is that from the proceeds received from the sale of Wilkinson's Point or is it going to be a cost to ratepayers?

A: [General Manager] The \$2.4 million has been set aside from the proceeds received from the sale of the Derwent Entertainment Centre at Wilkinson's Point.

Q3: With the potential sale of any land owned by Council, could result in a financial windfall to Council of potentially millions of dollars, what does Council plan to do with this revenue?

A: [General Manager] In terms of Council's finances, when we receive revenue in it has to be applied against the written down asset. Therefore it often evens itself out, but where we do get a benefit is in relation to Council's cash balances.

[Mayor] Council does have a Proceeds of Land Disposal Policy which sets out that any funding from the proceeds of land disposal is utilised and it depends on the amount as to whether it comes to Council for approval for expenditure or whether there's delegation to expend that. The Policy also sets out the purpose is for open space improvements, where we dispose of open space land Council want to see that funding used for improvements to open spaces across the municipality.

Q4: Could any potential revenue windfall Council receives this financial year from the sale of land be used to reduce debt or fund infrastructure costs? Has Council factored this into their current budget forecast when setting Councils budget cost and rate increases for the next financial year, so that potentially you don't need to set a rate increase as high at 9%?

A: [Mayor] Given the uncertainty around the sale of land, it wouldn't be appropriate for Council to factor in proposed sales into the budget.

Council can and does review its budget throughout the year, typically this is done at six months. The General Manager and staff are continuously monitoring the budget to find savings and to minimise the impacts and costs to ratepayers.

[General Manager] On tonight's agenda we have an upcoming item to increase that regularity of our budget reviews. Essentially we will do a mini review monthly.

Q5: Would Council consider using any potential revenue windfall it could receive from the sale of any land to offset future rating increases?

A: [Mayor] When having budget discussions, we have to assess our financial situation at the time and to make decisions accordingly, but it is fair to say every single budget discussion I have been involved in, the elected members around the table are pushing staff very hard to make sure the rate rise proposed is as minimal as possible.

Q6: Does Council have an estimate of what the dollar amount value of the revenue it could potentially receive through its current investigation to sell Council land?

A: [Mayor]. No, not each and every one as it would be an irresponsible use of rate payers' money to be getting valuations on properties when we haven't been through the section 178 process to actually determine that we will dispose of that particular piece of land. Each investigation are at different stages, some of them the section 178 process has commenced, for others it hasn't. There is a point in time when it is most appropriate to obtain those valuations, with the aim of minimising any cost to the rate payer.

Q6a.: If you decide to proceed to a section 178 to sell a parcel of land, do you get the land valued privately at this time.

A: [Mayor] Yes, this is correct.

Question without notice – Eddy Steenbergen,

Q1: Last week, Council had a win in the Tasmanian Supreme Court relating to McGill Rise. What can you tell us about this decision?

A: [General Manager] One of the properties at McGill Rise had a building platform on it that was effectively rubble, it was quite steep and elevated and sitting in behind an existing dwelling. Council took the approach of issuing a building notice on the developer to remove the building platform, the developer removed most of the building platform but not all of it.

The developer then took Council to the Tasmanian Civil and Administrative Tribunal (TASCAT) and the process discontinued when he made a commitment to remove the rest of the rubble.

He subsequently didn't do so. Therefore Council prosecuted him in the Magistrates Court and he was found guilty. The developer then appealed to the Supreme Court and that was the decision last Thursday, which found there was no grounds for a successful appeal. Effectively Council has won that argument.

I haven't seen the decision, but my understanding of the process is, it will go back to the Magistrates Court for consideration of the penalty that might be applied and the maximum penalty that could be applied is \$8000.

Q2: In the Council agenda, Item 15 relates to the Waste Management Strategy progress report. It was very disappointing to notice that the report in the agenda provides no data relating to recycling. Why not?

A: [Director Infrastructure and Works] One of the areas of recycling for Council is gas extraction. Instead of letting it out into the atmosphere, we are looking to capture it, turn it into electricity and put it back into the grid.

We are keeping out green waste and Council has a separate stockpile which is mulched then taken away for premium compost.

Q2a: I am interested in your recycling. The collection of recycling from the municipality's kerbsides.

A: [Director Infrastructure and Works] The reason why it has not been mentioned in Council's Waste Management Strategy report is because Council employs an independent contractor, Cleanaway to collect the recycling through the kerbside bins and they take it to their facility where they do the separation. It is not a Council-run facility.

Q2b: Does Council have any statistics on what recycling goes through, how much is recycled etc.

A: [Director Infrastructure and Works] The Southern Tasmanian Regional Waste Authority has recently been established and very soon will be managing the waste management for all 12 Southern regional councils.

Cleanaway won the tender and through the Southern Tasmanian Regional Waste Authority (STRWA), Council will get data on the amount of different products e.g. plastics, glass, cardboard etc. It is not in place as yet, but I know through STRWA they will provide each Council with that data.

[Mayor]The Southern Tasmania Regional Waste Authority will have an interest in promoting the information as well as running education awareness raising campaigns. By using the funding that comes from the State waste levy, there will be a lot more joint initiatives and coordination of these efforts.

Q3: About a month ago on 29 May Council announced a blitz on abandoned shopping trolleys. It was said that council had already collected 74 trolleys. The announcement on the council web site said "Supermarkets in Glenorchy will have to pay \$100 for each abandoned shopping trolley returned after being impounded by the council."

Have any supermarkets actually paid any money for the return of their shopping trolleys ? How much ?

A: [Mayor] Yes, the supermarkets have paid for the return of the trolleys to them.

[Director Infrastructure and Works] We have collected 211 trolleys which are from the major supermarkets, as well as trolleys collected from public land that were abandoned.

Coles, Woolworths and Big W, all three have collected their trolleys. At the end of the month, Council wrote to them and whatever we had collected at that time, we invoiced them for the trolleys and the invoices have been paid.

Since then we have collected more trolleys and another invoice will be sent out to the three of them at the end of this month.

Q3a: Is this a new revenue stream?

A: [Director Infrastructure and Works] It is not a revenue stream, but it is a deterrent. Coles have increased their collection of their trolleys, they have contractors employed to collect them. Woolworths have an arrangement to collect them in the morning and a couple of new trolley bays have been installed.

Question without notice - Pauline Elliott, Claremont

Q. The decision by the General Manager to give landholder consent, was the Country Music agreement with the Glenorchy City Council, just for the four car parking spaces or does it cover the whole of the land at 12 Main Road, Claremont?

A: [Director Infrastructure and Works] There are more car parking spaces on the strip of land.

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.

7. PETITIONS/DEPUTATIONS

None.

COMMUNITY

Community Goal – Making Lives Better

8. ACTIVITIES OF THE MAYOR

File Reference: Mayoral Announcements

Reporting Brief:

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

Resolution:

KING/YAXLEY

That Council:

1. RECEIVE the report about the activities of Mayor Thomas during the period from Monday, 22 May to Sunday, 18 June 2023.

The motion was put.

FOR: Aldermen King, Thomas, Hickey, Cockshutt, Yaxley, Slade and Councillor Kendall.

AGAINST:

The motion was CARRIED.

Councillor Harry Quick arrived at the meeting at 4.37pm.

9. TASMANIAN HOUSING STRATEGY EXPOSURE DRAFT

File Reference: Housing

Reporting Brief:

To seek Council's authorisation for the General Manager to make a submission on the Tasmanian Government's Tasmanian Housing Strategy Exposure draft.

Resolution:

YAXLEY/KENDALL

That Council:

1. AUTHORISE the General Manager to make a Council submission on the draft Tasmanian Housing Strategy within the parameters outlined in this report.

The motion was put.

FOR: Aldermen King, Thomas, Hickey, Cockshutt, Yaxley, Slade and Councillors Quick and Kendall

AGAINST:

The motion was CARRIED.

Alderman Slade left the meeting at 4.44pm.

10. DRAFT REFLECT RECONCILIATION ACTION PLAN

File Reference: Reconciliation Action Plan

Reporting Brief:

To present the draft Reflect Reconciliation Action Plan (RAP) to Council for authorisation to release for a period of community engagement ([Attachment 1](#)).

Resolution:

KENDALL/YAXLEY

That Council:

1. AUTHORISE release of the draft Reflect Reconciliation Action Plan ([Attachment 1](#)) for community engagement.

The motion was put.

FOR: Aldermen King, Thomas, Hickey, Cockshutt, Yaxley and Councillors Quick and Kendall

AGAINST:

The motion was CARRIED.

11. COMMUNITY DEVELOPMENT ACTION PLAN 2022-23 UPDATE

File Reference: Community Development

Reporting Brief:

To present the annual update to Council on the Community Development Action Plan 2022-23 priority actions and to seek Council's agreement to extending the operation of the Multicultural Hub for the 2023/24 year.

Resolution:

KING/COCKSHUTT

That Council:

1. RECEIVE and NOTE the attached report on the Community Development Action Plan 2022-23.
2. APPROVE the continued use of the Council-owned building at 65 Hopkins Street, Moonah by the Multicultural Council of Tasmania as a multicultural hub for a further 12 months until 30 June 2024 to match the State government's announced grant funding envelope.

The motion was put.

FOR: Aldermen King, Thomas, Hickey, Cockshutt, Yaxley and Councillors Quick and Kendall

AGAINST:

The motion was CARRIED.

Alderman Slade returned to the meeting at 5:06 pm.

12. CHILD CARE CONNECTIONS ANNUAL REPORT 2022-23

File Reference: Child Care Connections

Reporting Brief:

To present the annual report for Child Care Connections which runs Council's education and care services. This report highlights the progress made following the Council's 2022 service review and subsequent decision to invest in the Services.

Resolution:

COCKSHUTT/QUICK

That Council:

1. RECEIVE and NOTE the Annual Report on Child Care Connections 2022-23

The motion was put.

FOR: Aldermen King, Thomas, Hickey, Cockshutt, Yaxley, Slade and Councillors Quick and Kendall

AGAINST:

The motion was CARRIED.

13. COMMUNITY ENGAGEMENT FRAMEWORK REVIEW

File Reference: Community Engagement Framework

Reporting Brief:

To report on the recently completed review of Council's Community Engagement Framework and recommend the adoption of an updated Framework and associated engagement methods.

Resolution:

HICKEY/KENDALL

That Council:

1. NOTE the feedback received from the Community over the length of the Community Engagement Framework Review project.
2. THANK the members of the community who provided feedback during the review process, and those who comprised the Community Engagement Framework Review Working Group for their work and diligence on this review.
3. APPROVE the continued use and development of Council's online engagement tool, Let's Talk, Glenorchy.
4. APPROVE the continued use of "Community Yarns" to meet and talk with our community via a minimum of four (4) yarns per year.
5. APPROVE the use of "Community Pop Ups" to informally meet and talk with our community via a minimum of six (6) pop-ups per year with a roster system developed for elected members to rotate attendance.
6. APPROVE discontinuing the Glenorchy Matters Community Panel and support current panel members to be involved in consultations into the future.
7. REQUEST a report back to Council on refinements to the current supporting documentation for Council's reference and working groups.
8. ENDORSE the development of a template for use in Council reports for the consistent reporting of engagement activities.

9. ADOPT the revised Community Engagement Framework comprising the Policy (Attachment 4), Guide (Attachment 5), Procedure and Toolkit (Attachment 6) and Brochure (Attachment 7).

The motion was put.

FOR: Aldermen King, Thomas, Hickey, Cockshutt, Yaxley, Slade and Councillors Quick and Kendall.

AGAINST:

The motion was CARRIED.

14. MOONAH TASTE OF THE WORLD FESTIVAL REVIEW

File Reference: Moonah Taste of the World

Reporting Brief:

To seek Council's decision about the recommendations arising from the review of the Moonah Taste of the World Festival which was initiated at the August 2022 Council meeting.

Resolution:

YAXLEY/COCKSHUTT

That Council:

1. RESOLVE to cease the delivery of the Moonah Taste of the World Festival in its traditional format.
2. APPROVE the trial of a grants program (funded by the MTOW budget allocation) for events that aim to strengthen community connection and celebrate cultural diversity, with guidelines to be presented to Council for endorsement by August 2023, with the aim of opening the grants program to the community by the end of September 2023.
3. DIRECT the General Manager to liaise with the State Government, multi-cultural service providers and potential funding bodies and report back to Council in October 2023 on the need for and capacity to deliver festival type events to celebrate the multicultural community in Southern Tasmania/Glenorchy City.
4. DIRECT the General Manager to seek the State Government approval to use the existing State Government grant of \$10,000 per annum to support the Moonah Sounds of the World event through to 2025.
5. DIRECT the General Manager to seek Festivals Australia approval to deliver the funded project 'Lumi' at an alternate event, to be held by March 2024.

The motion was put.

FOR: Aldermen King, Thomas, Hickey, Cockshutt, Yaxley, Slade and Councillors Quick and Kendall

AGAINST:

The motion was CARRIED.

15. GLENORCHY CITY COUNCIL CHRISTMAS CAROLS GRANTS

File Reference: Glenorchy Carols

Reporting Brief:

To brief Council on the outcomes of the 2022 Christmas Carols Grants Program trial and recommend that the Program be repeated for Christmas 2023.

Resolution:

KENDALL/KING

That Council:

1. NOTE the success of the 2022 trial Glenorchy City Council Christmas Carols Grants Program.
2. APPROVE the continuation of the Glenorchy City Council Christmas Carols Grants Program for 2023, inclusive of earlier advertising of the program.
3. ESTABLISH a Glenorchy City Council Christmas Carols Grants Program Working Group
4. ENDORSE the appointment of Mayor Thomas, Alderman Yaxley and Councillor Kendall to the Glenorchy City Council Carols Grants Working Group for this Council term.
5. ENDORSE the Glenorchy City Council Christmas Carols Grants Program Working Group Terms of Reference (Attachment 3)
6. ENDORSE the Glenorchy City Council Christmas Carols Grants guidelines and application form (Attachments 1 & 2)

The motion was put.

FOR: Aldermen King, Thomas, Hickey, Cockshutt, Yaxley, Slade and Councillors Quick and Kendall

AGAINST:

The motion was CARRIED.

ENVIRONMENT

Community Goal – Valuing our Environment

16. WASTE MANAGEMENT STRATEGY PROGRESS REPORT 2023

File Reference: Waste Strategy Progress Report 2023

Reporting Brief:

This report provides Council with a progress report on the implementation of the Glenorchy City Council Waste Management Strategy – Action Plan.

Resolution:

QUICK/KING

That Council:

1. RECEIVE and NOTE the report on the Waste Management Strategy Progress report for the period to June 2023.

The motion was put.

FOR: Aldermen King, Thomas, Hickey, Cockshutt, Yaxley, Slade and Councillors Quick and Kendall

AGAINST:

The motion was CARRIED.

The meeting was adjourned for a ten-minute break at 6.02pm.

The meeting re-commenced at 6.12pm

GOVERNANCE

Community Goal – Leading our Community

17. BUDGET ESTIMATES 2023/24

File Reference: 2023/24 Annual Budget

Reporting Brief:

To present for adoption the proposed Budget Estimates 2023/24, Long-Term Financial Management Plan 2023/24 to 2032/33 and approval of changes to Rates due dates and late payment charges.

Resolution:

KENDALL/KING

That Council:

1. ADOPT the Glenorchy City Council 2023/24 Budget Estimates as set out in Attachment 1 in concurrence with the 2023/24 Capital Works Summary Budget Estimates report
2. APPROVE the Glenorchy City Council Long-Term Financial Management Plan 2023/24 to 2032/2033 as set out in Attachment 1
3. RESOLVE that pursuant to section 90 of the *Local Government Act 1993* (**the Act**), for the period commencing on 1 July 2023 and ending on 30 June 2024 inclusive (**the financial year**), Council makes a general rate of 8.0383 cents in the dollar based on the adjusted assessed annual value (**AAV**) of all rateable land in the municipal area of Glenorchy
4. RESOLVE that pursuant to section 107(1)(a) of the Act, for the financial year, Council varies the general rate down to 7.4849 cents in the dollar based on the AAV, for all rateable land in the municipal area of Glenorchy used for residential purposes
5. RESOLVE that pursuant to section 90(4) of the Act, for the financial year, Council sets the minimum amount payable in respect of the general rate at \$226.90
6. RESOLVE that pursuant to section 93A of the Act, for the financial year, Council makes the following service rates in respect of fire protection based on the

AAV of all rateable land on the valuation roll or assessment roll prepared under the *Valuation of Land Act 2001* as follows:

- a) 1.1720 cents in the dollar for Council's contribution to the State Fire Commission for land that is situated within the Hobart Permanent Brigade Rating District, with a minimum contribution for each parcel of land of \$48.00 applying, and
 - b) 0.1000 cents in the dollar for Council's contribution to the State Fire Commission for land that is situated outside the Hobart Permanent Brigade Rating District with a minimum contribution for each parcel of land of \$48.00 applying
7. RESOLVE that a penalty of 5% pursuant to section 128(a) of the Act is to apply to the amount of any instalment not paid by the overdue reminder due date; and
 8. RESOLVE that interest at a rate of 4.735% per annum pursuant to section 128(a) of the Act calculated daily is to apply to the amount of any instalment not paid by the overdue reminder due date, and
 9. RESOLVE that rates levied in accordance with this resolution are payable to the Council by four (4) equal as practicable instalments:
 - a) the first instalment on the date specified in the rate notice being on or before the 31st day after the issue of the rates notice
 - b) the second instalment on or before 1 November 2023
 - c) the third instalment on or before 1 February 2024
 - d) the fourth instalment on or before 1 May 2024
 10. RESOLVE a ratepayer may enter into an approved Direct Debit agreement in lieu of quarterly payments detailed in recommendation 9.

The motion was put.

FOR: Aldermen King, Thomas, Hickey, Cockshutt, Yaxley and Councillors Quick and Kendall

AGAINST: Alderman Slade

The motion was CARRIED BY ABSOLUTE MAJORITY.

18. 2023/24 CAPITAL WORKS PROGRAM AND BUDGET

File Reference: 2023/24 Annual Budget

Reporting Brief:

To present the proposed capital works program to Council for the 2023/24 financial year and seek Council's approval of the \$32.7 million program.

Resolution:

QUICK/YAXLEY

That Council:

1. ENDORSE the Glenorchy City Council 2023/24 financial year Capital Works Program detailed in this report; and
2. ADOPT the Proposed 2023/24 Capital Works Summary Budget Estimates as set out in Attachment 1 in concurrence with the 2023/24 Budget Estimates report.

The motion was put.

FOR: Aldermen King, Thomas, Hickey, Cockshutt, Yaxley, Slade and Councillors Quick and Kendall

AGAINST:

The motion was CARRIED.

19. GLENORCHY CITY COUNCIL ANNUAL PLAN 2023/2024 - 2026/2027

File Reference: Annual Plan 2023/24 - 2026/27

Reporting Brief:

Council is required to adopt an Annual Plan under s. 71 of the *Local Government Act 1993* (the Act) as follows:

- (1) *A council is to prepare an annual plan for the municipal area for each financial year.*
- (2) *An annual plan is to –*
 - (a) *be consistent with the strategic plan; and*
 - (b) *include a statement of the manner in which the council is to meet the goals and objectives of the strategic plan; and*
 - (c) *include a summary of the estimates adopted under section 82; and*
 - (d) *include a summary of the major strategies to be used in relation to the council's public health goals and objectives.*

The draft *Glenorchy City Council Annual Plan 2023/24 to 2026/27* is Attachment 1 to this report.

Resolution:

HICKEY/KENDALL

That Council:

1. ADOPT the Glenorchy City Council Annual Plan 2023/24 to 2026/27, in the form of Attachment 1.

The motion was put.

FOR: Aldermen King, Thomas, Hickey, Cockshutt, Yaxley, Slade and Councillors Quick and Kendall

AGAINST:

The motion was CARRIED.

20. PETITION REGARDING LAND FOR HOUSING 8 - 10 MAIN ROAD CLAREMONT

File Reference: Petition

Reporting Brief:

To present a report to Council about the petition received on 26 May 2023 and tabled at the 29 May 2023 Council meeting opposing a potential development at 8 -10 Main Road, Claremont.

Resolution:

KING/YAXLEY

That Council:

1. RECEIVE and NOTE the petition opposing the development of 8 -10 Main Road, Claremont for a 24-hour drive thru restaurant which was tabled at the 29 May 2023 Council meeting.
2. ACKNOWLEDGE that the signatories to the petition have formally expressed their concerns to Council about the development referred to in the petition.
3. NOTE that that the development referred to in the petition is the subject of a planning scheme amendment request and associated planning permit application to be separately assessed on its merits under the planning process set out in the *Land Use Planning and Approvals Act 1993* by Council in its role as planning authority and by the Tasmanian Planning Commission (if applicable).
4. NOTE that the main petitioner has been notified in writing that Council has received the petition but cannot treat it as a representation for the planning scheme amendment request and associated planning permit application.

The motion was put.

FOR: Aldermen King, Thomas, Hickey, Cockshutt, Yaxley, Slade and
 Councillors Quick and Kendall

AGAINST:

The motion was CARRIED.

21. FINANCIAL PERFORMANCE REPORT TO 31 MAY 2023

File Reference: Corporate and Financial Reporting

Reporting Brief:

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

Resolution:

COCKSHUTT/KING

That Council:

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

The motion was put.

FOR: Aldermen King, Thomas, Hickey, Cockshutt, Yaxley, Slade and
Councillors Quick and Kendall

AGAINST:

The motion was CARRIED.

22. PROCUREMENT AND CONTRACTS EXEMPTIONS REPORT

File Reference: Procurement

Reporting Brief:

To inform Council of three exemptions that have been applied to procurements under Council's Code for Tenders and Contracts.

Resolution:

HICKEY/SLADE

That Council:

1. RECEIVE and NOTE the Procurement and Contracts Report relating to three exemptions totalling \$144,744.55 (excluding GST) in budgeted operational costs. These exemptions relate to:
 - a. Credit Card management software supplied by Inlogik and as approved by the Director Corporate Services,
 - b. MassBlock system bases for roadside stabilization works supplied by Hudson Civil Products Pty Ltd and as approved by the Director Infrastructure and Works, and
 - c. MapInfo Local Government Enterprise Program software supplied by Insight GIS and as approved by the Director Corporate Services.

The motion was put.

FOR: Aldermen King, Thomas, Hickey, Cockshutt, Yaxley, Slade and Councillors Quick and Kendall

AGAINST:

The motion was CARRIED.

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

Question taken on notice from May 2023 - Alderman Hickey

Q: Could the Council have a report into responding to the Tenants Union Tasmania and in particular to the author of the letter that we all received from Benedict Bartl regarding the use of empty properties within our municipality, with a view to support the Launceston City Council's motion requesting the Local Government Association of Tasmania investigate and report on the implementation of vacant residential land tax for unoccupied homes within the State.

The rationale is a TasWater response indicated that there could possibly be up to 610 houses in the Glenorchy municipality alone that could be returned to the rental market if the owners were so persuaded, which they might be by a financial impost.

Response:

A: Launceston City Council's motion will be tabled for decision at an upcoming LGAT General Meeting where each Council will vote on it.

The Mayor has written to Mr Bartl (and the response shared with Elected Members on 29 May) advising GCC's Elected Members will consider the motion once it is presented in a LGAT meeting agenda.

GCC officers will be asked to provide advice to help inform how Council votes on this matter. This advice will be shared with Elected members and they will be consulted by the Mayor prior to the relevant LGAT meeting.

Question taken on notice from May 2023- Alderman Cockshutt

Q: In relation to ground and facility hire for clubs, what payment method options do we provide to them? Clarence City Council don't accept EFT or BSB, does Glenorchy City Council offer these payment methods to Clubs and not-for-profit organisations?

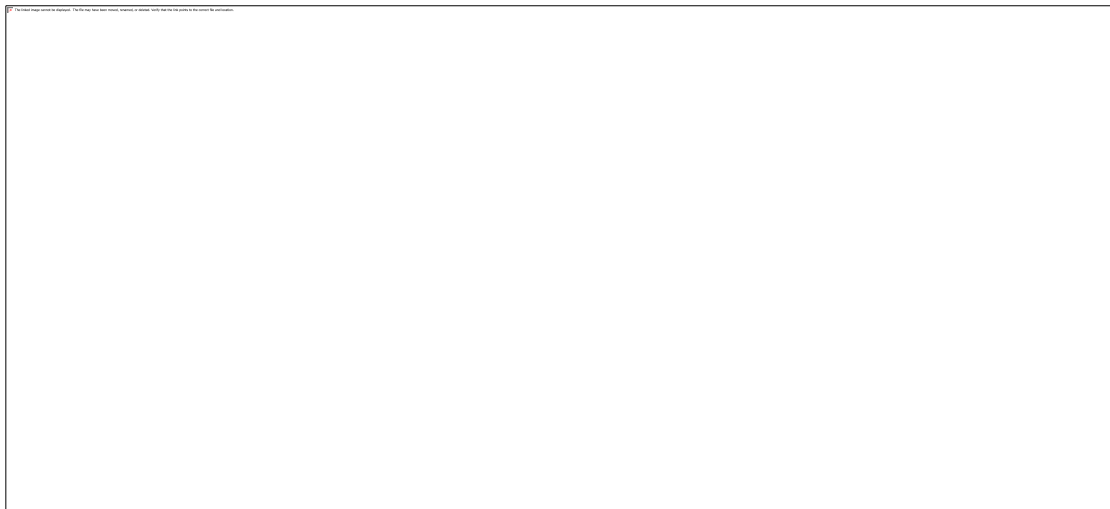
Response:

A: Glenorchy City Council invoices provide a variety of options for any individual or organisation to make payments being:

- Bpay
- Bpoint
- Mail
- Person

For approved debtors, we have the additional options of:

- Direct credit to our bank account
- Credit card to our Call Centre



Individual clubs need to have arrangements with their own banks that enable electronic payments such as two signatories having a fob that needs to be activated to send a payment.

Question taken on notice from May 2023– Councillor Kendall

Q: To add to the Deputy Mayors recommendation, in the lead up to budget time in a very tight financial position that we are all in. I believe the prospects for raising revenue from vacant houses in order to offset the general population's rates, if possible, is one that has a lot of potential.

Could we extend the concept of the report to look at the possibility for differential rates based on the assessment of empty houses in conjunction with TasWater, which I think they are monitoring. Maybe there is scope there for applying differential rates at a Council level.

Response:

A: Legislative

(subject to legal advice) we can differentially rate vacant residential properties using s107(1)b) the non-use of the land and s107(2)(a) for residential purposes.

Desired Outcome

The question asks, *"raising revenue from vacant houses in order to offset the general population's rates"*.

There would be very little reduction to the general population rates by so few vacant residential properties.

For example, if the vacant residential rate was doubled then we would generate around \$150,000* for each 100 vacant residential properties

That would equate to a reduction of around \$7.50* across all other ratepayers.

It would be far more beneficial to Council to retain the increase (ie enlarge our rate revenue bucket).

**Based on a general rate of \$1500 and 20,000 other ratepayers*

Administratively

This is where the difficulties arise.

TasWater cooperation and potential conflict with their privacy policy

The only source of vacant residential property would be from Taswater.

While giving us "property" details does not directly breach their "personal" privacy policy, it does indirectly tell us the person does not live at the property.

It is possible the sharing of this information with us may be in conflict with their privacy policy.

Basis of the details given to us

It is not known what criteria TasWater would apply to determine if a property was vacant.

Most likely, it would be zero water use between readings.

This does not explain why - there may be legitimate reasons:

- the ratepayer is deceased
- the ratepayer has moved to a nursing home
- the ratepayer is on holidays
- there is a faulty meter
- the property is for sale
- the property is uninhabitable

All of the above would be sufficient to avoid a higher vacant residential rate as they are considered to be only short-term.

Currency of the information given to us

What happens when a property changes its vacant residential status and how would we know?

The adage is "what is current today is out of date tomorrow".

If a property changes its residential status after the annual rates notice is sent (ie becomes or ceases to be vacant), we will have to adjust the rates.

The administrative burden on monitoring these properties would far outweigh the benefit.

Summary

It is not recommended we consider higher rates for vacant residential properties.

If the ulterior motive was to free up vacant residential properties for additional housing, the best vehicle would be to impose Land Tax.

That would be a State Government shift in policy but has some merit.

Question without notice – Councillor Kendall

Back in March, the recent IPCC summary report outlined the need for all levels of government to commit to urgent climate action “everyone, everywhere, all at once”. This is no longer a matter of averting climate disasters but a duty of care to our residents right now, to prepare them for the disruption that’s locked in for the coming decade.

Many councils have a climate action plan, a climate officer, or a commitment to climate action of some kind.

Q: So the community and elected members can know what our position is right now at GCC, as a point to progress from, can Council officers please report on what commitments to climate action GCC currently has?

A: Question taken on notice

Q: In addition, can officers please make a recommendation about what form of climate commitment they think would be most impactful for us to adopt here in Glenorchy?"

A: Question taken on notice

Resolution:

KING/SLADE

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 King, Thomas, Hickey, Cockshutt, Yaxley, Slade and Councillors Quick and Kendall

AGAINST:

The motion was CARRIED.

The meeting was closed to members of the public and the live stream was terminated at 7.41pm.

CLOSED TO MEMBERS OF THE PUBLIC

Closed session commenced at 7.43pm.

24. CONFIRMATION OF MINUTES (CLOSED MEETING)

Resolution:

SLADE/COCKSHUTT

That the minutes of the Council meeting (closed meeting) held on Monday, 29 May 2023 be confirmed.

The motion was put.

FOR: Aldermen King, Thomas, Hickey, Cockshutt, Yaxley, Slade and Councillors Quick and Kendall,

AGAINST:

The motion was CARRIED.

25. APPLICATIONS FOR LEAVE OF ABSENCE

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

None.

Resolution:

COCKSHUTT/KING

That the meeting be moved back into open Council.

The motion was put.

FOR: Aldermen King, Thomas, Hickey, Cockshutt, Yaxley, Slade and Councillors Quick and Kendall,

AGAINST:

The motion was CARRIED.

The Chair closed the meeting at 8.47pm.

Confirmed,

CHAIR