

COUNCIL MEETING
AGENDA
MONDAY, 26 AUGUST 2019



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 blue ink signature of Tony McMullen.

Tony McMullen
General Manager

21 August 2019

Hour: 6.00 p.m.

Present:

In attendance:

Leave of Absence:

**Workshops held since
last Council Meeting**

Date: Monday, 5 August 2019

Purpose: To discuss:

- FOGO Communications Plan - Review

Date: Monday, 12 August 2019

Purpose: To discuss:

- Land Disposal Investigations – Community Engagement Process / Planning Scheme Amendments
- General Manager’s KPI’s

Date: Monday, 19 August 2019

Purpose: To discuss:

- Internal and External Audit Process
- Infrastructure and Works Update

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1. APOLOGIES

2. CONFIRMATION OF MINUTES (OPEN MEETING)

That the minutes of the Council Meeting held on 29 July 2019 be confirmed.

3. ANNOUNCEMENTS BY THE CHAIR

4. PECUNIARY INTEREST NOTIFICATION

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Shane Alderton - Main Road, Austins Ferry

- Q.** As a follow-up to my question from last month regarding land sales revenue (the answer to which is provided in the agenda), will the same costs and principles be applied to the sale of Wilkinsons Point and the DEC? Once you factor in the write-off value and the asset value to the reduced from the balance sheet, negative adjustment will this then mean that the sale of the DEC and Wilkinsons Point will also result in a negative impact profit of close to zero?
- A.** The same accounting methodology will be applied to the sale of the DEC as is applied to the sale of land. Until the DEC is sold, we are unable to determine whether there will be an accounting surplus or loss on disposal.

However, we reiterate that the figures reported in the Annual Plan and in Council's Annual Accounts are accounting adjustments and are in the form that Council is required to report under the Australian Accounting Standards. A net impact of zero for the purposes of this reporting does not mean that Council's cash balance will not increase as a result of the revenue from the proceeds of land sales.

Q. The leaflet that came with the Ratepayers Notice doesn't clearly state that [Council is developing an opt out criteria for its FOGO service]. The interpretation states that you can apply to opt out now. Is this technically incorrect?

A. The waste calendar that was distributed with the rates notices states:

"If residents meet certain criteria, they may be able to apply for an exemption from the service."

It does not state anywhere in that document that an opt out process is currently available. Nevertheless, Council is working to develop the opt out criteria which will be available soon, and will work to clarify this message to the community so that it is more clearly understood.

Q. Now that you've got my money when will I receive my FOGO bin caddy liners delivered to my address?

A. Council is in the process of sending out tenders for the procurement of the bins, caddies and composter liners for the caddies, as well as for the delivery of these items throughout the Glenorchy municipality. How they are delivered (either separately or together) will depend on the outcomes of that tender process. The FOGO bins and liners are expected to be delivered in January and February 2020.

James Bryan - 14 England Avenue, Montrose

Q. Back in March I asked for List of Council's Service levels and asked if the service level of public toilets and playgrounds could be added to that list. In the agenda the following month it said that it was being looked at and that it was on the website. Where are they on the website?

A. Council's Service Levels are available through the Customer Service section of our website ([Home > Customer Service > Customer Service Charter](#)).

Service levels for public toilets and playgrounds were added to that document in May 2018.

Q. Last year I asked a question about the sale of a Council property at 404-408 Main Road. The answer noted that as part of the sale price, Council received a grant for the redevelopment of a community park and a further grant for the relocation of the existing tenancies on the site. What happened to the tenancies grant?

A. The grant for the relocation of existing tenancies on the site related to the loss of car parking from the development of the Integrated Care Centre at 404-408 Main Road.

Council used the grant to purchase two residential properties (one in Terry Street, the other in Kenmere Place) which allowed for the extension of the all-day car park in Terry Street. In addition to purchasing the properties, the project required planning, engineering design, site preparation and construction of the car park, installation of lighting and landscaping.

Q. In the light of the High Court ruling earlier in the year, charitable organisations operating retirement facilities are exempt from paying rates. I would like some clarification regarding Glenorchy's situation. In the Annual Report 2017-18 there is a list of recipients with reduced rates. The total is \$576,000. There appear to be 3 facilities that fit the criteria for remission of rates: Lady Clarke \$30,000, Glenview \$60,000 and Strathaven \$48,000. Are the amounts listed for the 3 facilities in the Annual Report full exemptions or are they limited to the general rates amount set by Council. Do those organisations pay any of the service charges to Council?

A. Under the Local Government Act, and following the Supreme Court Decision earlier this year, any property that is owned by a charity and used exclusively for charitable purposes is exempt from the general rate. Council is currently working through a number of applications from organisations that have applied for this exemption.

In relation to the remissions for the three properties referred to in the question, yes, those amounts are for the general rates. Those properties are fully exempt from Council's general rates. However, under the Act, charitable properties are not exempt from service charges (i.e. waste and recycling charges). They are also not exempt from the Fire Service Levy, and any exemptions from this levy are governed by the legislation that regulates the Tasmania Fire Service.

As mentioned above, Council has received a number of applications for exemption and is working through these on a case by case basis. Following the Supreme Court Decision, it is expected that there will be more exemptions provided than in previous years. The final quantum of these is not yet known or able to be accurately estimated but will be disclosed in Council's Annual Report.

Q. Are there any other retirement facilities that receive rates remission in Glenorchy (e.g. Barossa Park Lodge and Eureka Claremont)?

A. All ratepayers which receive remissions or reductions in their general rates (or other benefits or assistance) are listed in the 'Grants, Assistance and Benefits Provided' section of Council's Annual Report.

Q. Do any of the independent units receive waste and recycling services from the Council?

A. While the waste management arrangements for independent living facilities are not all the same, commercially operated retirement facilities such as One Care, Strathaven or Glenview generally do not receive any waste or recycling collection services from Council and make their own waste collection arrangements.

Q. As this decision has a significant financial impact on Council is there any intention to join with others to have this changed looking at the high court ruling.

A. Yes. The Local Government Association of Tasmania has formed and coordinates a working group (with representation from across the local government sector in Tasmania) to work with the State Government to find a solution to the issues created court decision. Mayor Johnston represents Council on the working group.

Eddy Steenbergen - 128 Marys Hope Road, Rosetta

Q. What progress has been made in negotiations between council and TasWater and MONA regarding the remediation of the Tolosa Park reservoir?

A. Council officers continue to work with TasWater and MONA in respect to the development of a strategic business plan for consideration by Council. This includes working through the financial, social and environmental impacts associated with two options.

Since the last Council meeting, officers have met with both parties and have engaged a consultant to draft a business plan. Council has also agreed on a process to estimate the cost of works.

Council officers are aiming to bring the business plan to Council before the end of 2019.

Q. What progress have Council planning staff made in processing the development application for the MONA Hotel and when might it be ready for public consultation?

A. The development application for the Hotel has been submitted and has undergone a preliminary assessment by Council's planning services team. Following that assessment, further information necessary to make a full assessment was requested from the applicant. Council is currently waiting for the applicant to provide some of this further information. Once the requested information is received, the application will be publicly advertised and members of the public will have an opportunity to make a submissions for or against the application. We do not currently have an estimate for when public advertisement is likely to occur.

Q. In order that residents can have realistic expectations, can Council provide a clear description of all services it provides outside normal working hours?

A. There are two arms of our after-hours service. One engages the Works Depot, the other engages our Compliance Unit. The services provided are as follows:

Work Centre

Generally, there are three situations that the Works Centre will attend after-hours:

- infrastructure emergencies
- assets emergencies and
- public safety concerns

Examples of each are:

Infrastructure emergencies

- a road has partially subsided and / or washed away
- an oil spill has occurred on a road
- a gravel spill has occurred on a road, or
- a bridge has been substantially damaged and / or undermined by erosion

Asset emergencies

- a break-in has occurred in one of our buildings
- localised flooding is occurring from waterways
- a roof is become loose in high winds (on Council owned buildings e.g. Council Chamber, Community halls), or
- a water-pipe has burst in one of our buildings.

Public safety concerns

- a syringe/needle has been found in a street or in a park
- park equipment has been damaged or is unsafe
- substantial subsidence has occurred
- a sinkhole has been found

Once our officers receive a call they will determine the risk and triage accordingly. Our aim is to have high-risk issues responded within 30 minutes while for lower risk levels our response time is determined by the responding officer and may include the next normal working day.

Compliance Unit

Council provides an after-hours Animal Management service to the community. The service applies to the following situations:

- dogs which have attacked or are acting aggressively (i.e. trying to attack, lunge at, or harass) and are visible in the immediate area and have either:
 - been confined or restrained or
 - are aggressive and identified to a property but not restrained to that property, and
- livestock or horses straying on public roads.

The service also applies to stray dogs only which have been secured and are wearing a Council tag. Animal Management Officers from Council will not attend after hours to collect stray dogs, however Council does engage a contractor which can, where possible, reunite a dog which has been found with its owner outside of business hours (provided the dog and owner are identifiable).

Janine Foley - Bethune Street, Chigwell

Ms. Foley submitted a series of written questions and background information. The questions (as submitted) are extracted below:

GCC – BETTER PRACTICE – Special Committees

Q1. Do GCC agree that the *Local Government (Meeting Procedures) Regulations 2015* (the Regulations) outline the best practice for meeting procedures?

A1. The meeting procedures regulations set out the minimum requirements that must be met by Council when it holds meetings of the full Council or Council Committees, but not Special Committees.

A Council Committee is a committee formed under section 23 of the *Local Government Act*. Council currently has two Council Committees, namely the Glenorchy Planning Authority and the General Manager's Performance Review Committee. Council Committees are much more formal than Special Committees, which are created under section 24 of the Act.

The regulations provide that councils can determine any other procedures for meetings of Council or Council Committees that they consider appropriate (see r. 37 of the regulations), provided they do not conflict with the procedures set out in the regulations. Council has adopted a 'Meeting Procedures Policy' under regulation 37, setting out the additional procedures which apply to Council and Council Committee meetings. The policy is available on Council's website.

Q2. Do GCC agree that the Local Government Division of the Department of Premier and Cabinet (Tasmania, Australia) encourage Local Government Councils in Tasmania, Australia, to adopt meeting procedures detailed in the Regulations to all meetings held by Councils including those of special committees?

A2. The regulations provide mandatory requirements for the procedures to be followed at meetings of Council and Council committees. Council has never received any direction from the Local Government Division to the effect that is encouraged to follow the procedures in the regulations for meetings of Special Committees or adopt any better practice model in relation to procedures for Special Committee meetings.

Sections 23 and 24 of the *Local Government Act 1993* provide, in relation to Council Committees and Special Committees, that:

- for Council committees, meetings are to be conducted in accordance with the prescribed procedures (i.e. the regulations) (s. 23), and

- for Special Committees, the Council is to determine meeting procedures (s. 24).

Given the regulations do not apply to Council's Special Committees, it would be impractical and expensive for Special Committees to voluntarily adhere to the strict procedures set out in the regulations. For example, this would require that a public advertisement was placed in The Mercury every time each committee met. The nature of the business conducted by Special Committees also means that it is not necessary to adopt the very strict and regulated meeting procedures that apply to Council and Council Committee meetings.

Council's *Committees Guide and Procedure* (adopted by Council in July 2018 and available on Council's website) sets out the following in relation to meeting procedures for special committees:

3.6 Meeting procedures

Special Committees are to determine whether to adopt formal meeting procedures governed in accordance with the Regulations and the Meetings Policy.

It is expected that there will be some formality attached to meetings of Special Committees, given the importance of the business that they conduct, particularly where the committee has been allocated Council funds.

Any meeting procedures of the Special Committee are to be recorded on the Terms of Reference.

Council is satisfied that those requirements are being met and that they are appropriate and comply with the requirements of the Act and regulations.

Q3. Although not a legal requirement (application of better practice model for the conduct of all council meetings in Tasmania) would GCC agree that an organisations which:

- (a) is aware of the existence of a better practice model**
- (b) is advised by relevant hierarchy to adopt the better practice model**
- (c) has undergone a period of instability, public investigation, and was able to be represented as a sector brand damager**
- (d) seeks election upon and publically claims to be rebuilding a deficient, sub-optimal organisational structure in relation to better practice guidance and frameworks,**
- (e) knowing all this and still refuses to adopt better practice guidelines – must expect to have a less than credible presence in the sector, the community and understands that its 'presence' may be condemned as a cynical, failed, wasted opportunity as the readoption of a discredited, humiliating, wasteful, inefficient, sub-optimal 2016 business as usual model is restored?**

- A3. Council has not been advised to adopt a better practice model for Special Committee meetings and is satisfied that its current procedures, which are publicly available, go above and beyond what is required in the regulations and the Act.

Council has made its committees policy and procedures available publicly, including updated terms of reference for special committees.

We understand that your concerns may relate a denied request to attend a meeting of the one of Council's Special Committees. It would be highly unusual for any Tasmanian council to invite members of the public to attend meetings of special committees. Council does not consider that it has breached any guideline, direction or policy in denying this request.

- Q4. If 2018 GCC iteration disagrees with the above characterization can be in detail how 2018 – to date GCC differs from 2016 GCC in relation to the operation of this specific area of organisational practice? This raised serious issues around how members of the community can engage with GCC?**

- A4. While the dysfunction that occurred in the previous Council was well documented in the Board of Inquiry and Integrity Commission reports, neither of those reports raised any concerns about the operation of Council's Special Committees.

There are numerous ways in which members of the community can engage with Council and seek information about our activities, including through asking public questions at Council meetings, as you have done.

- Q5. How does internal audit intend to deal with this issue? The Local Government (Meeting Procedure) Regulations is an area that should highlight to the community the way that 2018 GCC is exceeding its expectations around compliance, government and risk management. There would appear to be an incoherence with practice and stated outcome expressed in a range of GCC documents from the signed Statement of Expectations, Code of Conduct and a myriad of other policy and procedural documents that the community would have expected the 2018 council to be a leader and not an organisation that has to explain why it has again failed to adopt a recommended better practice mode of operation.**

- A5. Council's Audit Panel is satisfied that Council is complying with the requirements of the regulations.

In relation to governance more generally, Council has taken considerable actions to address issues related to substandard governance and that were raised in the two reports noted above. This is highlighted by Council's completion of 55 of the 58 Ministerial Directions (which has been confirmed by the Minister) which were specifically related to improving governance across the organisation.

- Q6. In the Quarterly Annual Plan Progress Report Strategy 4.1.3 Maximise regulatory compliance in Council and the community through our systems and processes. The codes from 4.1.3.01 to 4.1.3.04 rely utterly upon the GCC being a respected leader in this space. That is an early adopter of better practice so that it can speak with authority, clarity, credulity, experience and from a strong ethical lived (not described) position about matters of governance, compliance and appropriate risk management. In order to be taken seriously the functioning of an environment that is built upon and values and reflects operational practice based upon continuous improvement (adopting better practice as it develops) should not be underestimated. The relationship between regulatory compliance and better practice which is often a response to previous regulatory failure appears to be a surprisingly neglected area in the 2018 GCC operational environment. In light of previous failure, neglect, lazy ineptitude, lack of commitment and ignorance does GCC believe the failure to adopt better practice isolates it and leaves it open to questions around credibility, commitment and promises of the past won't be repeated?**
- A6.** Council has not been advised of any deficiencies in its practice around meeting procedures for Special Committees and is completely comfortable that its current procedures are appropriate and comply with all statutory requirements.
- As noted above, Council has not been advised or directed to adopt a better practice model for meetings of special committees.

Herbicide use in Glenorchy LGA 2018-2019

- Q1. Can GCC confirm it is aware (reflected in current risk management practice) of the following APVMA (Australian Pesticides and Veterinary Medicines Authority) risk management manuals released in March – April 2019?**
- (a) APVMA risk assessment manual Chemistry and Manufacture MARCH 2019**
 - (b) APVMA risk assessment manual Residues and Trade MARCH 2019**
 - (c) APVMA risk assessment manual Environment APRIL 2019**
 - (d) APVMA risk assessment manual Human Health MARCH 2019**
- A1.** Yes, Council is aware of the risk management manuals and receives occasional news releases from APVMA. Council practices, however, are regulated by DPIPW and we are required to satisfy DPIPW's requirements in relation to herbicide use.
- Q2. Can GCC confirm it conducted an application of ? (unidentified product/substance) on and around the Bethune Street Reserve, Chigwell, Tasmania, Australia on the 26 March 2019 (afternoon [GCC – 010] please confirm weather forecast – reported wind speeds and likelihood of 'showers')? The Reserve is situated next to the Child and Family Centre at 4 Bethune Street, Chigwell.**

- A2. Council does not record this level of detail. However, our application of herbicides is in accordance with the label instructions, including any requirements associated with weather. We are currently reviewing our processes to consider recording more detailed information.
- Q3. In relation to APVMA risk assessment manual Human Health how did GCC manage the potential public/bystander exposure? That is – what organisational mitigation management strategies (if any) were in place on that day to manage potential risk around exposure and adverse effects? Note this question exists in relation to members of the public, staff at the CFC Chigwell and staff applicators from GCC.**
- A3. Council follows our safe systems approach to manage the risk to the public and our workforce around herbicide use.
- Q4. Can GCC confirm it is aware of the following APVMA reports released in 2018?**
- (a) Adverse Experience Reporting Program Annual Report of events occurring in 2014 October 2018 ISBN: 978-1-925767-14-8 (electronic)**
 - (b) Adverse Experience Reporting Program Annual Report of events occurring in 2015 October 2018 ISBN: 978-1-925767-18-6 (electronic)**
- A4. Yes, Council officers have noted these reports on the APVMA website.
- Q5. Has GCC sought advice from the APVMA around the means and mechanisms regarding the reporting of a potential adverse experience?**
- A5. No, the reporting of adverse experience as per the APVMA website appears to be set up for the agricultural sector. Council is required to report to WorkSafe Tasmania in respect to incidents including chemical spills and leaks, and serious injuries and/or illnesses.
- Q6. Can GCC inform the public how (as an employer and supervisor of contractors) it protects the health and safety of its 'workforce'? This would involve whole of life issues relating to product involved in the whole process from mixing to rinsate and disposal.**
- A6. Council, and our contractors, all work to a safe systems approach. This includes contractors providing evidence of their qualifications, licensing and safe systems approach. Council staff are trained and licensed as chemical users, use appropriate Personal Protective Equipment, and work in accordance with manufacturer's instructions. Council has recently been audited by Biodiversity Tasmania, which is satisfied that Council's systems are appropriate.
- Biodiversity Tasmania particularly noted our systems of continuously improving in the way we approach herbicide use.

Q7. Can GCC confirm that it understands and reflects in practice the regulatory 'obligations' (stated and implied) placed upon the local government sector, in this instance in relation by the changing (2018-2019) regulatory landscape overseen in part by the APVMA?

A7. Yes, Council demonstrates our obligations through our training and licensing by DPIPWE, which is audited by Biodiversity Tasmania.

This obligation is also met through our system of continuous improvement and adoption of best practice. An example of this is the trialing of alternative herbicides that have a shorter holding period and are therefore more suited to high traffic areas where contact may be unavoidable.

6. PUBLIC QUESTION TIME (15 MINUTES)

Please note:

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

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

Question on Notice - Eddy Steenbergen, 128 Marys Hope Road, Rosetta

Q. Back in March this year I emailed council complaining about the state of a portion of Springfield Avenue and immediately received a reply saying:

"Thank you for your email I have generated a work order for Springfield Avenue to be inspected and any urgent repairs be competed – your reference for this request is RMRdF0001201. I have also referred your email to our asset department to respond regarding future budgets & capital works projects."

After hearing nothing more, I emailed council again a couple of weeks ago quoting the reference for the work order and asking for its status. It was a pleasant surprise to receive a phone call direct from a council staff member who explained the outcome of my original email. A reseal of that section of Springfield Avenue had been included in the draft Capital Works Program for Summer 2021. Only urgent repairs would be done in the meantime.

While the information was welcome, it took an email from me to council to prompt the call.

Can you please describe how council manages emails from the public from receipt to final response?

- A. Once Council receives an email to our corporate email address, it is registered into our electronic content management system and is then assigned to an officer in the appropriate department for response and action. This is all done within the same piece of software, and officers are required to action the task and mark it is complete once it has been actioned.

Q. I suspect that for many emails, the initial response is the final response. In my case it was not; the email had been turned into a work order. Will council fix its process to keep the sender informed of progress (or lack of it) after the initial acknowledgement email?

- A. Enquiries that include works requests are not currently followed up on once an initial response is given, unless contact needs to be made to aid the completion of the works.

In relation to your request, we received your concerns regarding the state of Springfield Avenue. A works request was then created and was sent to Council's Works Centre to assess the road and making any repairs that they felt necessary. In these instances, a follow up will not occur. However, there was a process error in this instance in that we did not follow-up your initial email from our Assets Department as promised in the initial response. We have noted this error and will address it to make sure it doesn't happen again.

Q. Does the current process allow council to identify public emails that have not been fully processed? If so, then will council include in its quarterly reports statistics for the number of emails received in the quarter and the number not yet completed? If not then will it make that possible?

- A. Yes, the current process allows Council to identify public emails that have not been processed. Once they are dealt with by the appropriate department, they are required to be marked as 'completed' and closed in the system. There are not currently any plans to have these statistics added to the quarterly report.

7. PETITIONS/DEPUTATIONS

Petitions

The following petitions will be tabled:

Petition from Bradley McDougall “Regarding the roll out of Food Organic and Green Organic (FOGO) bins” containing 1,040 signatures.

Petition from Amanda-Sue Markham entitled “Scrap the FOGO Tax” containing 328 signatures (at the time of publication of this agenda).

Deputations

Council will receive a deputation from Kaye Smith, Constance Avenue, Glenorchy, regarding the two petitions referred to above, and other matters related to Council’s FOGO service.

COMMUNITY

Community Goal: “Making Lives Better”

8. ANNOUNCEMENTS BY THE MAYOR

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

Community Plan Reference:

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

Strategic or Annual Plan Reference:

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

Reporting Brief:

To receive the announcement of events attended by the Mayor for the period from 18 June to 18 August 2019.

Proposal in Detail:

The following is a list of events and external meetings the Mayor has attended during the period 18 June 2019 to 18 August 2019.

Tuesday, 18 June 2019

- Attended a Greater Hobart Mayors' Forum meeting
- Attended the Royal Commonwealth Society's Queen's Birthday Luncheon
- Attended a meeting with a resident

Wednesday, 19 June 2019

- Attended a meeting with Mr Richard Warner
- Attended the Claremont Bowls Club Soup and Sandwich Luncheon

Thursday, 20 June 2019

- Attended the Hobart City Council's Homelessness Forum

Friday, 21 June 2019

- Attended a meeting with the Mayor of Kingborough
- Attended the Glenorchy Community Fund Quiz Night

Sunday, 23 June 2019

- Attended the St Paul's Church 150th Anniversary

Monday, 24 June 2019

- Chaired the Council meeting

Wednesday, 26 June 2019

- Attended a meeting with David Bartlett

Thursday, 27 June 2019

- Attended the Greater Hobart Mayors' Forum
- Attended a meeting about the Claremont Primary School Site
- Attended the Cosgrove High School Community Consultation session
- Attended the Greater Glenorchy Group meeting

Friday, 28 June 2019

- Attended a meeting with the CEO of Glenview Community Services

Monday, 1 July 2019

- Attended a meeting with the Premier and Treasurer regarding Wilkinsons Point
- Attended a Greater Hobart Bill meeting with the Greater Hobart Mayors, Treasurer, Minister for Infrastructure and Minister for Local Government

Tuesday, 2 July 2019

- Attended a meeting with LK Group
- Attended the West Moonah Community House 'Eating with Friends' Luncheon
- Attended a meeting with representatives of CatholicCare
- Attended the Prelaunch of the FECCA and MCOT Conference at Government House

Wednesday, 3 July 2019

- Attended the Local Government Association of Tasmania Annual General Meeting and General Meeting

Thursday, 4 July 2019

- Attended the LGAT Annual Dinner

Friday, 5 July 2019

- Attended a meeting with the Keep Australia Beautiful Judge
- Launched the Waste-Ed Art Exhibition Opening
- Attended a meeting of the Greater Hobart Homelessness Alliance

Monday, 8 July 2019

- Attended a meeting of the Greater Hobart Mayors' Forum and Metro Tasmania
- Chaired the Council Workshop

Tuesday, 9 July 2019

- Attended an all-staff briefing session

Wednesday, 10 July 2019

- Attended an all-staff briefing session
- Attended a meeting with representatives of MCOT

Thursday, 11 July 2019

- Attended an all-staff briefing
- Attended a meeting with Colony 47
- Attended a meeting with the University of Tasmania's Vice Chancellor

Monday, 15 July 2019

- Hosted a memorial morning tea for friends of Phyl Pears
- Attended the Best Foot Forward 10th Birthday Celebrations
- Attended an all-staff briefing
- Chaired the Glenorchy Planning Authority meeting

Tuesday, 16 July 2019

- Attended a meeting with the Mayor of Kingborough

Monday, 12 August 2019

- Attended a meeting with the Minister for Infrastructure, Michael Ferguson
- Chaired a Council workshop
- Chaired the Glenorchy Planning Authority meeting

Tuesday, 13 August 2019

- Attended a meeting with Rebecca White MP and David O'Byrne MP
- Attended a meeting with Scott Bacon MP

Wednesday, 14 August 2019

- Attended the Premiers' Health and Well-being Advisory Council Leaders Breakfast
- Attended the Greater Hobart Mayors' Forum meeting with Minister Ferguson
- Attended a meeting with representatives of Live Tasmania

Thursday, 15 August 2019

- Attended a 21st Century Councils Webinar

Sunday, 18 August 2019

- Attended the Indian Independence Day Celebrations

A significant number of other internal Council meetings and administrative duties were also undertaken. In addition, the Mayor was on leave from 17 July to 11 August 2019, inclusive.

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 the Mayor's office during the period from 18 June to 18 August 2019.

Attachments/Annexures

Nil

9. POLICE AND WORKING WITH VULNERABLE PEOPLE CHECKS FOR COMMITTEE MEMBERS

Author: Executive Officer (Bryn Hannan)

Qualified Person: Director Corporate Services (Jenny Self)

ECM File Reference: Working with Vulnerable People

Community Plan Reference:

Making lives better

We continue to be a safe, inclusive, active and, healthy and vibrant community

Strategic or Annual Plan Reference:

Objective 4.1 Govern in the best interests of our Community

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

Reporting Brief:

To report to Council on the mechanism for requiring members of Council committees to have a working with vulnerable people check or police check.

Proposal in Detail:

Background

At the Council meeting on 25 March 2019, Council made resolutions to the effect that successful applicants for positions on the Safer Communities Advisory Committee, the Access Advisory Committee and the Arts and Culture Advisory Committee would be asked to provide a copy of a current national police Check or working with vulnerable people registration prior to appointment. Those requirements were incorporated into the terms of reference for those committees.

At the same meeting, Council also requested a report on the mechanism for requiring members of Council committees to have a working with vulnerable people check or a police check.

Statutory Requirements

Working with vulnerable people

The requirements around working with vulnerable people are set out in the *Registration to Work with Vulnerable People Act 2013* (**the RWWVP Act**).

It is a requirement that certain person who have contact with vulnerable people in the course of their employment or volunteering are required to obtain a working with vulnerable people registration. Under the RWWVP Act, a person who has any contact with a vulnerable person in the course of their work or volunteering is engaged in a 'regulated activity'¹.

A 'vulnerable person' is defined as:

- (a) a child; or
- (b) an adult who is accessing a regulated activity².

The definition of 'contact' is very broad and covers physical contact (including taking part in a regulated activity at the same location), verbal and written (including electronic) contact³.

Section 15 of the RWWVP Act sets out when a person is required to hold a registration to engage in a regulated activity. Importantly, section 15(3) provides that a person is not required to be registered if:

- they are engaged by an employer and only have incidental physical contact with a vulnerable person and are engaged in that regulated activity for not more than 7 days in a calendar year (s. 15(3)(b)), or
- they are engaged by an employer and only have incidental physical contact with a vulnerable person and are with another employee who is registered or who is exempt from registration and are engaged in that regulated activity for not more than 7 days in a calendar year (s. 15(3)(c)).

Section 9 of the RWWVP Act provides that nothing prevents an employer from requiring an employee to be registered, even if they would not be required to register under the RWWVP Act.

National police check

There are no specific statutory provisions that mandate pre-employment national police checks.

Council's requirements for WWVP Registration and police checks

Council is bound by the statutory requirement to ensure that any employee who is required to register under the RWWVP Act holds that registration.

Council's policy is to require all new employees to undergo a police check, and also obtain a registration under the RWWVP Act if necessary. Council's Recruitment Directive relevantly provides that:

¹ RTWWVP Act, section 5

² RTWWVP, section 4.

³ RTWWVP, section 6.

"All persons selected for employment will be asked to undergo and submit a National Police Check and/or a Vulnerable People Check (whichever is applicable to the position) to ensure there is no record of prior activities for which charges have been laid which would preclude them from holding the role (e.g. fraud, misconduct, sexual offences etc.)."

The Recruitment Directive applies to all employees of Council but does not apply to volunteers or contractors. Nevertheless, the requirement to hold a registration is a statutory requirement for people who have regular contact with vulnerable people, and this requirement is adhered to as part of standard operating procedures (for example, all staff at Council's Berriedale and Benjafield Child Care Centres are required to be registered).

As noted above, it is also now a requirement that members of the Safer Communities Advisory Committee, the Access Advisory Committee and the Arts and Culture Advisory Committee obtain police and/or WWVP checks.

Discussion

Council currently requires all of its employees to undergo a national police check before commencing employment. It also requires any employees who come into contact with vulnerable people to obtain a working with vulnerable people registration. The process for obtaining a working with vulnerable people registration includes a national police check.

Council does not currently have a policy that mandates national police checks or working with vulnerable people checks for its volunteers or contractors. The absence of a policy does not mean that these are not obtained where necessary or required. As noted above, the requirement to obtain a working with vulnerable people registration is compulsory under the RWWVP Act if the nature of the work being undertaken is a regulated activity and there is contact with vulnerable people. An express policy requirement is therefore not essential to ensure compliance. Council's current practice is to require volunteers and contractors to obtain national police checks or working with vulnerable people checks (as required) on a case-by-case basis, depending on what type of work is being undertaken.

Members of special committees are effectively volunteers of Council. However, special committee members are unlikely to come into regular contact with vulnerable people as part of their committee member duties on a regular basis, given that their duties predominantly consist of attending committee meetings. While there may be some isolated situations where committee members would come into contact with vulnerable people, it is unlikely this would amount to anything more than incidental physical contact with a vulnerable person for more than seven (7) days per calendar year. It is therefore unlikely that special committee members would be required to be registered under the RWWVP Act, because they would be exempt under the provisions of section 15 of the RWWVP Act.

In-terms of a national police check, the Volunteering Tasmania website recommends that some form of background check is used as one part of a thorough screening process for volunteers. However, it also notes that *“a police or criminal background check should have direct relevance to the volunteer role that is being filled and may not necessarily be appropriate for all volunteer roles”*.

Recommendations

Though not essential, it would be desirable for Council to enact guidelines to be followed to determine if or when obtaining a police check or a working with vulnerable people registration should be carried out for both contractors and volunteers. It is therefore recommended that Council develops an appropriate policy (or amends an existing policy) to set guidelines around when volunteers are required to obtain these checks. If Council does decide to institute such a policy, it is strongly recommended that neither the requirement for a national police check or a working with vulnerable people registration is mandatory and can be determined on a case-by-case (or committee-by-committee) basis. This will avoid the imposition of unnecessary red tape and expenses in circumstances where it is neither necessary nor desirable for a person to obtain these checks because of the work they are undertaking as either a contractor or volunteer of Council.

Consultations:

Director Corporate Services
Manager People and Culture
Coordinator Community Planning and Inclusion

Human Resource / Financial and Risk Management Implications:

Human resources

The imposition of mandatory police or working with vulnerable people checks for all volunteers and contractors would impose an additional administrative burden on current human resources staff.

Financial

The fees for applying for a working with vulnerable people registration are:

- for an employee or contractor – \$110.60
- for a volunteer only – \$18.96

The fees for obtaining a national police check vary depending on the agency it is obtained through, but are typically around \$50.

Risk management

Risk Identification	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the recommendation	Minor (C2)	Unlikely (L2)	Low	Policy has enough flexibility to ensure that the relevant checks are obtained where necessary and not made mandatory for all contractors and volunteers.
Imposition of policy results in additional costs and administrative burdens for Council as a result of more police and working with vulnerable people checks being required.				
Do not adopt the recommendation	Moderate (C3)	Unlikely (L2)	Moderate	Better management of the risks around engaging contractors and volunteers to ensure they are fit for purpose.
Policy framework is suboptimal leading to a lack of clarity around the relevant checks are required and the potential for regulatory breaches				

Community Consultation and Public Relations Implications:

Community consultation has not been undertaken, given that this relates to an operational matter.

There are no material public relations implications.

Recommendation:

That Council:

REQUIRE the development of an internal policy (in the form of a General Manager's Directive), or the amendment of an existing internal policy, that sets guidelines for when contractors or volunteers of Council (including members of special committees) are required to obtain a national police check or working with vulnerable people registration.

Attachments/Annexures

Nil

10. GLENORCHY EMERGENCY MANAGEMENT ARRANGEMENTS

Author: Director Community and Strategy (David Ronaldson)

Qualified Person: Director Community and Strategy (David Ronaldson)

ECM File Reference: Emergency Management

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 4.1.2 | Manage the City's assets soundly for the long-term benefit of the community |
| Action 4.1.2.04 | Ensure we are prepared for disaster and maintain Emergency Management Strategies |
| Objective 4.3 | Build strong relationships to deliver our communities' goals |
| Strategy 4.3.1 | Foster productive relationships with other levels of government, other councils and peak bodies to achieve community outcomes |

Reporting Brief:

To brief Council on the appointment and constitution of a new internal Emergency Management Team by the General Manager.

Proposal in Detail:

Local governments have an important role to play in ensuring that there are adequate emergency management and recovery arrangements in place for their respective municipalities. Council is represented (by Ald. Fraser) on the Glenorchy Emergency Management Committee, which is also constituted by representatives from the various emergency services. Additionally, Council has always had an internal emergency management team to coordinate Council's emergency response and recovery functions. Under the *Emergency Management Act 2006*, **(the Act)** the minister responsible for emergency management is required to "*appoint a Municipal Emergency Management Coordinator and a Deputy Municipal Emergency Management Coordinator for each municipal area.*"

The Act also requires the General Manager to appoint a Municipal Recovery Coordinator.

Council has recently undertaken a review of functions and appointments of its emergency management team. The review was undertaken as a result of the expiry of the three-year terms of the previous appointments.

Following the review, the General Manager wrote to the Minister to recommend the appointment of the following officers:

- Municipal Emergency Management Coordinator – David Ronaldson
- Deputy Municipal Emergency Management Coordinators – Marina Campbell and Rob Whittle.

We are currently awaiting the Minister's confirmation of these appointments (but don't anticipate that it will be refused).

Additionally, the General Manager has made the following appointments in respect of the municipal recovery function:

- Municipal Social Recovery Coordinator – Jill Sleiters
- Deputy Municipal Social Recovery Coordinator – Paulene Dwyer

Apart from the Municipal Social Recovery Coordinator, all other positions are voluntary. The Municipal Social Recovery Coordinator is also the only returning appointee. All other prospective appointees are new to their respective roles.

Council's Emergency Management Committee, chaired by Alderman Fraser, is due to meet on 26 August 2019 where it will be recommended that the Committee ratifies these appointments.

The first task of the new emergency management team will be to review Council's Emergency Management Plan and support arrangements. This will be done in consultation with Council's Emergency Management Committee. The review will be carried out over the coming months and will align Council's arrangements with the new Tasmanian Emergency Management Arrangements which are due for adoption later this year. The format and template for Municipal Emergency Management Plans is guided by the State Emergency Service.

The updated Emergency Management Plan and support arrangements will be returned to Council for approval at a future meeting.

Consultations:

General Manager
Executive Leadership Team
Manager People and Culture
Supervisors of the officers listed above

Human Resource / Financial and Risk Management Implications:Financial

There are no material financial impacts arising from the appointment of the new Municipal Emergency Management Team. However, the new municipal emergency management team will be reviewing and identifying Council's total expenditure on emergency management and social recovery to ensure Council has a clear understanding of the cost of discharging this function.

Human resources

Team members will be required to invest additional time on top of their existing workloads. This will include attending:

- quarterly Southern Regional Emergency Management Committee meetings
- quarterly Southern Regional Social Recovery Committee meetings
- bi-annual Glenorchy Emergency Management Committee meetings, and
- bi-annual Glenorchy internal emergency team meetings.

Managers and supervisors of the team are aware and supportive of these additional commitments.

Appointees may also be required to be 'on call' during a period of alert by the State Emergency Services, for which they will be paid an on-call allowance on top of their existing salaries.

Risk management

Risk Identification	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the recommendation	Minor (C3)	Likely (L4)	Notable	Organise appropriate emergency management and recovery training for officers taking up the roles outlined in the report.
Appropriate training is required for new staff moving into this area of responsibility, leading to a short period where the new appointees are inexperienced in the new roles.				
Do not adopt the recommendation	Severe (C5)	Likely (L4)	High	Review the existing team and suggest alternative arrangements to those offered in the report.
Council will not have an appropriate response team in place in the event of an emergency, leading to poor coordination and potentially increased impacts on people and property.				

Community Consultation and Public Relations Implications:

Community consultation

There has been no community consultation in relation to this report, as it relates to an operational matter.

Public relations

There are no material public relations impacts.

Recommendation:

That Council:

NOTE the General Manager's appointment of a new Emergency Management team.

Attachments/Annexures

Nil.

ECONOMIC

Community Goal: “Open for Business”

11. CBD REVITALISATION PROJECT - STAGE 3A COMPLETION REPORT

Author: Project Manager - Major Projects (Greg Fox)
Qualified Person: Director Community and Customer Services (David Ronaldson)
ECM File Reference: CBD Revitalisation

Community Plan Reference:

Valuing our Environment

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

Open for Business

We will create a strong economy and jobs for the future. We will encourage business diversity, innovation and new technologies to stimulate jobs, creativity and collaboration. We will be a place where business can establish, continue and flourish.

Strategic or Annual Plan Reference:

Valuing our Environment

Objective 3.1 Create a liveable and desirable City

Strategy 3.1.1 Revitalise our CBD areas through infrastructure improvements

Action 3.1.1.0.1 Implement the Glenorchy CBD Strategic Framework

Reporting Brief:

To provide a report on the completion of Stage 3A of the CBD Revitalisation Project, and brief Council on the process for commissioning and installing public art as part of the project.

Proposal in detail:

Project Summary

Council's CBD Revitalisation project remains on schedule, and recently reached a significant milestone with the completion of Stage 3A of the Project. A summary of the completion and expected completion of the various stages of the project is as follows:

- Stage 1 – Peltro St: Completed in June 2018
- Stage 2 – Barry St to O'Brien's Bridge: Completed in September 2018

- Stage 3 – Terry St to Barry St: is broken up into three separate stages:
 - Stage 3A: Terry St to Tolosa St: Completed in July 2019
 - Stage 3B: Tolosa St to Regina St: Works commenced in early August 2019 and are scheduled to be complete by 30 June 2020
 - Stage 3C: Regina St to Barry St: Scheduled for construction across the 2019-20 financial year.

Below are photos of the completed works on Stage 3A:





Project Schedule

The proposed timeframe for the completion of construction works on Stage 3A was for 6 months from January to June 2019.

There was a minor delay in the commencement of works, which commenced in first week of February and were completed at the end of July 2019.

Accordingly, the proposed 6-month completion time frame was met, albeit a few weeks behind the original schedule.

Financial

The Project Manager advises that Stage 3A was completed within project budgets.

The proposed overall project budget of \$1.25M was not exceeded, with the total cost of Stage 3A being \$1.181M (approximately \$70k under budget).

The construction budget of \$907,350 had a 20% contingency applied, of which only 10% was spent. The total construction cost was approximately \$998,000 (this figure is included in the \$1.81M total).

Public Art

Public art was recognised to be an integral part to the success of the project through Council's Community Plan and the concept urban design report. The process for public art to be implemented as part of this project has been discussed and was agreed by the former CBD Steering Committee.

Council subsequently commenced a formal expression of interest process for the development of public art as part of the project. The EOI was open, and sought submissions, which were then reviewed by a selection panel with representatives from Arts Tasmania, the Glenorchy Arts and Culture Advisory Committee as well as Council's Coordinator Arts and Culture, CBD Project Manager and Manager Community.

Having reviewed all the submissions, the panel selected well-known Tasmanian artist Matt Calvert to deliver public art for the project. Matt is a widely collected Australian-based sculptor who works primarily with toughened glass, aluminium and corten steel. He is known for incorporating low maintenance recycled materials in his works, which bode well in a variety of light and weather. This environmentally friendly approach to public art is in-line with Council's vision to create a clean, safe and vibrant city that makes all residents and community members proud.

Matt began a community consultation process in early June by conducting workshops and presentations with students at Dominic College, Austins Ferry Primary School, Claremont College and Collinsvale Primary School. He has also interviewed members of the migrant and refugee community at the Migrant Resource Centre, visited both Karadi and Leprena, held 'stop and chat' sessions in the Glenorchy CBD, and Northgate and has had 'bus chats' with locals on Metro Tasmania buses.

Matt will provide final concept designs to be reviewed by the selection panel by the end of August, with building of the artworks to commence shortly after that if the concepts are approved.

Human Resource / Financial and Risk Management Implications:

The Project Manager continues to review the project's process, documentation, schedule, budgets, risk register etc.

This ongoing review determines project management best practices for not only this project but future projects (large or small) undertaken by Council.

Community Consultation and Public Relations Implications:

The project has been through an extensive community engagement process and has received widespread support for the concept designs that have been presented.

A Stakeholder Communications plan has been developed for the project and is being maintained and updated as the project progresses.

Council staff have been and will continue to consult with and provide updates to stakeholders (community and traders etc.), on a weekly basis, through social media, and public information sessions, as the project is implemented.

Risk management

A full Risk Register is in place for the CBD Revitalisation Project (Stage 3A) and forms part of the Project Management Plan. In response to a request made at the Council meeting on 30 July 2019, the residual medium risks and the mitigation treatments for the project are identified in the table below.

Risk Identification	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Inadequate project management Resulting in not meeting delivery time frames, cost over runs, and poor quality Has not occurred	Minor (C2)	Unlikely (L2)	Low	Robust Project Management Plan and professional resources engaged. Complete
Incomplete design not accounting for underground services, issues with levels, and quantities not correctly stated. Resulting in lengthened time frames and further proofing of services during construction. Has not occurred	Minor (C2)	Unlikely (L2)	Low	Design Review process to be in depth and rigorous; Safety in Design Report to cover all design risks; and Justification against any departure from standards. Complete
Design does not meet Council/community expectations Resulting in possibility of project delay due to redesign or design changes once construction has commenced. Budget blowouts due additional construction and associated design. Has not occurred	Minor (C2)	Unlikely (L2)	Low	Engage appropriate consultants and design resources for all disciplines. Rigorous design review prior to handover to Works Centre. Safety in Design Report to cover all design risks and Development of a Project Reference Group to engaged with the community Complete
Contractor claiming excessive variations Resulting in going over the budget and delays in time. Has not occurred	Moderate (C3)	Unlikely (L2)	Moderate	Highly defined scope, concise and complete tenders to be developed. Documents to include all necessary specifications. Contingency allowance to manage risk of variations. Complete

Risk Identification	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Excessive scope change Resulting in ability to not cover funding of project within the budget Has not occurred	Minor (C2)	Unlikely (L2)	Low	Ensure enough allowance in overall budget for design and construction contingency of at least 10%. Create well defined scope to cover all required works. Management of project scope as part of ongoing financial reviews e.g. design to budget, time and scope. Agreement on scope and accurate price estimation with Work Centre and contractors prior to commencing works. Complete
Delays to material delivery to site or Works Centre Resulting in major delays in work progressing Has not occurred	Moderate (C3)	Unlikely (L2)	Moderate	Availability and lead time of key components needs to be considered during design review. Build in procurement timeframes and supplier commitments into project schedule. Complete
Works delayed and not delivered within the required timeframe Resulting in Milestones not met and Council's reputation damaged through expectations not being met. Has not occurred	Minor (C2)	Unlikely (L2)	Low	Design and pre-construction planning of works to allow 'buildability' and level of resourcing to ensure that Milestones are achieved. Pre-order of long, lead-time materials. Milestone dates to trigger contract penalties and are key performance indicators for the project team Community Engagement Plan to provide regular communication on progress Complete

Risk Identification	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Reduced or insufficient quality of overall works Resulting in failing of product well before 'use-by' periods and defects work ends up being considerably larger than expected. Additional costs required to fix issues Has not occurred	Minor (C2)	Unlikely (L2)	Low	Ensure a well-defined Quality Management Plan is set out within the Project Management Plan and by contractors working on the project. Develop and implement different or new quality control reporting or checklists to capture all relevant quality issues. Include extended defect liability period and bonds on contract works. Ongoing

Recommendation:

That Council:

RECEIVE and NOTE the CBD Revitalisation Project Stage 3A Completion Report for the period from January 2019 to July 2019.

Attachments/Annexures

Nil

ENVIRONMENT

Community Goal: “Valuing our Environment”

12. INVESTIGATION INTO THE DISPOSAL OF PUBLIC LAND

Author: Property Sales and Acquisitions Officer (Merv Graham)

Qualified Person: Director Infrastructure and Works (Ted Ross)

ECM File Reference: Council Land - Disposal and Sale

Community Plan Reference:

Leading Our Community

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

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

Strategic or Annual Plan Reference:

Leading our community

Objective 4.1 Govern in the best interests of our community

Strategy 4.1.1 Manage Council for maximum efficiency, accountability and transparency

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

Objective 4.2 Prioritise resources to achieve our communities' goals

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

Reporting Brief:

To obtain Council's endorsement to commence an investigation into the disposal of seven (7) underutilised Council properties at the following locations in accordance with the procedure previously endorsed by Council:

- 3 Edgar Street, Claremont
- 9 Barclay Crescent, Rosetta
- 5a Taree Street, Chigwell
- 14a Colston Street, Claremont
- 15 Hestercombe Road, Granton
- 345 Main Road, Glenorchy, and
- 1 Bournville Crescent, Claremont.

Proposal in Detail:

As part of the Future Glenorchy Project, Council Officers developed a Disposal of Council Land Workflow (**workflow**). The workflow outlines the process that Council officers will take when identifying, evaluating and recommending the rezoning and disposal of Council land in accordance with the *Local Government Act 1993 (the Act)*.

This report proposes to commence the investigation into the rezoning and disposal of seven (7) parcels of land across the municipality. In accordance with the workflow, these parcels of land have been through a fit-for-purpose assessment and have been recommended for rezoning and disposal.

Having been through that analysis, it is now recommended to Council that investigation into the potential rezoning and disposal of those properties commences. If Council adopts the recommendations in this report, the next step will be to commence a community consultation process, seeking the community's views on the potential rezoning and disposal.

In accordance with the process endorsed by Council at its meeting on July 2019, a further report will be presented to Council once the community consultation process has been completed, summarising the feedback (and any concerns) received and making a recommendation as to whether to commence the formal process for disposing of public land under section 178 of the Act.

The land

The allotments recommended for rezoning and disposal have been identified as either surplus to Council's requirements or not fit for the purpose that they were intended for.

Council's Public Open Space Strategy (adopted in 2015) identified that in many cases local open spaces acquired by Council in the 1960's, 70's and 80's are not fit for purpose for the functions required of open space today.

The properties identified are zoned as either 'Public Open Space' or 'Utilities' under the *Glenorchy Interim Planning Scheme 2015 (Planning Scheme)*. Three (3) of the properties proposed for rezoning and disposal - Edgar Street, Barclay Crescent, and Taree Street - were identified in the Open Space Strategy 2015 as suitable for potential disposal because of either their unsuitability or under- utilisation. This was confirmed through the fit for purpose evaluation process (see Attachments 2, 3 and 4).

Further, the Barclay Crescent, Taree Street and Colston Street properties were approved for rezoning and disposal by Council at its meeting on 6 December 2010. However, given the nine-year lapse, and in the interests of transparency, it is recommended that their potential disposal is ratified by the current Council.

The evaluation revealed that two (2) of the properties - Taree Street and Colston Street - were potential sites that could increase the supply of land for affordable housing. The Barclay Crescent property was identified as an allotment with potential for a multiple dwelling housing development.

The property at 345 Main Road, Glenorchy is zoned as Utilities under the Planning Scheme, which means that its potential uses under the Planning Scheme are heavily restricted. A 'Central Business' zoning would allow this property to be developed for uses that would complement and enhance the current CBD.

The Bournville Crescent property has been in Council ownership since January 1998 and has not been developed, nor are there any plans for its development. It has been listed for consideration after an approach from the Claremont Bowls Club to initiate a joint zoning amendment to the planning scheme, which would allow this underutilised serviced land to be potentially developed.

Consultations:

Director Infrastructure and Works
Manager Community
Manager City Strategy and Economic Development
Operations and Maintenance Supervisor
Coordinator Planning Services
Senior Civil Engineer
Acting Environment Coordinator

Human Resource / Financial and Risk Management Implications:

Financial

The cost of public consultation is expected to be approximately \$500. Financial details on the proposed disposal will be provided in a future report to Council after the completion of the community engagement process. A joint zoning amendment with the Claremont Bowls Club would reduce the consultation costs to Council for that property by 50%.

Human resources

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

Risk management

Risk Identification	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the recommendation	Minor (C2)	Possible (L4)	Moderate	Council considers all objections received during the initial community consultation process and determines whether to proceed with the disposal at a report to a future Council meeting
Adverse public reaction of decision to advertise Council's intention to consider applying to amend the <i>Glenorchy Interim Planning Scheme 2015</i> (following initial consultation).				
Do not adopt the recommendation	Moderate (C3)	Likely (L4)	Notable	Council gives consideration to a strategy for realising land assets that are not required for strategic purposes. Council articulates any issues with the proposed amendments and instructs officers to address these in a future report.
Council will miss the opportunity to dispose of underutilised parcels of land, and would forgo the associated revenue as well as the potential for those sites to be developed for the benefit of the municipality.				

Community Consultation:

It is recommended that a community engagement process is undertaken to identify whether there are any significant concerns that warrant further consideration by Council before proceeding with the regulatory process to rezone and/or dispose of these parcels of land.

A community engagement plan would be prepared detailing the process to be followed.

Recommendation:

That Council:

1. ENDORSE the commencement of investigations into the potential disposal and rezoning of the following Council owned land (**the Land**):
 - a) 3 Edgar Street, Claremont (Public Open Space to General Residential)
 - b) 9 Barclay Crescent, Rosetta (Public Open Space to General Residential)
 - c) 5a Taree Street, Chigwell (Public Open Space to General Residential)
 - d) 14a Colston Street, Claremont (Utilities to General Residential)
 - e) 15 Hestercombe Road, Granton (Public Open Space to General Residential)
 - f) 345 Main Road, Glenorchy (Utilities to Central Business), and
 - g) 1 Bournville Crescent, Claremont (Public Open Space to General residential)

2. 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
2. 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.

Attachments/Annexures

- 1 Disposal of Council Land Workflow



- 2 Property evaluation and Map, 3 Edgar Street



- 3 Property evaluation and Map, 9 Barclay Crescent



- 4 Property evaluation and Map, 5a Taree Street



- 5 Property evaluation and Map, 14a Colston Street



- 6 Property evaluation and Map, 15 Hestercombe Road



- 7 Property evaluation and Map, 345 Main Road



- 8 Property evaluation and Map, 1 Bournville Crescent



GOVERNANCE

Community Goal: “Leading our Community”

13. FINANCIAL PERFORMANCE REPORT TO 31 JULY 2019

Author: Manager Finance and ICT (Tina House)

Qualified Person: Director Corporate Services (Jenny Self)

ECM File Reference: Corporate and Financial Reporting

Community Plan Reference:

Leading Our Community

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

Strategic or Annual Plan Reference:

Leading Our Community

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

Reporting Brief:

To provide the monthly Financial Performance Report to Council for the period ending 31 July 2019.

Proposal in Detail:

The Financial Performance Report (**Report**) for the period 1 July 2019 to 31 July 2019 is Attachment 1.

The Report highlights that at 31 July 2019 the operating result is \$503k ahead of the budgeted position. However, given the report covers only the first month of the financial year the variances tend not to be representative of potential trends for the rest of the year.

A summary of the key indicators is as follows:

Revenue

Revenue is \$125k below budget representing an unfavourable variance of 0.3%. This result is not concerning and the variance is expected to be progressively reduced during the year.

Essentially, the lower than forecast revenue is a result of timing, with payments for user fees and charges not being received during July, supplementary rates valuations yet to be factored in and at least one significant invoice (for DEC ticketing services) yet to be issued.

Expenditure

Expenditure is \$628k below budget representing a favourable variance of 12.5%. As with revenue, this is also mostly attributable to timing, and includes a variance caused by the pay period end-date and month end date not aligning.

Capital Works

Capital works expenditure for the month of July was \$404k against an overall annual budget of \$14.009 million. Capital works expenditure is traditionally slower during the winter months and will increase as the calendar year progresses

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

Consultations:

General Manager

Executive Leadership Team

Officers responsible for Capital and Operational Budget reporting

Human Resource / Financial and Risk Management Implications:

There are no material risk management or human resources implications.

Community Consultation and Public Relations Implications:

No public relations implications have been identified, and no community consultation has been undertaken.

Recommendation:

That Council:

RECEIVE and NOTE the Financial Performance Report for the year-to-date ending 31 July 2019 in the form of Attachment 1.

Attachments/Annexures

1 Attachment 1 - Financial Performance Report to 31 July 2019



14. MINISTERIAL DIRECTIONS - MONTHLY REPORT

Author: Manager Corporate Governance (Tracey Ehrlich)

Qualified Person: Director Corporate Services (Jenny Self)

ECM File Reference: Ministerial Directions

Community Plan Reference:

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

Strategic or Annual Plan Reference:

Leading our Community

- Objective 4.1 Govern in the best interests of our community
- Strategy 4.1.1 Manage Council for maximum efficiency, accountability and transparency
- Strategy 4.1.3 Maximise regulatory compliance in Council and the community through our systems and processes

Reporting Brief:

To update Council on the progress of implementing the Ministerial Directions for the period ending 13 August 2019.

Proposal in Detail:

In January 2018, following the release of the report of the State Government’s Board of Inquiry into Council, the Minister for Planning and Local Government, the Hon. Peter Gutwein MHA, issued a set of 58 Ministerial Directions to Council.

At the date of this report, Council had complied with 55 of the 58 directions, with the remaining 3 actions being actively progressed within the time frame set by the Minister. A summary is as follows:

Actions completed	55
Actions being actively progressed	3
Actions not yet started but within time	0
Actions being actively progressed and outside due date	0
Actions not yet started and outside due date	0
TOTAL	58

Attachment 1 is the monthly progress report showing the status of all the actions under the directions. The actions remaining to be completed are as follows:

No.	Direction	Comment on progress
Direction 1 - Governance		
1(i)(iv)	Reviewing, and amending if appropriate, within the 2018-19 budget period: long-term strategic asset management plan	- Awaiting Local Government Division approval for the Plan to be incorporated within the Asset Management Strategy. - Updated Asset Management Strategy for Infrastructure Assets was adopted by Council at the 24 June 2019 meeting. - Note that Council's ten (10) year long-term strategic asset management plan (inclusive of a long-term capital work programme updated annually) was adopted by Council (Item 10 – 1 Sep 2014) as per section 70B of the LG Act
Direction 2 - Training		
2(d)	Development and facilitating, a program of training for all relevant staff in relation to the Act, Regulations, ethics in the work place, and good governance, including in meeting procedure and the proper recording of minutes, within a period of six (6) months	- Awaiting delivery of training. Training packages now agreed with the Integrity Commission. - Relevant staff attended a meeting procedures training workshop that was facilitated by the Director of Local Government on Monday, 21 May 2018 - Most Directors and Managers participated in an Ethical Decision Making workshop conducted by the Integrity Committee on Friday, 24 November 2017
Direction 7 - General		
7	Report quarterly for the term of the current Council to the Minister on the progress of actions taken to comply with these Directions, and make the report publicly available on the Council's website	- On 1 August 2019 the Minister for Local Government (Hon. Mark Shelton) advised that, subject to completion of the outstanding Directions this quarter, Direction 7 requiring quarterly reporting will be amended to require annual reporting on specific requirements. - Fifth quarterly report acknowledged and approved by Council (Item 14 – 29 April 2019) and sent to the Minister and the Department of Local Government. - The report has been made publicly available on Council's website.

Consultations:

Mayor
General Manager
Director, Corporate Services

Human Resource / Financial and Risk Management Implications:

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

Risk Identification	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Do not adopt the recommendation If Council does not comply with the Ministerial Directions as provided under section 225(2) of the <i>Local Government Act 1993</i> then there is potential for a complaint to be lodged for non-compliance under section 339E and further scrutiny and sanction by the Director of Local Government	Major (C4)	Likely (L4)	Significant	Council continues to progress actions required to comply with these Directions

Community Consultation and Public Relations Implications:

There has been no community consultation due to the operational nature of the requirement to comply with the Ministerial Directions.

Recommendation:

That Council:

1. NOTE the progress satisfying the Ministerial Directions as at 13 August 2019, and
2. RECEIVE the Ministerial Directions Implementation Report for July 2019 in the form of Attachment 1.

Attachments/Annexures

- 1 Ministerial Directions Update 13 August 2019



15. PROCUREMENT AND CONTRACTS - MONTHLY REPORT

Author: Manager Corporate Governance (Tracey Ehrlich)

Qualified Person: Director, Corporate Services (Jenny Self)

ECM File Reference: Procurement

Community Plan Reference:

Leading our Community

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

Strategic or Annual Plan Reference:

Leading our Community

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

Reporting Brief:

To inform Council of exemptions that have been applied to the procurement requirements under Council's Code for Tenders and Contracts for the period 20 June to 13 August 2019 and provide updates on other relevant procurement matters.

Proposal in Detail:

Exemption Report

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

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

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

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

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

The Exemption Report covers the period from 20 June to 13 August 2019. There have been thirteen (13) exemptions approved for the period, accounting for \$357,993.22 in budgeted operational expenditure.

A number of the contracts relate to ICT items where there are limited suppliers, or the procurement is constrained due to the need for interoperability between systems.

Additionally, and separate to the attached Exemption Register, Council participated in a joint purchase with the Local Government Association of Tasmania entering into a contract for unmetered retail electricity supply for public lighting (including street lighting). The estimated spend is \$1,669,323 over the three-year contract.

All the above amounts were accounted for in Council's previous 2018/19 and current 2019/20 budgets.

Expenditure on external Legal Services

For the month of July 2019, the total amount spent on external legal services for all of Council was \$23,456.53. A total of \$16,818.18 of this expenditure is the annual retainer for rates recovery legal services, which Council outsources (resulting in significant savings).

Expenditure update - Sugden & Gee (KGV consultancy services)

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

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

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

A single invoice for Sugden & Gee was paid in June 2019 for \$9,681.76. No amounts have been paid in July 2019. At the date of this report, the total expenditure on Sugden & Gee is \$408,091.68.

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

Consultations:

Executive Leadership Team
Accounts Payable Supervisor

Human Resource / Financial and Risk Management Implications:

Human resources

There are no material human resources implications.

Financial

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

- \$357,993.22 in operational expenditure, and
- \$23,456.53 on external legal services.

Risk management

Risk Identification	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the recommendation Criticism of Council's acceptance of procurement process exemptions and associated expenditure.	Minor (C2)	Unlikely (L2)	Low (4)	Council notes the reasons identified for the exemptions and satisfies itself that each is sound and in accordance with approved procedures.
Do not adopt the recommendation Council officers less likely to seek exemptions in accordance with approved processes, leading to business inefficiency and excessive administrative burden on staff and suppliers.	Moderate (C3)	Possible (L3)	Moderate (9)	Council communicates reasons for refusal and identifies preferred practices and information required for future exemptions.

Community Consultation and Public Relations Implications:

Community consultation was not required or undertaken.

There is unlikely to be any material public relations impact.

Recommendation:

That Council:

RECEIVE and NOTE the Procurement and Contracts Monthly Report for the period from 20 June to 13 August 2019.

Attachments/Annexures

- 1 Procurement Exemption Register 20 June to 13 August 2019



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

CLOSED TO MEMBERS OF THE PUBLIC

17. CONFIRMATION OF MINUTES (CLOSED MEETING)

That the minutes of the Council Meeting(Closed Meeting) held on 29 July 2019 be confirmed.

18. APPLICATIONS FOR LEAVE OF ABSENCE

GOVERNANCE

Community Goal: “Leading our Community”

19. AUDIT PANEL MINUTES

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

20. GENERAL MANAGER'S ANNUAL REVIEW

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

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