

COUNCIL AGENDA

MONDAY, 28 MAY 2018



GLENORCHY CITY COUNCIL

QUALIFIED PERSON CERTIFICATION

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

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

Tony McMullen
General Manager

23 May 2018

Hour: 6.00 p.m.

Present:

In attendance:

Leave of Absence:

**Workshops held since
last Council Meeting**

Date: Monday, 7 May 2018

Purpose: To discuss:

- Aldermanic Training – Code of Conduct/Good Governance and Decision Making
- Budget

Date: Monday, 14 May 2018

Purpose: To discuss:

- KGV Tenancy Issues

Date: Monday, 21 May 2018

Purpose: To discuss:

- Aldermanic Training – Meeting Procedures
- Media Policy

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1. APOLOGIES

2. CONFIRMATION OF MINUTES (OPEN MEETING)

That the minutes of the Council Meeting held on 30 April 2018 be confirmed.

3. ANNOUNCEMENTS BY THE CHAIR

4. PECUNIARY INTEREST NOTIFICATION

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Ralph Cruickshank – West Moonah

Q: Why, in 2018, do we still have a prayer to open Council meetings? If we must have prayer, why do we have the invocation to Jesus Christ? Society is changing and has changed dramatically since the first parliaments were established. We are a multicultural city in a multicultural country. We hold ourselves out as a proud multicultural city. Do we really want our Council to display a bias towards any one religion by saying a Christian prayer at the commencement of each Council meeting?

A: As I noted at the meeting, Council has opened meetings with a prayer for a number of years, and coordinates this with the Glenorchy Fellowship Group. A number of denominations give the opening prayers so that it is not limited to a single denomination.

I am also aware that there are concerns that prayers have been limited to Christian prayers and had previously committed to having a discussion with the fellowship to broaden the faiths that might be represented in our multicultural community.

I recently held a discussion with Pastor Les Batchelor who facilitates meetings of the Fellowship Group in relation to this issue. The outcome of that discussion was that the Fellowship Group is happy to incorporate prayers from other faiths into the opening of the meetings. We are currently in the process of contacting representatives from other faiths within the community to seek their involvement.

I do not intend to stop the practice of inviting a prayer to open Council meetings for the time being. However, as I mentioned at the meeting, I consider that the prayer at the commencement of meetings is an important time for Aldermen to take a moment to reflect on the reason why they are there. That is the case, irrespective of any faith or belief that individual Aldermen might hold.

George Burrows – Granton

Q: In relation to the provision of minutes at Council meetings, it is not possible for members of the public to view copies of the provisional minutes of the previous Council meeting which are being considered by Council. It is also not possible for to view them as provisional minutes online. Will Council give consideration to making copies of provisional minutes available to the public either in writing or online prior to the next Council meeting?

A: As noted at the meeting, in recent years the provisional minutes of Council meetings have not been provided publicly until they have been confirmed, after which they are made available on Council's website.

I have confirmed that the current arrangement is consistent with the requirements of the Local Government (Meeting Procedures) Regulations 2015, which only requires that Council make a copy of the minutes of a meeting that was open to the public available for inspection after they have been confirmed (see regulation 35).

Nevertheless, I acknowledge that it is the practice of some other Tasmanian Councils to make copies of provisional meeting minutes available to the public via their websites prior to the meeting at which they are to be confirmed. I also agree that this would be desirable from a transparency perspective.

I will ask Council officers to report back to me as to the practicalities of incorporating the release of provisional meeting minutes into our meeting administration procedures.

Q: Mr Burrows asked advised that he was recently refused access to a public document by Council on the basis that to view it would have contravened the Copyright Act. Mr Burrows advised that response was incorrect, and that he he should have been permitted access to the document and given the ability to copy at least 10% of it. Mr Burrows asked whether Council has trained its staff in the full use, meaning and extent of the Copyright Act?

A: I note that you asked the above question in the context that you were refused access to a “public document” by Council on the basis that to view it would have contravened the *Copyright Act 1968 (the Act)*.

I understand that the document in question was a copy of the part of the Austroads Guidelines that apply in relation to the placement of on-road bicycle lanes, and that the only reason provided to you for the refusal was that its provision to you was prevented under the Act. Not having seen the advice that was provided to you, I am unable to comment on whether it was correct or not.

In relation to your question, there is no formal training provided to staff in relation to the use, meaning and extent of the Copyright Act. However, Council has a legal services department from which staff are able to seek advice on issues relating copyright, and have done so on occasion.

In relation to the provision of the information by Council, I am advised that it is contained in the *Austroads Guide to Road Design Part 3: Geometric Design* (2016 Edition). However, I am further advised that:

- the Austroads Guide is are not a public document, and is in fact a publication that is provided to Council under a licence which sets out the terms under which Council can use them
- the terms of Council’s licence agreement with the supplier of the Austroads publications expressly provide that Council must not supply, transmit, send by e-mail, reproduce, or do any other thing in relation to, the guidelines, other than in certain limited circumstances which do not apply to your request, and
- none of the fair dealing provisions or other exemptions from copyright infringement contained in the Act appear to apply to the use for which you are seeking the document.

On that basis, Council is unable to produce a copy of the part of the Guide that you wish to view.

I suggest that you contact Austroads directly to inquire about options for viewing a copy of the relevant parts of the Guide.

6. PUBLIC QUESTION TIME (15 MINUTES)

7. PETITIONS/DEPUTATIONS

COMMUNITY

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:

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

Reporting Brief:

To receive the announcement of events by the Mayor.

Proposal in Detail:

The following is a list of events and meetings the Mayor has attended during the period Tuesday, 24 April 2018 and Monday, 21 May 2018.

Tuesday, 24 April 2018

- Meeting with a resident
- Hobart City Deal Joint Ministerial Meeting

Wednesday, 25 April 2018

- Attended and laid a wreath at the ANZAC Day Dawn Service at the Claremont War Memorial
- Guest Speaker and laid a wreath at the ANZAC Day Service at the Claremont War Memorial
- Hosted and laid a wreath at the 11.00 a.m. Glenorchy ANZAC Day Service

Thursday, 26 April 2018

- Chaired the Safer Communities Committee meeting
- Attended as guest speaker a meeting with the Paraquad Tasmania Board

Friday, 27 April 2018

- Attended the Community Voice Coalition Working Group meeting

Saturday, 28 April 2018

- Attended the Dedication of Headstones to World War 1 Veterans Ceremony at New Norfolk

Sunday, 29 April 2018

- Participated in clean up Glenorchy Taskforce monthly activities
- Attended the Claremont RSL Ladies Auxiliary Soup and Sandwich Luncheon
- Attended the Women's Glenorchy v Tigers football game

Monday, 30 April 2018

- Attended the Heart Week Combined Walking Groups Walk
- Chaired the Council Meeting

Tuesday, 1 May 2018

- Attended the West Moonah Community House Luncheon
- Attended a meeting with Andrew Wilkie MP

Wednesday, 2 May 2018

- Attended a meeting with residents
- Attended a meeting with residents
- Attended a meeting with Worksafe
- Attended a meeting with Josh Willie MLC
- Hosted a Thank You Event for volunteers of the Moonah Taste of the World Festival

Thursday, 3 May 2018

- Attended the Karadi Meet Your Neighbour BBQ
- Attended the Berriedale Belligerents meeting

Friday, 4 May 2018

- Attended the Hear Our Voices Forum
- Attended a meeting of Elwick Bay Users

Saturday, 5 May 2018

- Attended the Red Shield Luncheon and Glenorchy v Clarence game at KGV

Monday, 7 May 2018

- Attended a meeting with a resident
- Chaired a Council Workshop

Tuesday, 8 May 2018

- Attended a meeting at with KGV users
- Attended a meeting with Scott Bacon MP
- Attended a meeting with a representative from a Knights Cricket Club

Thursday, 10 May 2018

- Attended the TasWater Owners' Meeting in Launceston
- Attended the University of Tasmania Dinner

Friday, 11 May 2018

- Attended the Glenorchy Primary School assembly

Saturday, 12 May 2018

- Attended and laid a wreath at the Battle of the Coral Sea Commemoration Service

Monday, 14 May 2018

- Guest Speaker at the Combined Claremont Probus meeting
- Attended a meeting with media
- Chaired the Council Workshop
- Chaired the Glenorchy Planning Authority meeting

Tuesday, 15 May 2018

- Attended a meeting with media
- Attended a meeting with David O'Byrne MP

Wednesday, 16 May 2018

- Chaired the Glenorchy and Hobart Public Transit Corridor Committee meeting
- Attended a meeting with a representative from the Social Action Research Centre
- Attended a meeting with Elise Archer MP

Thursday, 17 May 2018

- Attended the LGAT Mayors' Professional Development Day in Launceston

Friday, 18 May 2018

- Attended the LGAT General meeting in Launceston
- Attended the Goodwood Community House Bingo Night

Saturday, 19 May 2018

- Attended a meeting with residents

Monday, 23 April 2018

- Attended an interview on ABC Radio Morning program
- Attended a meeting with a media
- Chaired the Council Workshop

Numerous internal Council meetings and administrative duties were also undertaken.

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 Tuesday, 24 April and Monday, 21 May 2018.

9. DRAFT TERMS OF REFERENCE FOR THE WORKING GROUP OF THE COALITION OF COMMUNITY ORGANISATIONS CONCERNED ABOUT GAMBLING

Author: Coordinator, Community Planning and Engagement (Andrea Marquardt)

Qualified Person: Acting Director Community, Economic Development and Business (David Ronaldson)

ECM File Reference: Gambling

Community Plan Reference:

Making Lives Better

Our social, recreational and cultural facilities, events and experiences will attract and retain people in Glenorchy to share our wonderful way of life.

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 in a place where business can establish and continue to flourish.

Strategic or Annual Plan Reference:

Making Lives Better

Objective 1.1 Know our communities and what they value

Objective 1.2 Support our communities to pursue and achieve their goals

Open for Business

Objective 2.1 Stimulate a prosperous economy

Objective 2.2 Identify and support priority growth sectors

Reporting Brief:

To present the draft Terms of Reference for the Coalition of Community Organisations Concerned About Gambling working group to Council and to seek the endorsement of Council's involvement in the working group.

Proposal in Detail:

Background

In 2016, Council resolved to join the Coalition of Community Organisations Concerned About Gambling (**the Coalition**).

At its meeting on 4 July 2016, Council adopted the recommendation to join the Coalition and authorised the General Manager to provide a submission on Council's behalf to the State Government expressing concern over the high number of electronic gaming machines in Glenorchy's clubs and hotels and the consequent impact on the Glenorchy community. A copy of the report presented at the 4 July 2016 Council meeting is Attachment 1.

At its meeting on 21 November 2016, Council received a further report (Attachment 2) that detailed Council's commitments and responsibilities as a result of joining the Coalition, the work being undertaken by officers, and the introduction of the *Gaming Control Amendment (Community Interest) Bill 2016* to State Parliament.

Following the two reports in 2016, Council subsequently made a submission to the State Parliamentary Enquiry on Gambling and has remained a member of the Coalition (Attachment 3).

Current Situation

Following the recent State Government election in March 2018, the Coalition re-launched its campaign and developed a draft Terms of Reference for a Working Group (Attachment 4).

The Working Group draws on organisations that are active within the Coalition and aims to monitor the direction of the campaign, to undertake activities in line with the Coalition's strategies and goals and to communicate regularly with the broader Coalition about the activities that the broad variety of members can undertake.

Council will note that the draft Terms of Reference include the following:

- The Tasmanian Council of Social Services will prepare meeting agendas, coordinate meeting appointments and room bookings, and take and circulate minutes (including action items), and
- the Working Group will be chaired by rotation among its members, with the chair to be nominated at each meeting.

Consultations:

In the preparation of the two previous reports to Council officers from the following departments were consulted:

- Community Development
- Community Planning and Engagement, and
- Corporate Governance.

Human Resource / Financial and Risk Management Implications:

Financial

There are not currently any financial implications.

Human resources

Council's participation in the working group will result in officer and Aldermanic time being allocated to this action in the form of attendance at a meeting approximately once every two (2) months.

Risk management

The risk management implications are as follows:

Risk Identification	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the recommendation	Minor (C2)	Possible (L3)	Low	Council continues to maintain links with the local business community, including clubs and hotels.
Council may receive negative feedback from community members and/or clubs and hotels with electronic gaming machines				
Do not adopt the recommendation	Moderate (C3)	Likely (L4)	Notable	Council supports participation in the Coalition of Community Organisations Concerned about Gambling Working Group, as recommended.
By not actively participate in the working group, Council will lose the opportunity to influence advocacy on this issue, leading to a greater risk of Council being impacted by the social and economic impacts of gaming machines and problem gambling in the local community.				

Community Consultation and Public Relations Implications:

Whilst preparing Council's submission to the State Parliamentary Enquiry on Gambling, a Public Forum on Poker Machines in Glenorchy was held with approximately twenty (20) attendees. A community survey on the same topic was also held, with 65 responders ([Attachment 5](#)).

As Council has been a member of the Coalition since 2016. It is not anticipated that continued participation will have a negative public relations impact.

Recommendation:

That Council:

1. NOTE the Draft Terms of Reference for Working Group formed by the Coalition of Community Organisations Concerned About Gambling, and
2. ENORSE Council's participation in the Working Group.

Attachments/Annexures

- 1 [!\[\]\(687b6c142f51ac6f390f8bd444e38d03_img.jpg\) Report to Council 4 July 2016 \(Request to Join Coalition of Community Organisations Concerned About Gambling\)](#)
- 2 [!\[\]\(861b7aaa71df51b93037a486c3b17630_img.jpg\) Report to Council 21 November 2016 \(Decision to Join the Coalition of Community Organisations Concerned About Gambling\)](#)
- 3 [!\[\]\(605f40b2c3d6e1d01a5766f59c82e1d4_img.jpg\) Glenorchy Submission on Future Gaming Markets in Tasmania](#)
- 4 [!\[\]\(5f28278c0ebbde07efa8ee7d80530cb7_img.jpg\) Draft Terms of Reference for Working Group](#)
- 5 [!\[\]\(c982d49bb610fbb6c7f10026c3033e9e_img.jpg\) Community Survey on Poker Machines in Glenorchy LGA](#)

ENVIRONMENT

10. PROPOSED WASTE MANAGEMENT FEES AND CHARGES 2018/19 FINANCIAL YEAR

Author: Manager, Waste Services (Shafiq Mohamed)

Qualified Person: Director, Infrastructure and Works (Ted Ross)

ECM File Reference: Fees and Charges

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 4.1.2 Manage the City’s assets soundly for the long term benefit of the Community.

Reporting Brief:

This report seeks Council’s adoption of the recommended fees and charges for Kerbside Waste Services and Landfill for the 2018/19 financial year.

Proposal in Detail:

Future challenges

Glenorchy City Council faces a series of challenges in respect to the future management of waste and recycling. The cost of waste disposal is increasing as Jackson Street landfill is coming to the end of its life and Council needs to find alternatives. Meanwhile, China’s ban on accepting certain recycled materials has increased the cost of recycling.

Council is attempting to meet these challenges by investigating the possible expansion of the Jackson Street landfill site and looking at ways to increase the effective separation and recycling of materials.

It is important that Council charges appropriate fees to reflect the increases in costs and allow for planning for the future. The amount charged at the landfill needs to be competitive to ensure that Council continues to receive the significant waste disposal from commercial sources both within Glenorchy and from other municipalities that it currently does.

Domestic disposal and kerbside services make up less than 15% of the disposal to Council’s landfill. Consequently, the proposed increases in waste disposal are designed to have a minimal impact on ratepayers.

1. KERBSIDE GARBAGE COLLECTION CHARGES FOR 2018/19

Residential Kerbside Garbage Collection

In accordance with Council's Waste Services Policy ([Attachment 1](#)), every residential tenement in Glenorchy is provided with a garbage collection service.

Individual houses are provided with the Council's standard service which is a 140 litre bin collected fortnightly. Multiple unit dwelling residents are provided with a shared service with either 140 litre or 240 litre bins (depending on the number of units in the complex), collected weekly.

Commercial tenements can participate in the kerbside collection service but this is optional.

For the 2018/19 financial year, a 5% fee increase is proposed from last year for residential garbage kerbside collection. The increase is required to offset the overall increases in expenses for the garbage collection service, which includes collection contracts, disposal and administration salaries.

The proposed increases in charges for the relevant residential garbage categories are set out in the following table:

SERVICE TYPE	17/18 fees	Increase %	Increase amount	Total charge	Final rounded charge 18/19
Garbage - 140 ltr F/N	\$82.10	5%	\$4.10	\$86.20	\$86.20
Garbage - 140 ltr W	\$163.90	5%	\$8.20	\$172.10	\$172.10
Garbage - 240 ltr F/N	\$140.60	5%	\$7.00	\$147.60	\$147.60
Garbage - 240 ltr W	\$280.90	5%	\$14	\$294.90	\$294.90
Shared Garbage Service	\$82.10	5%	\$4.10	\$86.20	\$86.20
Note: 1. W – weekly, F/N – fortnightly. 2. Any Residential tenements can now upgrade their garbage service type from a 140 litre service to a 240 litre service fortnightly by paying the listed above. There is no minimum number of residents required to utilise this service. Upgrades are required to be applied for by the ratepayer for the property. 3. Weekly collections are for unit complexes, however all individual bin service residents have the option to upgrade to weekly collection by arrangement directly with Council's kerbside garbage collection provider, Veolia.					

Commercial Kerbside Garbage Collection

Non-residential tenements (i.e. commercial premises) are able to participate in the kerbside collection service. Bins are emptied fortnightly.

It is proposed to increase the commercial garbage fees by 5% from last year. The commercial service fees do not attract any GST.

The proposed increases in charges for the relevant commercial recycling categories are set out in the following table:

SERVICE TYPE	17/18 fees	Increase %	Increase amount	Total charge	Final rounded charge 18/19
Com/Garbage - 140 ltr F/N	\$142.50	5%	\$7.10	\$149.60	\$149.60
Com/Garbage - 140 ltr W	\$248.50	5%	\$12.40	\$260.90	\$260.90
Com/Garbage - 240 ltr F/N	\$244.60	5%	\$12.20	\$256.80	\$256.80
Com/Garbage - 240 ltr W	\$425.60	5%	\$21.30	\$446.90	\$446.90
Note: W – weekly, F/N – fortnightly, Com – Commercial/non residential No shared service available for commercial tenements.					

2. KERBSIDE RECYCLING COLLECTION CHARGES FOR 2018/19

Residential Kerbside Recycling Collection

In accordance with Council's Waste Services Policy ([Attachment 1](#)), every residential tenement in Glenorchy is provided with a recycling collection service.

The latest revision to the Waste Services Policy (based on the adoption of the Waste Management Strategy ([Attachment 2](#))) provides for all residents to be upgraded to a 240 litre recycling bin with collection of 240 litre bins to be the standard service provided by Council going forward.

Residents can 'opt out' of the 240 litre bin service by request, and will retain a 140 litre bin instead (a number of elderly residents in particular prefer the smaller bin because it is easier to move). However, the 240 litre bin will remain the standard, and the recycling charge will remain the same irrespective of whether a ratepayer opts for a smaller bin.

Overall, for the 2018/19 financial year, a 5% fee increase is proposed from last year for residential recycling kerbside collection to offset the overall increases in expenses to Council in providing a recycling collection service. Those expenses include collection contracts and recycling disposal, including extra salary and administration expenses. The most significant increased expense for Council is the cost of contracts to recycle material, caused by China's ban on accepting certain recyclable materials.

The proposed increases in charges for the relevant residential recycling categories are set out in the following table:

SERVICE TYPE	17/18 fees	Increase %	Increase amount	Total charge	Final rounded charge 18/19
Recycling - 140 ltr F/N	\$82.20	5%	\$4.10	\$86.30	\$86.30
Recycling - 140 ltr W	\$164.40	5%	\$8.20	\$172.60	\$172.60
Recycling - 240 ltr F/N	\$82.20	5%	\$4.10	\$86.30	\$86.30
Recycling - 240 ltr W	\$164.40	5%	\$8.20	\$172.60	\$172.60
Shared Recycling Service	\$82.20	5%	\$4.10	\$86.30	\$86.30
Note: W – weekly, F/N – fortnightly.					

Commercial Kerbside Recycling Collection

Non-residential tenements (i.e. commercial premises) are able to participate in the kerbside recycling collection service, with bins emptied weekly and fortnightly.

In-line with Council's goal to increase recycling and minimize waste to the landfill, and to encourage commercial business operators to upgrade their recycling bins before garbage bins, it is planned to:

- upgrade all commercial tenements' recycling bins from 140 litre to 240 litre, and
- reduce the current commercial recycling charges to be the same as the residential recycling charges.

There will be no difference in the fee for fortnightly (or weekly, if requested) recycling collection, irrespective of whether the premises has a 140 litre or 240 litre bin. The relevant charge will also be the same for both commercial and residential premises.

The number of commercial tenements currently supplied with recycling bins is comparatively lower than the number with garbage bins. By reducing the recycling charge for commercial tenements, it is hoped that more commercial ratepayers will start utilising Council's recycling service.

The commercial recycling service does not attract any GST. The following table shows the proposed charges for commercial recycling service.

SERVICE TYPE	17/18 fees	Decrease %	Decrease amount	Final rounded charge 17/18
Com/Recycling - 140 ltr F/N	\$143.80	~ 40%	\$57.50	\$86.30
Com/Recycling - 140 ltr W	\$287.20	~ 40%	\$114.60	\$172.60
Com/Recycling - 240 ltr F/N	\$143.80	~ 40%	\$57.50	\$86.30
Com/Recycling - 240 ltr W	\$287.20	~ 40%	\$114.60	\$172.60
Note: W – weekly, F/N – fortnightly, Com – Commercial/non-residential. No shared service available for commercial tenements.				

The kerbside garbage and recycling charges recommended in this report will allow for full cost recovery associated with providing these services. In previous years there has been cross subsidaries between garbage and recycling budgets.

3. GLENORCHY LANDFILL (JACKSON STREET WASTE MANAGEMENT): PROPOSED CHARGES FOR 2018/19

Commentary

General landfill information

Jackson Street Waste Management centre has been seeing increasing amounts of landfill over the last five years. The introduction of the recycling area has been recognised and taken up by the community, which has resulted in the landfill receiving more recyclables.

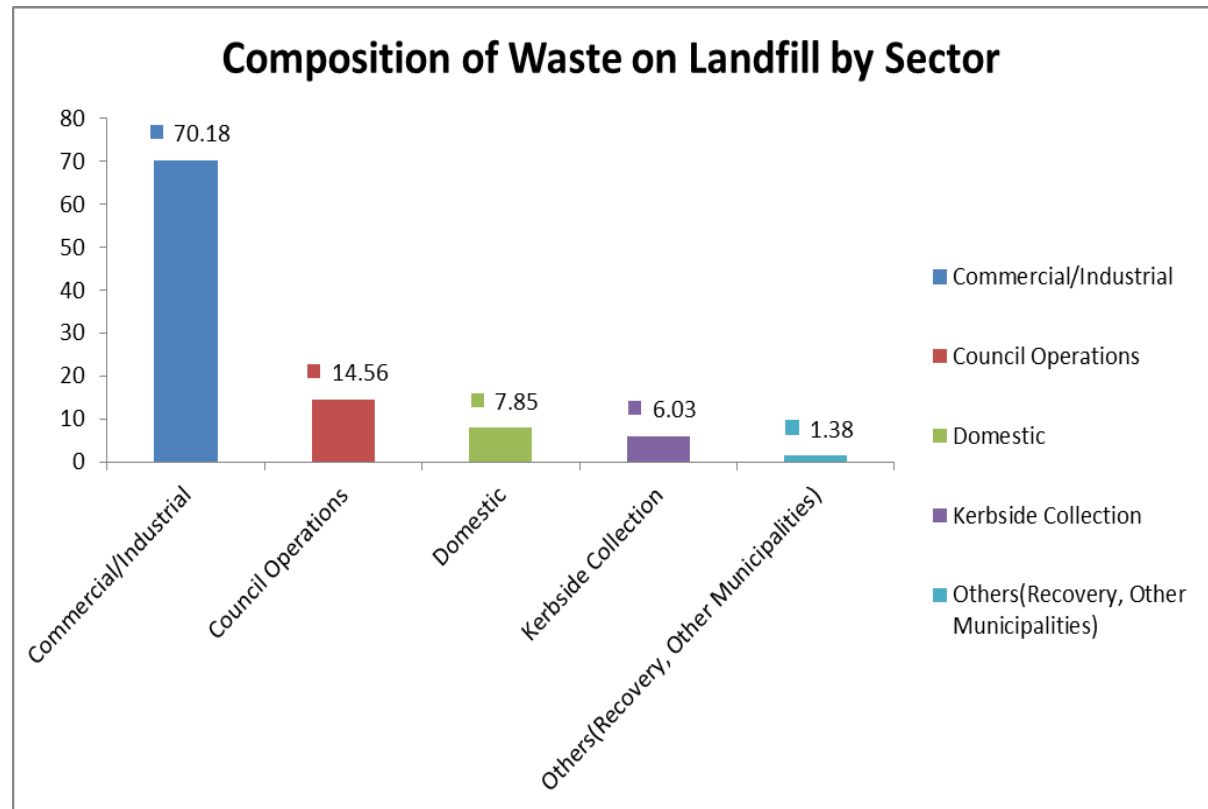
The growing volumes of waste entering the landfill increases the cost of operating the landfill in compliance with notices and guidelines issue by the Environmental Protection Authority (EPA).

An internal survey was done to study the composition of waste entering the landfill from various sectors. The survey was helpful to analyse the trend of different waste stream entering the landfill from different categories. The results of the tonnage data are represented in a graph, and the composition of waste is represented in the pie chart.

The below tables and charts represent the tonnages and composition of waste received at the landfill in terms of sector and waste types. For the purpose of this report, the average of last two and a half financial years' tonnages has been considered.

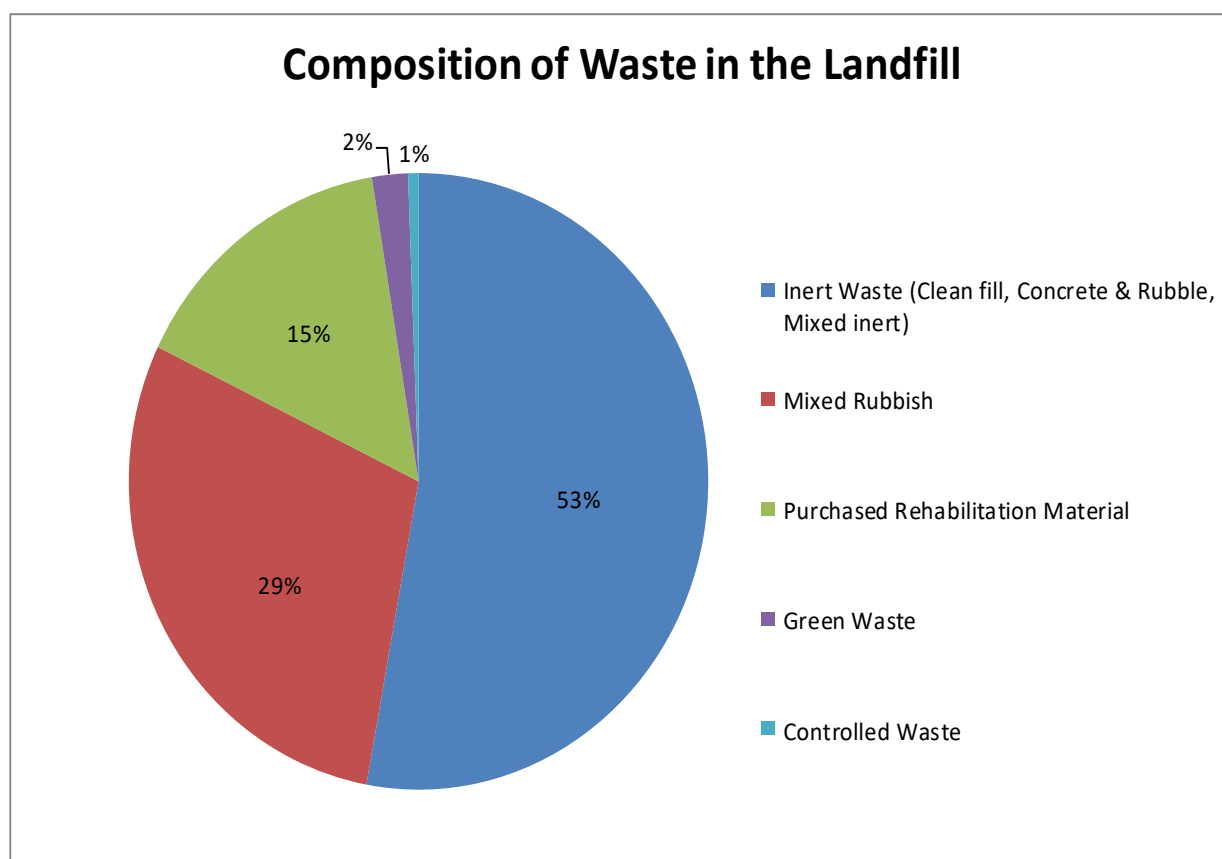
The following table and graph represents the composition of waste in the landfill from different sectors:

Waste Sectors	Average annual tonnes
Commercial/Industrial	93,190
Council operations	19,335
Domestic	10,427
Kerbside Collection	8,014
Others	1,811
Total:	132,777



The following table and graph represents the composition of waste types.

Waste types	Average annual tonnes
Inert Waste	70,219
Mixed Rubbish	38,907
Purchased Rehabilitation Material	20,243
Green Waste	2,665
Controlled Waste	743
Total:	132,777



The proposed fees and charges for the landfill for 2018/19 financial year have been formulated in consideration of the above data and also by comparison to the fees charged by other Councils.

For comparison purposes, Council's landfill charges over the past 10 years and a comparison table of other Councils landfill fees and charges for the 2017/18 Financial Year are Attachment 3 to this report.

Light Vehicle Charges

It is proposed to maintain the light vehicle categories rounded to the dollar. The adoption of this charge setting continues to provide increased efficiencies in tollbooth cash handling and better traffic flow for customers.

The main changes to the charges are proposed to have an increase ranging from \$3.00 - \$10.00 per transaction for different categories.

For example:

- the charge for a single boot load will remain \$10 per load
- the load less than 1m³ category will have an increase from \$17.00 to \$20.00 per load
- the load between 1m³-2m³ category will have an increase from \$23.00 to \$30.00 per load, and

- the load between 2m³ - 3m³ category will have an increase from \$35.00 to \$40.00 per load.

For certain categories of items, the prices will remain unchanged. Changes in prices for light vehicle categories are a reflection of surveys done over a period of few months to calculate the actual weight of the loads. The survey was carried out using the weighbridge in and weighbridge out data. Please note the trailers were only charged as per the light vehicle fees during the survey period.

The below table shows the average weight measured by light vehicle with trailers.

S.No	Light vehicles category	Average weight (tonnes)	No of vehicles surveyed
1	Load less than <1m ³	0.335	67
2	Green waste load <1m ³	0.302	99
3	Load between 1-2 m ³	0.489	25
4	Green waste load between 1-2 m ³	0.397	8
5	Load between 2-3 m ³	0.911	40

Based on the above table it is evident that the bigger trailers were bringing almost 1 tonne and paying the current fee of \$35.00 – \$40.00 per load. The current per tonne rate is \$80.00, meaning that these customers were obtaining a substantial discount.

Council will prepare a business case to look at the benefits of a dual weighbridge system to provide a fair and equitable operation.

Weighbridge Charges

It is proposed to increase the charge for general waste from \$80.00 to \$90.00 per tonne. These charges are GST inclusive.

The proposed increase of the fee by \$10.00 per tonne is to help offset the current costs and to fund the extra expenses the landfill has to incur to sustain its life and towards moving to alternate waste infrastructure. Any future move to a waste transfer station will require a new analysis of fees and charges to be undertaken (based on 'user pays' principles).

It is proposed to increase the charge for green waste in-line with general waste from \$70.00 to \$75.00 per tonne. This will cover the costs associated with processing the green waste using the current arrangements. However, this fee will be monitored in future years as the Environment Protection Authority (EPA) requirements for handling green waste vary.

The clean-fill charge per weighbridge vehicle is proposed to be increased from \$5.00 to \$10.00 per tonne. This increase is proposed due to the operational costs involved in accommodating the large volumes of clean-fill which are currently disposed at the landfill. However, the proposed price would remain competitive compared to other landfill/transfer stations in the region. Additionally, clean-fill is used for daily cover at different tip faces in the landfill and for roads, and therefore assists in keeping the landfill site operational. In the future, should landfill operations be modified to allow alternate use of cover, the amount of clean-fill required to operate the landfill may be reduced which would result in a consequent reduction in the requirement for Council to accept large quantities of clean-fill.

The free category for clean-fill has been retained to allow the option for large quantities (exceeding 1,000 tonnes) to be accepted at no cost when clean fill is urgently required for landfill covering operations.

Council should note that despite the quantities of clean-fill that are deposited Council has (in previous years) occasionally had to purchase clean-fill and/or rehabilitation material for daily covering of tip face to comply with the EPA permits requirements.

Controlled Waste Charges

It is proposed to increase the charges for disposal of Controlled Waste and Special Burial \$160.00 to \$180.00 per tonne. The Special Handling Charge applicable to each load of Controlled Waste is proposed to increase from \$125.00 to \$150.00 per transaction.

Quarantine Waste fees have not been set for the coming year as the Landfill does not accept quarantine waste anymore.

Council's Environmental Protection Notice (**EPN**) for the Landfill (received in March 2007) restricts controlled waste to asbestos, sharps, and animal waste disposals. Some controlled waste is accepted with EPA's special approval during annual operations.

The charges for boot load (\$50.00) and trailer load asbestos (\$100.00) are proposed to remain the same. The fee reduction for light vehicles for asbestos appears to have a positive effect on ensuring that small loads of asbestos are disposed of appropriately at the landfill.

Concession tip passes

Council has been providing free tip passes/concessions to not-for-profit and charitable organisations to dispose of the waste at the Jackson Street Landfill.

The concession pass scheme is also occasionally extended to Clean up Australia activities and other special requests, at the discretion of the General Manager and/or Manager Waste Services.

In 2016-17, the total discounts provided under the Scheme were \$9,936 (this was disclosed Council's Annual Report).

There are no proposed changes to the scheme for the upcoming financial year, meaning that those organisations will continue to receive the tip passes in the next financial year. This service provides valuable assistance to community based organisations to dispose of their waste.

If the State Government introduces a waste levy (discussed further below), the scheme will need to be reviewed.

Proposed Landfill Charges

The following table shows the proposed landfill gate fees for 2018/19 with a comparison of the current (2017-18) charges:

LIGHT VEHICLES (less than 3 tonne G.V.M – Gross vehicle mass.)	PROPOSED CHARGE FOR 2018/19	CHARGE FOR 2017/18
Boot Load (up to a maximum of 0.25m ³)	\$10.00	\$10.00
Vegetation/Green Waste Boot Load	\$10.00	\$10.00
Light Vehicles with or without trailers – charged per load		
Load less than 1 cubic metre (other than boot load)	\$20.00	\$17.00
Vegetation/Green Waste Load less than 1 cubic metre	\$20.00	\$17.00
Load between 1-2 cubic metres	\$30.00	\$23.00
Vegetation/Green Waste Load between 1-2 cubic metres	\$30.00	\$23.00
Load between 2-3 cubic metres	\$40.00	\$35.00
Vegetation/Green Waste Load between 2-3 cubic metres	\$40.00	\$35.00
Load greater than 3 cubic metres	\$50.00	\$40.00
Vegetation/Green Waste Load greater than 3 cubic metres	\$50.00	\$40.00
Clean Fill Per Load (conditions apply)	\$10.00	\$5.00
Controlled Waste Asbestos Boot Load	\$50.00	\$50.00
Controlled Waste Asbestos Load less than 1 cubic metre and between 1-2 cubic metre	\$100.00	\$100.00
Dead Animal	\$15.00	\$15.00
Whole car bodies	\$60.00 each	\$60.00 each
Half car bodies	\$30.00 each	\$30.00 each
Passenger Tyres	\$6.00 each	\$5.00 each
4 WD & Light Truck Tyres	\$10.00 each	\$10.00 each
Truck Tyres	\$20.00 each	\$20.00 each

LIGHT VEHICLES (less than 3 tonne G.V.M – Gross vehicle mass.)	PROPOSED CHARGE FOR 2018/19	CHARGE FOR 2017/18
Weighbridge (3 tonne G.V.M. or greater)		
Domestic and Commercial General Waste	\$90.00/tonne	\$80.00/tonne
Domestic and commercial green waste	\$75.00/tonne	\$70.00/tonne
Mixed inert	\$75.00/tonne	\$70.00/tonne
Clean Fill (conditions apply)	\$10.00/tonne	\$5.00/tonne
Clean Fill Free (conditions apply)	No charge	No charge
Sawdust	No Charge	No Charge
Brick/concrete/rubble (conditions apply)	\$60.00/tonne	\$50.00/tonne
Controlled Waste (EPA approved) and Special Burial Waste:		
Special Handling Charge (per transaction)	\$150.00/load	\$125.00/load
Controlled Waste (Non-Medical):		
First tonne or part thereof and each tonne thereafter	\$180.00/tonne	\$160.00/tonne
Special Burial Waste:		
First tonne or part thereof and each tonne thereafter	\$180.00/tonne	\$160.00/tonne

It is also recommended that Council does not continue its bulk waste arrangements with Southern Midlands Council (**SMC**), as Council has done in previous years. The SMC currently receives a 30% discount on any deposits to the landfill. Not continuing this will result in the SMC no longer receiving a discount.

The proposed volumetric charges are also presented in the recommendations to this report (see Table 4 in the recommendations). Volumetric charges are applied when the weighbridge is non-operational. The charges are based on an approximate tonnage for the vehicles used. There are no increases proposed to the current volumetric charges.

4. OTHER CONSIDERATIONS

Southern Tasmanian Councils Association (STCA) – Waste Strategy South Contribution

Council makes an annual contribution to the STCA.

The STCA calculates the amount payable by Council as an annual lump sum amount based on the contributions that member Councils make to STCA. For next financial year, no allocations have been made for any membership fee payable for the STCA waste body, Waste Strategy South (**WSS**). This is based on the Council's decision made at the 30 April 2018 Council meeting to withdraw from participation in WSS and not make any further financial contributions.

Funds have been proposed in the draft Council budget for 2018/19 for Council to carry out its own in-house waste educational activities.

State Government Waste Levy implications

The 2018/19 fees and charges do not include any proposed State government waste levy.

The State Government has not indicated that a state-wide waste levy will be introduced during the 2018/19 financial year. If a state-wide waste levy is introduced, it is likely to be around \$10 per tonne.

The imposition of a levy would result in a need for Council to revisit its waste services charges. A further report will be submitted to Council seeking revision of the fees and charges in the event that a waste levy is imposed.

Future landfill options

A detailed landfill survey and closure fill plan prepared by Council's consultants (SEMF) has suggested that the current life of the landfill will extend to 2020 for putrescible waste at the unlined current tip face under the current filling pattern. The recommendations contained in SEMF's report are currently being considered by the Environment Protection Authority (EPA) for final approval of landfill closure and rehabilitation plans.

The latest revised plans explore the possibility of utilising one of the current cells in the landfill to potentially extend its life span. The cell in question (known as the quarry area) is currently unlined, and is utilised for the deposit of inert waste. Initial discussions with EPA indicate that if Council can demonstrate that the new area can be lined with clay and operated under the EPA's landfill sustainability guidelines, there is a scope for the life of the landfill to be extended beyond 2020. However, the filling plan and new landfilling requires approval from the EPA and a new Environment Protection Notice (EPN) license to operate. At this stage, the preliminary cost estimate to line the quarry area is be around \$2 million. Currently there is no current budget allocation for this amount, meaning that there would need to be a Capital works budget allocation in the coming years.

Council's Waste Management Strategy also contemplates a move towards the construction of a waste transfer station once the Jackson Street landfill is closed. This will be the subject of separate briefings to Council and detailed independent expert consultant reports which will present various options for Council to consider.

Consultations:

Executive Leadership Team
Director Infrastructure and Works
Waste Services Coordinator
Landfill Coordinator
Waste/Landfill/Tollbooth staff
Finance Section

Human Resource / Financial and Risk Management Implications:

The fees and charges recommended for both kerbside collection and landfill have generally increased by varying percentages.

The expected revenue from this fee structure has been included in the draft budget for 2018/19. It is envisaged that other changes may be considered in the future years depending on the landfill quantities and revenues and towards future infrastructure changes and also if any major changes in respect to recycling charges occur due to China's ban on recycling materials.

Community Consultation and Public Relations Implications:

No community service obligation contribution is required from the general rate. The waste management charges will be reflected in the rates notices and be published on Council's website. Landfill fees and charges will be published to all landfill customers after Council approval as landfill flyers, website, and price boards at the landfill and in the Waste/Recycle Calendar that is issued to all residents in July.

Recommendation:

That Council:

1. APPROVE the residential kerbside refuse collection and recycling fees for the 2018/19 financial year in accordance with Table 1:

Table 1:

Service Type	2018/19 Charge
Garbage - 140 ltr F/N	\$86.20
Garbage - 140 ltr W	\$172.10
Garbage - 240 ltr F/N	\$147.60
Garbage - 240 ltr W	\$294.60
Shared Garbage Service	\$86.20
Recycling - 140 ltr F/N	\$86.30
Recycling - 140 ltr W	\$172.60
Recycling - 240 ltr F/N	\$86.30
Recycling - 240 ltr W	\$172.60
Shared Recycling Service	\$86.30
All charges listed in Table 1 do not attract Goods and Services Tax (GST), and are therefore GST exclusive.	

2. APPROVE the commercial tenements (non-residential properties) fees for the 2018/19 financial year in accordance with Table 2:

Table 2:

Service Type	2018/19 Charge
Com/Garbage - 140 ltr F/N	\$149.60
Com/Garbage - 140 ltr W	\$260.90
Com/Garbage - 240 ltr F/N	\$256.80
Com/Garbage - 240 ltr W	\$446.90
Com/Recycling - 140 ltr F/N	\$86.30
Com/Recycling - 140 ltr W	\$172.60
Com/Recycling - 240 ltr F/N	\$86.30
Com/Recycling - 240 ltr W	\$172.60
- This service is not compulsory, and is assessed by Waste Services staff - All charges listed in Table 2 do not attract a Goods and Services Tax (GST) and are therefore GST exclusive.	

3. APPROVE the disposal charges for the Jackson Street Waste Management Centre for the 2018/19 financial year in accordance with Table 3

Table 3

Light Vehicles (less than 3 tonne G.V.M.)	2018/19 Charge
Boot Load (up to a maximum of 0.25m ³)	\$10.00
Green waste/Vegetation Boot Load	\$10.00
Light Vehicles with or without trailers – charged per load	
Load less than 1 cubic metre (other than boot load)	\$20.00
Green waste/Vegetation Load less than 1 cubic metre	\$20.00
Load between 1-2 cubic metres	\$30.00
Green waste/Vegetation Load between 1-2 cubic metres	\$30.00
Load between 2-3 cubic metres	\$40.00
Green waste/Vegetation Load between 2-3 cubic metres	\$40.00
Load greater than 3 cubic metres	\$50.00
Green waste/Vegetation Load greater than 3 cubic metres	\$50.00
Clean Fill Per Load (conditions apply)	\$10.00
Controlled Waste Asbestos Boot Load	\$50.00

Controlled Waste Asbestos Load less than 1 cubic metre and between 1-2 cubic metre	\$100.00
Dead Animal	\$15.00
Whole car bodies	\$60.00 each
Half car bodies	\$30.00 each
Passenger Tyres	\$6.00 each
4 WD & Light Truck Tyres	\$10.00 each
Truck Tyres	\$20.00 each
Weighbridge (3 tonne G.V.M. or greater)	Charge
Domestic and commercial general waste	\$90.00/tonne
Domestic and Commercial Green Waste	\$75.00/tonne
Mixed inert	\$75.00/tonne
Clean Fill (conditions apply)	\$10.00/tonne
Clean Fill Free (conditions apply)	No charge
Sawdust	No Charge
Brick/concrete/rubble (conditions apply)	\$60.00/tonne
Controlled Waste (EPA approved) & Special Burial Waste - Special Handling Charge (per transaction)	\$150.00/load
Controlled Waste (Non-Medical)	
First tonne or part thereof and each tonne thereafter	\$180.00/tonne
Special Burial Waste	
First tonne or part thereof and each tonne thereafter	\$180.00/tonne
Conditions: - Clean fill: maximum particle size of 200 mm, which is suitable for cover material at the landfill and contains no organic material, steel, wire or timber. Charge to be waived for amounts exceeding 1,000 tonnes if required for cover material. - Brick/concrete/rubble: includes building and demolition waste, rock fill, road pavement material, concrete, bricks, but excluding large quantities of timber and clean fill.	
All charges listed in Table 3 are GST inclusive.	

4. APPROVE volumetric disposal charges (for use when the weighbridge is non-operational) for the Jackson Street Waste Management Centre the 2018/19 financial year in accordance with Table 4:

Table 4:

2018/19 Volume Based Charging Schedule for Vehicles 3 tonne GVM or Greater. These charges will only apply when the Weighbridge is non-operational:

Category	2018/19 Charge
Trucks GVM >3t to 7t	\$63.00
Trucks GVM >7t to 12t	\$149.00
Trucks GVM >12t Single Axle	\$233.00
Trucks GVM >12t Dual Axle	\$295.00
Dual Axle Trailers (behind trucks)	\$295.00
Skip/Bin up to 4m ³	\$83.00
Skip/Bin >4m ³ to 8m ³	\$170.00
Skip/Bin >8m ³ to 12m ³	\$254.00
Skip/Bin >12m ³ to 15m ³	\$316.00
Skip/Bin >15m ³ to 20m ³	\$422.00
Skip/Bin >20m ³ to 25m ³	\$528.00
Skip/Bin >25m ³ to 30m ³	\$633.00
Skip/Bin >30m ³	\$845.00
Compactors <7m ³	\$233.00
Compactors >7m ³ to 15m ³	\$485.00
Compactors <15m ³ half full	\$338.00
Compactors >15m ³ full	\$761.00
Compactors >15m ³ half full	\$507.00
Controlled Waste (EPA approved)	
First cubic metre or part thereof	\$151.00
Each cubic metre thereafter	\$151.00
Plus Special Handling Charge	\$125.00
Special Burial:	
First cubic metre or part thereof	\$151.00
Each cubic metre thereafter	\$151.00
Plus Special Handling Charge	\$125.00

5. RESOLVE to cease providing a discounted landfill rate for the Southern Midlands Council, and
6. RESOLVE to continue its concessional passes for current registered community organisations and Clean up Australia events and one off special requests at the discretion of General Manager and/or Manager Waste Services.

Attachments/Annexures

- 1  Waste Services Policy
- 2  Glenorchy Waste Management Strategy
- 3  Landfill Fees and Charges for Comparison

11. GLENORCHY CBD REVITALISATION PROJECT PROGRESS UPDATE (26 MARCH TO 28 MAY 2018)

Author: Engineering Projects Officer (Greg Blackwell)
Acting Manager, City Strategy and Economic Development
(Erin McGoldrick)

Qualified Person: Director, Infrastructure & Works (Ted Ross)

ECM File Reference: CBD Steering Committee

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:

Objective 3.1 Create a liveable and desirable City

Strategy 3.1.1 Revitalise our CBD areas through infrastructure improvements

Action 3.1.1.01 Implement the Glenorchy CBD Strategic Framework.

Reporting Brief:

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

Background:

At its meeting on 20 March 2017 (Item 8), Council resolved that a bi-monthly progress report of the Glenorchy CBD Revitalisation Project was to be provided. This is the seventh of the bi-monthly reports given pursuant to that resolution.

This report covers the period from 26 March to 28 May 2018.

Project Status:**1. Project Budget and Delivery Schedule**

The estimated cost of the CBD Revitalisation Project is \$5.795M (inclusive of the \$0.5M Public Space Enhancement grant, see below). The project is currently expected to be constructed over the 2017-18, 2018-19 and 2019-20 financial years.

The first stage of the works has commenced and is expected to be completed by the end of May 2018. This initial stage involves the provision of cycle lanes in Peltro Street that will provide a safer and improved connection between the InterCity Cycleway and the Main Road CBD. The works will also include an upgrade to the traffic signals on the corner of KGV Avenue and Peltro Street and improvements to the concrete ramp linking the Cycleway and the signals.

2. Funding Opportunities

Council was successful with an application under the State Government's vulnerable road users program for funding assistance with the Peltro Street cycle lane works (mentioned above). Once these Stage 1 works are finalised a completion audit will be undertaken and Council will be able to invoice the State Government for the grant amount (\$52,000).

3. Public Space Enhancement Grant

In 2015, Council received a Public Space Enhancement Grant from the State Government for the construction of a playground and kiosk in the Council forecourt area. This funding has remained unspent because the outcomes of other Council projects and analysis of potential impacts was required in order to ensure any commitment to expending the grant funds was strategically prudent.

A further delay occurred during 2016 whilst Council awaited the outcome of its application for funding through the Building Better Regions Fund (**BBRF**) (which was ultimately unsuccessful).

As reported in the March update to Council, community engagement findings provided information that was integrated into the playground designs. Since this report Council officers have put any further development on hold to allow Council to consider its current financial position and reevaluate expenditure priorities with regard to all capital projects including renewals.

A full report to Council on the progress and future of this project will be tabled at the June meeting of Council.

4. CBD Project Steering Committee

The CBD Project Steering Committee has met twice during the reporting period. Key topics discussed or tasks progressed at these meetings were as follows:

- project management and governance structure
- project timelines
- status of stages 1 and 2 of the project

- project communications
- the Public Space Enhancement Grant (Glenorchy Playground Project)
- public art project
- review of CBD street lighting, and
- miscellaneous project issues.

The next steering committee meeting is scheduled for 14 June 2018.

5. CBD Revitalisation Communications Plan

A communications strategy for the design and construction phase of the project to inform the community and local businesses of project developments and issues has been finalised and was endorsed by Council at the meeting held on 31 October 2017.

Project updates to the community will continue to be published in the Glenorchy Gazette and on Council's website.

6. Public Art

Public art is recognised through the community plan and the concept urban design report to be an integral part to the success of the project.

The process for public art to be implemented as part of this project has been discussed by the CBD steering committee. The current timeline being considered for this aspect of the project is as follows:

2018-19: Develop a brief, EOI process, artist selection

2019-20: Community engagement, design development, planning permit

2020-21: Fabrication and installation

7. Current Key Project Activities

- construction of Stage 1 of the CBD project (Peltro Street Cycle Link) is underway. Works are expected to be finalised by the end of May 2018.
- detail design of Stage 2 has been completed. This second stage of the CBD project will include new footpaths and kerbs in the vicinity of the recently opened Glenorchy Integrated Care Centre (located on the corner of Main Road and Barry Streets). These works will also include the replacement of footpaths and kerbs on the northern side of Main Road (from the Northgate entry/exit to O'Brien's Bridge). We are expecting that construction of this stage will commence in early June 2018.
- a review of street lighting in the Glenorchy has been completed.

8. Next Steps and Future Tasks

- design work to be progressed on the balance of the project (Main Road between Terry and Barry Streets)
- once the Peltro Street Cycle Link has been completed an audit of the works will be undertaken with the Department of State Growth

- the report into street lighting in the CBD is to be reviewed by Council officers. A brief will then be prepared to engage a consultant to design the lighting and electrical infrastructure requirements for the CBD
- Council officers to review the proposed urban design initiatives that have been put forward for consideration by the projects consultants and provide recommendations on the final treatments, materials and products to be used throughout the project
- project estimates to be updated
- specialist arborist advice to be sought for existing and new street trees
- Council to continue liaising with the Department of State Growth regarding obtaining approval for the proposed raised table pedestrian crossing points (speed humps)
- development of tactical urbanism/place activation activities in the study area. Tactical urbanism/place activation being low-cost, temporary changes to the street or public spaces, intended to facilitate activities and connections (cultural, economic, social, ecological) that define a place.

Consultations:

Business community
CBD Steering Committee
Key Council staff
Department of State Growth
Urban design consultants

Human Resource / Financial and Risk Management Implications:

Council is now entering the final design and construction phase of the project. A review of overall project management structure is being undertaken in order to ensure an appropriate governance model is in place to facilitate the successful delivery of the project.

Once the above review of project management structure has been completed, it is expected that the a decision will be made on how best to deliver the project in terms of timeframes, resources, budgetary constraints and what is in the best interest of the community and local traders.

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.

As mentioned previously, a communications plan has been developed for the design and construction phase of the project and has been endorsed by Council.

Council staff has been and will continue to consult with and provide updates to stakeholders (community and traders etc.) as the project develops.

The Public Space Enhancement Grant deed that Council has entered into with the State Government reserves the right of the Department of Premier and Cabinet to make public (including media) announcements in relation to, and otherwise report upon the grant, the awarding of the Grant and any Relevant Matter. The Department of Premier and Cabinet must be given no less than 15 business days' notice of any official launch, public event or media conference relating to the project.

Recommendation:

That Council:

RECEIVE and NOTE the CBD Revitalisation Project bi-monthly progress report for the period from 26 March to 28 May 2018.

GOVERNANCE

12. READOPTION OF ALDERMAN'S CODE OF CONDUCT

Author: Acting Director, Corporate Governance (Simon Scott)

Qualified Person: Acting Director, Corporate Governance (Simon Scott)

ECM File Reference: Code of Conduct

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 recommend that Council adopts an updated Aldermanic Code of Conduct Policy (incorporating the Model Code of Conduct).

Proposal in Detail:

Under section 28T(7) of the *Local Government Act 1993 (the Act)*, Council is required to review its Code of Conduct within three (3) months after each ordinary election. Taking this into account, it should be noted that it was thought prudent that Aldermen received appropriate familiarisation training on their roles and responsibilities under the Act, with specific reference to the Model Code of Conduct, the *Good Governance Guide* and ethical decision making, in accordance with Ministerial Direction 2(b)(i) and (ii). An aldermanic workshop co-facilitated by the Tasmanian Integrity Commission and the Director of Local Government covering the same was conducted on Monday, 7 May 2018.

The attached Aldermanic Code of Conduct Policy (incorporating the Model Code of Conduct) was adopted in its current form by the previous Council (Item 15 – 4 July 2016 - Attachment 1). The Policy has been drafted to take into account the recommended content to accompany the Model Code of Conduct, as prepared by the Director of Local Government.

It is noted that there have been no changes to the Model Code of Conduct over the intervening period and the model code was not a topic of concern in the recent targeted changes under the Act.

Any variations made to the Model Code of Conduct must be approved by the Minister responsible for Local Government (section 28T(3)). Whilst it is open to Council to amend the Model Code of Conduct, it is not recommended in the current circumstances.

The standards of conduct prescribed under the Model Code of Conduct for Aldermen include:

- Decision making - open and unprejudiced mind, made in best interest of the community
- Conflict of interest - personal or private interests do not or are not seen to influence the performance of an Alderman's role
- Use of office - uses their office solely to represent and serve the community
- Use of resources - uses Council resources and assets strictly for the purpose of performing their role
- Use of information - uses information appropriately to assist in performing their role in the best interest of the community
- Gifts and benefits - adheres to the highest standards of transparency and accountability and is not being influenced by gifts or benefits
- Relationships with community, Aldermen and Council employees - be respectful in their conduct, communication and relationships in a way that builds trust and confidence in Council, and
- Representation – an Alderman is to represent themselves and Council appropriately and within the ambit of their role, and clearly distinguish between their views as an individual and those of Council.

Upon adoption of the Aldermanic Code of Conduct Policy, Council is required to provide a copy to the Director of Local Government within 14 days. In addition, the General Manager is required under section 28T(6)(a) of the Act to make a copy of Council's code of conduct available for 'for public inspection, free of charge, at the public office of Council during ordinary office hours and on its website'.

Consultations:

Mayor
General Manager

Human Resource / Financial and Risk Management Implications:

Financial

There are no material financial implications.

Human Resources

There are no material human resources implications.

Risk Management

Risk Identification	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Do not adopt the recommendation If Model Code of Conduct (as incorporated in the Aldermanic Code of Conduct Policy) is not adopted, then Council is breach of the <i>Local Government Act 1993</i>	Moderate (C3)	Likely (L4)	Notable	Council adopt the Model Code of Conduct (as incorporated in the Aldermanic Code of Conduct Policy)

Community Consultation and Public Relations Implications:Community consultation

Nil

Public Relations

Nil

Recommendation:

That Council:

1. ADOPT the reviewed Aldermanic Code of Conduct Policy under section 27T of the *Local Government Act 1993*
2. AUTHORISE the General Manager to provide a copy of the adopted Aldermanic Code of Conduct Policy to the Director of Local Government within 14 days of Council's approval, and
3. NOTE that the General Manager (as required under section 28T(6)(a) of the Act) will make a copy of Council's Aldermanic Code of Conduct Policy available for public inspection, free of charge, at Council Chambers during ordinary office hours and on Council's website.

Attachments/Annexures

- 1  Aldermanic Code of Conduct

13. MEDIA POLICY

Author: Acting Manager, Governance and Risk (Bryn Hannan)
Media and Communications Advisor (Carolyn Docking)

Qualified Person: General Manager (Tony McMullen)

ECM File Reference: Council Policy

Council at its meeting on 30 April 2018 resolved that the matter be deferred to the meeting to be held on 25 June 2018.

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.

Reporting Brief:

To present a proposed Media Policy to Council for approval, which incorporates the amendments discussed in consultation with Aldermen.

Proposal in Detail:

Introduction

This report was originally considered by Council at the 30 April 2018 Council meeting. At that meeting, Council resolved to defer consideration of the adoption of the draft Media Policy to allow time for further consultation on particular clauses in the draft Policy.

Attachment 1 to this report is a copy of a proposed Media Policy (**Policy**) for consideration by Council.

Attachment 2 is a marked-up copy of the draft policy, which shows the changes made as a result of discussion at the Council workshop on 21 May 2018.

The Policy has been developed in response to direction 3 – Policies and Procedures of the Ministerial Directions provided to Council on 29 January 2018, which requires that Council develop, within 3 months:

“an appropriate policy in relation to media statements that is consistent with section 27(1)(e) of the Act and the Model Code of Conduct.”

In addition to the requirement in the Ministerial Directions, the Policy is an important operational document which will help ensure that clear guidelines and expectations are in place to govern Council's interactions with the media, and that these are communicated to both Aldermen and staff members.

Scope of Policy

The Ministerial Directions specify only that the Policy is required to apply to media statements, as long as it is consistent with the requirements of section 27(1)(e) of the *Local Government Act 1993 (the Act)* and the Model Code of Conduct (discussed further below).

Whilst the Policy has a specific section that addresses media statements, the scope of the draft Policy has been expanded to provide role definition and provide further guidance around the procedures to be followed by Aldermen and Council staff in their interactions in the media.

In effect, the policy simply reiterates that the Mayor is the official spokesperson of Council, and can authorise other Aldermen and staff to speak to the media where appropriate. This position is consistent with both section 27(1)(e) of the Act, and also with the Statement of Expectations signed by Aldermen and the General Manager on 16 April 2018 (and adopts some of the same wording).

The Policy also:

- expressly protects the right of Aldermen to engage in public debate or speak with or appear in the media, provided that they first seek the permission of the Mayor and don't misrepresent an official position taken by Council, and
- defines the role of Council's Media and Communications Advisor in overseeing media interactions and providing strategic advice and support to the Mayor and General Manager.

Compliance with regulatory requirements

The Ministerial Directions require that the Policy is consistent with:

- section 27(1)(e) of the Act, and
- the Model Code of Conduct.

Compliance with section 27(1)(e) of the Act

Section 27 of the Act relevantly provides:

“(1) The functions of a mayor are—

...

(e) to act as the spokesperson of the Council.”

That requirement is specifically addressed in the 'Role of the Mayor' section of the Policy, which is the first substantive part. The balance of the policy is focused on the notion that the Mayor retains the exclusive right to speak on Council's behalf but may authorise others to speak for Council where appropriate.

Accordingly, the requirement that the Policy complies with s. 27(1)(e) has been addressed.

Compliance with Model Code of Conduct

A number of provisions of the Model Code of Conduct are relevant. Those provisions and the corresponding part of the Policy that demonstrates compliance with them are summarised in the following table:

Clause in Model Code of Conduct	Relevant Part of Policy
Part 5 – Use of Information	
4. A councillor must only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation.	The adoption of the Policy by Council will satisfy the requirement for a policy to be in place governing the release of information (insofar as it applies to media communications).
Part 8 - Representation	
1. When giving information to the community, a councillor must accurately represent the policies and decisions of the Council.	Role of the Mayor <i>Any authorisation by the Mayor to communicate on behalf of Council is provided on the basis that all communications made on behalf of Council must deliver a consistent message, and must not be contrary to any official position adopted by Council, irrespective of whether that position has been previously expressed in public.</i>
2. A councillor must not knowingly misrepresent information that he or she has obtained in the course of his or her duties.	See above.
3. A councillor must not speak on behalf of the Council unless specifically authorised or delegated by the Mayor or Lord Mayor.	Role of the Mayor <i>Section 27 of the Local Government Act provides that the Mayor is the official spokesperson of Council. This function is not co-shared with other Aldermen or the General Manager other than at the Mayor's discretion. The Mayor is the only person authorised to speak on behalf of Council.</i>
4. A councillor must clearly indicate when he or she is putting forward his or her personal views.	Aldermen and Media <i>Aldermen speaking with or appearing in media, on a personal matter or expressing a personal opinion, must not seek to be identified as Aldermen, and must clearly indicate when they are putting forward their personal views.</i>
5. A councillor's personal views must not be expressed in such a way as to undermine the decisions of the Council or bring the Council into disrepute.	Role of the Mayor: <i>Any authorisation by the Mayor to communicate on behalf of Council is provided on the basis that all communications made on behalf of Council must deliver a consistent message, and must not be contrary to any official position adopted by Council, irrespective of whether that position has been previously expressed in public.</i> ...

Clause in Model Code of Conduct	Relevant Part of Policy
	<i>Aldermen and Media</i> <i>Aldermen speaking with or appearing in media, on a personal matter or expressing a personal opinion, must not seek to be identified as Aldermen, and must clearly indicate when they are putting forward their personal views.</i>

Council should note that it will be asked to consider an updated version of the Code of Conduct Policy at the current meeting. However there are no material changes to that policy, and accordingly the parts of the code referred to above remain relevant, irrespective of what Council resolves.

Existing Media Policy

Council has an existing policy entitled 'the Media' in its policy register ([Attachment 3](#)) (**the former policy**). The former policy was last reviewed in March 2013.

The former policy sought to differentiate between 'political' and 'factual' issues and delegated the ability to comment on certain 'Media issues of a factual nature' to the General Manager, who had the authority to further delegate those powers to Council staff. Additionally, the former policy gave Council staff (through the Manager, Administration and Executive Support) to initiate certain media events, ostensibly without consultation with the Mayor.

For the above reasons, the former policy is inconsistent with the requirements of section 27(1)(e) and the Model Code of Conduct and had the potential to lead to miscommunications with the media or inconsistent messages.

Accordingly, rather than try to amend the former policy, the Policy has been re-written. It is recommended that the old policy is rescinded.

Consultations:

Mayor
All Aldermen
General Manager

Human Resource / Financial and Risk Management Implications:

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

The risk management implications are as follows:

Risk Identification	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the recommendation	N/A	N/A	N/A	n/a
No material risks to Council have been identified as a result of adopting the Policy.				
Do not adopt the recommendation	Moderate (C3)	Almost Certain (L5)	Notable	Council adopts the Media Policy in the form of <u>Attachment 1</u>
Council will be in breach of a Ministerial Direction leading to a significant regulatory breach				
Confusion or uncertainty about roles and obligations when dealing with the media leads to the release of inconsistent or incorrect information, causing damage to Council's brand and reputation	Moderate (C3)	Possible (L3)	Moderate	Council adopts the Media Policy in the form of <u>Attachment 1</u> .

Community Consultation and Public Relations Implications:

This is an operational policy which addresses internal procedures and is also required for legislative and regulatory compliance. Accordingly, community consultation was neither required nor undertaken

The Policy is directly concerned with Public Relation matters, and specifically the promotion of the quality, consistency and timeliness of all media communications on behalf of Council. To that end, whilst the Policy reflects current practice, it is expected to have a positive public relations impact in that it will require consistent messaging that aligns within official Council positions. It will also act to prevent unauthorised communications purportedly expressed on behalf of Council and associated damage to Council's brand and reputation.

Recommendation:

That Council:

1. ADOPT the Media Policy in the form contained in Attachment 1, and
2. RESCIND the policy entitled 'The Media' in the form of Attachment 2.

Attachments/Annexures

- 1  Media Policy
- 2  Media Policy - Marked Up
- 3  Former policy - 'the Media'

14. CORPORATE REPORTING: GENERAL MANAGER'S OVERVIEW AND DIRECTORATE SUMMARIES

Author: General Manager (Tony McMullen)

Qualified Person: General Manager (Tony McMullen)

ECM File Reference: Corporate Reporting

Community Plan Reference:

Leading Our Community

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

Strategic or Annual Plan Reference:

Making Lives Better

Objective 4.1 Govern in the best interests of our community

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

Action 4.1.1.04 Implement the performance reporting system for corporate strategic planning.

Reporting Brief:

To provide Council with the Quarterly General Manager's Overview Report for the quarter ending 31 March 2018.

Proposal in Detail:

The Quarterly General Manager's Overview Report for Council for the quarter ending 31 March 2018 provides an overview of the Council's key strategic projects, core business activities, financial analysis, forecasting and monitoring of the Annual Plan.

Attachment 1 to is a copy of the Quarterly General Manager's Overview Report for Q3 2018, which is comprised of:

- General Manager's Overview Report
- Directorate Summary Reports, and
- Quarterly Annual Plan Progress Report.

Report Purpose

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

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

Consultations:

The General Manager's Overview Report is prepared in consultation with the Directors of each area of Council. Annual plan progress reporting is undertaken by individual management team members for each of their allotted annual plan actions and vetted by the Directors.

Human Resource / Financial and Risk Management Implications:

The Quarterly General Manager's Overview Report aids Council's risk management by regularly monitoring and reporting on the progress of Annual Plan actions, major projects, key activities of Council and financial performance. This enables Council to have oversight of the performance of the organisation, enabling informed decision-making and risk management.

Community Consultation and Public Relations Implications:Community consultation

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

Public relations

There are no material public relations implications.

Recommendation:

That Council:

RECEIVE and NOTE the attached General Manager's Overview and Directorate Summaries Report for the Quarter ending 31 March 2018.

Attachments/Annexures

- 1  General Manager's Overview Report - Q3

15. MINISTERIAL DIRECTIONS - AUDIT PANEL COMPLIANCE REVIEW

Author: Acting Director, Corporate Governance (Simon Scott)
 Qualified Person: Acting Director, Corporate Governance (Simon Scott)
 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 inform Council of the Audit Panel’s proposed approach to satisfying its requirements under Direction 5 of the Ministerial Directions and recommend that Council direct the audit panel to undertake the Council’s review of Council’s compliance directed by the Minister.

Proposal in Detail:

Under Direction 5(b)(Compliance) of the Ministerial Directions, Council is required to take steps to ensure compliance with all relevant legislation and instigating a culture of effective review by:

directing the Audit Panel to undertake an annual review of Council’s compliance with (though not limited to):

- a) the (Local Government) Act and the Local Government (General) Regulations 2015*
- b) the Local Government (Meeting Procedures) Regulations 2015 including the appropriate use of closed meetings and accuracy of relevant minutes*
- c) the Code of Tenders and Contracts*
- d) the Credit Card Policy*

- e) *the Code of Conduct*
- f) *the Statement of Expectations*
- g) *Council's policies and procedures, and*
- h) *Council's employment policies, to ensure the principles of merit based appointments is upheld.*

The Audit Panel met with the Director of Local Government on 18 April 2018 and in general terms, assurance was provided that the range of compliance checks does not have to be done at once. Rather, a methodical approach over the term of the Directions is acceptable.

Audit Panel's Proposed Approach

At its meeting on 3 May 2018, the Audit Panel discussed an approach to achieving the requirements under Direction 5(b).

The Chair of the Audit Panel has subsequently prepared a report to Council outlining how the Audit Panel proposes to approach the compliance review required under the directions, and providing specific comments in relation to how it proposes to review compliance with each of the areas that the Minister has directed.

A copy of the Audit Panel Chair's report is [Attachment 1](#).

Council is requested to review and endorse the Audit Panel's proposed approach. The recommendations to this report would, if adopted, would address the Audit Panel Chair's recommendations in the report.

In addition to the matters set out in the Audit Panel Chair's report, a number of further comments about the compliance matters to be reviewed are provided by Council officers:

Direction	Commentary
Legislative Compliance	• Further discussion will be held between Corporate Governance and the Audit Panel with respect to any proposed compliance program and annual Council reporting requirements, with the view of meeting the Audit Panel's needs. • Of note, the Audit Panel Charter already provides under Part 4 (Functions of the Audit Panel) the ability to review Council's performance whether the Council is complying with: ○ the provisions of the Act and all other relevant legislation, and ○ its internal policies and procedures.
Local Government (Meeting Procedures) Regulations 2015	• It is recommended that a Council meeting and Glenorchy Planning Authority reporting register is completed and reported to Audit Panel, with the view that this is reported to Council on an annual basis.

Direction	Commentary
	- Indicatively, the register will include a number of indicators including (but not limited to): - meetings held - minutes of meetings confirmed without substantial amendment - minutes of meetings being signed by Chairperson (normally Mayor), and - number and nature of items dealt with in a closed session. - There is also scope for the Audit Panel to audit a yet to be determined number of closed Council reports to assess whether they meet the requirements under Regulation 15(2). - Further advice needs to be sought as to how Council can lawfully allow the Audit Panel access of the closed Council reports with the view of completing their proposed audit.
Code for Tenders and Contracts	Audit Panel are of a view that Council's Code for Tenders and Contracts was subject to a recent internal audit in February 2018 and that this could be followed up by another audit in FY 2019/20.
Credit Card Policy	- Audit Panel notes that this particular policy (i.e. Corporate Credit Card Directive) was recently reviewed in January 2018. - It is suggested that this is reviewed by the Audit Panel in late 2019.
Code of Conduct	The Code of Conduct (to be considered for re-adoption by Council in May 2018 in line with section 28T(7) of the Act) will need to be scoped further between Governance and the Audit Panel with respect to any proposed compliance program and annual Council reporting requirements, with the view of meeting the Audit Panel's needs.
Statement of Expectations	Further discussion will be held between Governance and the Audit Panel with respect to any proposed compliance program and annual Council reporting requirements, with the view of meeting the Audit Panel's needs.
Council Policies and Directives	Audit Panel are of the view that an annual review of Council's policy register as to currency and reviewed at the time specified would satisfy this sub-directive.

Direction	Commentary
Council employment policies	Audit Panel are of the view that this should be included in an internal audit program for FY 2018/19.

It is recommended that Council direct the Audit Panel to undertake an annual review of Council's compliance with the direction 5(b) and report back to Council in February 2019.

Consultations:

Audit Panel

General Manager

Acting Manager, Governance and Risk

Human Resource / Financial and Risk Management Implications:

Financial and Human Resources

There are no material financial or human resource implications other than ensuring that Governance is suitably resourced to assist the Audit Panel in its annual reporting obligations under Directive 5(b).

Risk Management

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	Moderate (C4)	Likely (L4)	Significant	Council continues to progress actions required to comply with these Directions

Community Consultation and Public Relations Implications:

Community Consultation

Community consultation is not necessary or required.

Public Relations

There are no material public relations implications of the decision.

Recommendation:

That Council:

1. NOTE the proposed approach by the Audit Panel to accommodate the requirements under Direction 5(b) of the Ministerial Directions, as reported
2. DIRECT the Audit Panel to undertake an annual review of Council's compliance with the following, in accordance with Direction 5(b) of the Ministerial Directions:
 - (a) *Local Government Act 1993*
 - (b) *Local Government (General) Regulations 2015*
 - (c) *Local Government (Meeting Procedures) Regulations 2015*
 - (d) Code for Tenders and Contracts
 - (e) Corporate Credit Card Directive (January 2018)
 - (f) Statement of Expectations (April 2018)
 - (g) Policies and Procedures, and
 - (h) Employment policies and merit based selection/appointment, and
3. NOTE the Audit Panel will report back to Council in February 2019 (and annually thereafter to the term of the current Council) as to Council's compliance under Direction 5(b) of the Ministerial Directions.

Attachments/Annexures

- 1  Report from Audit Panel Chair - Ministerial Directions

16. MINISTERIAL DIRECTIONS - MONTHLY REPORT

Author: Acting Director, Corporate Governance (Simon Scott)

Qualified Person: Acting Director, Corporate Governance (Simon Scott)

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 inform Council of the progress towards completing the action items out of the Ministerial Directions Implementation plan for the period ending 18 May 2018.

Proposal in Detail:

At its meeting of 30 April 2018, Council was informed of the progress of satisfying the Ministerial Directions (as at 19 April 2018).

In the last monthly report to Council, it was mistakenly recorded that 'Council had completed an additional nine (9) actions (bringing the total of 19 completed actions to date)'. In fact, Council had completed an additional **eleven (11)** actions, bringing the total of **21** completed actions to date.

As per [Attachment 1](#), there are 58 Ministerial Direction actions that are required to be undertaken by Council.

As at the date of this Report, Council had completed an additional three (3) actions, (bringing to 24 the total of completed actions to date), as follows:

- facilitating training within three (3) months for all Aldermen on, though not limited to: their roles and responsibilities under the Act, with specific reference to the Model Code of Conduct, and the *Good Governance Guide*
- facilitating training within three (3) months for all Aldermen on, though not limited to: ethical decision making, and

- facilitating training within three (3) months for all Aldermen on, though not limited to: meeting procedures as per the Act and the *Local Government (Meeting Procedures) Regulations 2015*

Council's progress of actions required to comply with the Directions is summarised below:

- Actions completed 24
- Actions being actively progressed 25
- Actions not yet started but within time 8, and
- Actions not yet started and/or outside due date 1

58

Council will consider the adoption of an appropriate policy in relation to media statements that is consistent with section 27(1)(e) of the Act and the Model Code of Conduct at the current meeting. Consideration of the media policy was deferred at the 30 April 2018 Council meeting to allow further consultation with Aldermen.

Consultations:

Mayor
General Manager

Human Resource / Financial and Risk Management 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	Moderate (C4)	Likely (L4)	Significant	Council continues to progress actions required to comply with these Directions

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

Community Consultation and Public Relations Implications:

There has been no community consultation due to the nature of the document.

Recommendation:

That Council:

1. NOTE the progress satisfying the Ministerial Directions in the form of Attachment 1 as at 18 May 2018.

Attachments/Annexures

- 1  Ministerial Directions Implementation Progress Report (May 2018)

17. PROCUREMENT EXEMPTIONS - MONTHLY REPORT

Author: Acting Manager, Governance and Risk (Bryn Hannan)

Qualified Person: Acting Director, Corporate Governance (Simon Scott)

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 13 April to 17 May 2018.

Proposal in Detail:

Council's Code for Tenders and Contracts (**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 **13 April to 17 May 2018**.

Consultations:

Executive Leadership Team

Human Resource / Financial and Risk Management Implications:

Nil.

Community Consultation and Public Relations Implications:

Nil.

Recommendation:

That Council:

RECEIVE and NOTE the monthly Procurement Exemptions Report for the period from 13 April to 17 May 2018.

Attachments/Annexures

- 1  Procurement Exemption Register

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

Author: Acting Manager, Governance and Risk (Bryn Hannan)

Qualified Person: Acting Director, Corporate Governance (Simon Scott)

ECM File Reference: Actions List - Council Meetings

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

Objective 4.2 Prioritise resources to achieve our communities' goals

Strategy 4.2.1 Deploy Council's resources effectively to deliver value

Reporting Brief:

To provide Council with the Actions List (Open Council Meeting), updated following the Council meeting on 30 April 2018.

Proposal in Detail:

Key actions arising out of Council resolutions and/or throughout the general business of Council meetings are captured and distributed throughout Council for completion and update by departmental staff on a monthly basis.

The Actions List (Open Council Meeting) reports on the progress of the items on the list following the 30 April 2018 Council meeting.

The Actions List, updated following the Council meeting on 30 April 2018 is Attachment 1 to this report.

Consultations:

Relevant Council officers

Human Resource / Financial and Risk Management Implications:

Nil

Community Consultation and Public Relations Implications:

Nil

Recommendation:

That Council:

NOTE the progress of the items on the Actions List (Open Council Meeting) as updated, following the 30 April 2018 Council meeting.

Attachments/Annexures

- 1  Open Outstanding Actions (28 May 2018)

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

Answer to Previous Question Taken on Notice – 26 March 2018 Council Meeting

Alderman Fraser

Q: In relation to the recent demolition of a property in Charles Street, Glenorchy (which was discussed in relation to Item 17 in the open Council meeting), Alderman Fraser asked what further action could be taken by Council to recover the outstanding amount from the property owner?

A: Council has the right under the *Local Government Act 1993* to recover the amount incurred in demolishing the building as a debt due to it in a court of competent jurisdiction. Specifically:

- The building in question was demolished pursuant to an emergency order, issued under Part 18 of the *Building Act 2016* (**Building Act**)

- Section 269 of the Building Act provides:

“(2) If a person fails to perform the work required by any order under this Part within a specified time, the council may enter land or a building and perform the required work and may recover its expenses as a charge on the land and recoverable as if it were rates or charges under the [Local Government Act 1993](#)”. (emphasis added)

- In respect to how a Council can recover outstanding rates and charges, section 133 of the *Local Government Act 1993* relevantly provides:

“133. Recovery of rates

- (1) *A council may recover in a court of competent jurisdiction as a debt due to it –*
(a) any outstanding unpaid rates...”.

Accordingly, Council has the ability to institute debt recovery proceedings as a plaintiff in a Court of competent jurisdiction to recover any amount paid in respect of the demolition works, on the basis that that amount is recoverable as if it were a rate.

Alternatively, if any rates (including the demolition costs) have been outstanding for more than 3 years, Council has the power under section 137 of the [Local Government Act 1993](#) to sell the land to recover the unpaid amounts.

CLOSED TO MEMBERS OF THE PUBLIC

20. CONFIRMATION OF MINUTES (CLOSED MEETING)

21. APPLICATIONS FOR LEAVE OF ABSENCE

ENVIRONMENT

22. EXEMPTION TO REQUIREMENT TO INVITE PUBLIC TENDERS - KGV CONSULTANCY SERVICES BY SUGDEN AND GEE

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)(d) (Contracts and tenders, for the supply and purchase of goods and services and their terms, conditions, approval and renewal.)

GOVERNANCE

23. DERWENT PARK STORMWATER HARVESTING AND INDUSTRIAL REUSE SCHEME - FUTURE OF INDUSTRIAL REUSE COMPONENT

This item is to be considered at a closed meeting of the Council by authority of the Local Government (Meeting Procedures) Regulations 2015 Regulation 15(2)(b) (Information that, if disclosed, is likely to confer a commercial advantage or impose a commercial disadvantage on a person with whom the Council is conducting, or proposes to conduct, business.), 15(2)(c) (Commercial information of a confidential nature that, if disclosed, is likely to: prejudice the commercial position of the person who supplied it; confer a commercial advantage on a competitor of the Council; or reveal a trade secret) and 15(2)(i) (Matters relating to actual or possible litigation taken, or to be taken, by or involving the Council or an employee of the Council.)

24. KGV - MIGRANT RESOURCE CENTRE LEASE

This item is to be considered at a closed meeting of the Council by authority of the Local Government (Meeting Procedures) Regulations 2015 Regulation 15(2)(b) (Information that, if disclosed, is likely to confer a commercial advantage or impose a commercial disadvantage on a person with whom the Council is conducting, or proposes to conduct, business.)

25. AUDIT PANEL MINUTES AND CHAIR'S REPORT: 15 FEBRUARY 2018

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).

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

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

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