

Minutes of the Meeting of the Glenorchy City Council held at the Council Chambers on Monday, 28 May 2018 at 6.00 p.m.



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

In attendance: Mr. T. McMullen (General Manager), Mr. S. Scott (Acting Director Corporate Governance), Mr. T. Ross (Director Infrastructure and Works), Mr. D. Ronaldson (Acting Director Community, Economic Development and Business), Mr. P. Garnsey (Acting Director City Services and Infrastructure), Mr. B. Richardson (Acting Chief Financial Officer), Mr. B. Hannan (Acting Manager Governance and Risk), Ms. C. Higgins (Manager Legal and Procurement), Mr. S. Mohamed (Manager, Waste Services), Mr. F. Chen (Manager Infrastructure, Engineering and Design), Ms. V. Cooling (Special Projects Officer – Corporate Governance), Mr. S. Wicks (Legal Advisor)(Item 22), Ms. E. Richardson (Customer Service/Administration Officer) and Mrs. J. King (Mayoral and Executive Support Officer).

Seventeen (17) members of the public attended the open part of the Council meeting.

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

The Chair opened the meeting at 6.00 p.m.

The meeting began with a prayer by Pastor Joel Ortiz.

The Chair read the following two statements:

Statement 1

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

Statement 2

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

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

1. APOLOGIES

None

2. CONFIRMATION OF MINUTES

Resolution:

RICHARDSON/KING

That the minutes of the Council Meeting held on Monday, 30 April 2018 be confirmed, subject to the removal of the words “out the” from Alderman Thomas’ question in Item 19 (page 22 of the draft minutes).

The motion was put.

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

AGAINST:

The motion was CARRIED.

3. ANNOUNCEMENTS BY THE CHAIR

None.

4. PECUNIARY INTEREST NOTIFICATION

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

No interests were declared.

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?

The Mayor provided the following written response:

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?

The Mayor provided the following written response:

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 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?

The Mayor provided the following written response:

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 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)

Mr. Barry Smith - Glenorchy

Q: What steps are being taken to reduce costs and to realise any assets that may be used to help reduce the obvious problems that Council is having in setting their rates for this financial year? What is there that can be delayed for a period of time, and what assets that are currently held that may be costing more money to run than is being returned can be realised? If these questions cannot be addressed now, can they be addressed at the public meeting to be held next month?

A: The Mayor advised that Council has been active in the media in relation to the current financial situation and where we find ourselves, and that Council has tried to be open and transparent in relation to the current state of our finances. Council has had a number of workshops with management to receive full briefings on the true financial position of Council and are now starting to share that information with members of the public. The full picture will be shared with the public at the Community Budget Briefing session which is being held at the Moonah Arts Centre on 19 June 2018. Council is looking at all revenue and savings measures that can be utilised to improve the budget position.

The management team has been instructed to leave no stone unturned in trying to identify savings which can, in turn, reduce financial pressures on households in our community.

The next Council budget workshop is being held on 4 June 2018, at which management will report back on a number of measures, which will then be collated and reported to the Council at the 25 June Council meeting. All measures are being looked at, including asset sales and deferral of capital expenditure and other potential savings.

Mrs. Kaye Smith – Glenorchy

Q: To Alderman King: May I refer you to point 388 on page 85 of the Integrity Commission Report, tabled in Parliament last Tuesday, 22 May 2018, where on 12 December 2016 you sent an email to Mr. Brooks and Ms. Iskandarli where you said:

“Peter and Seva,

It would appear to me that the Mayor and Matt [Ald Stevenson] are hellbent on saying that the both of you are corrupt!

I am prepared to offer to the Mayor in open Council, if you are found to have done the wrong thing that I will offer my resignation as long as they are prepared to do the same if you are found in the right.

This is not a stunt as I have total confidence in the both of you.

I doubt she would take the offer up.

It seems to me that she is suggesting that the auditor general is corrupt or a fool also and he should be let know.

We must not give up!

Hope you are ok Pete.”

My question to you, Mr King, is are you a man of your word, and if so when shall we see your resignation in the light of the Integrity Commission Report which shows clearly that the three (3) people in question have often done the wrong thing? If you do not intend to stand by your written word, when can we expect a public apology to the Mayor and Deputy Mayor?

A: Ald. King advised that he would take the question on notice and would provide a written response to Mrs. Smith.

Mr. George Burrows - Granton

Q: In relation to the report to council in relation to waste fees and charges [Item 10], Mr Burrows asked whether the charges for kerbside waste collection are optional? The question was asked in the context there was no waste collection service provided in Mr Burrows' neighbourhood until approximately 20 years ago, and that residents who did not receive a kerbside collection service received a discount on their rates. Mr Burrows' view was that the way the report to Council was framed made it appear that it was possible opt out of the kerbside collection service and not pay the charge.

A: The question was taken on notice.

Q: Also in relation to the waste fees and charges report, Mr Burrows noted that the report referred to the arrangement for multiple dwellings in which residents share multiple bins for kerbside collection. Mr Burrows expressed indignation about this arrangement and asked whether the Council has considered any alternatives to this?

A: The question was taken on notice.

Q: In relation to Council's upcoming budget, Mr. Burrows noted that previous Council meetings in which Council had considered budgets, the decision was a *fait accompli* in that there was no opportunity for community input into the decision. Mr. Burrows asked whether the upcoming budget meeting would be conducted the same way.

A: The Mayor explained that there would be a Community Budget Briefing held at the Moonah Arts Centre on 19 June 2018 at which members of the public would be given a copy of the report to be considered by Council at the Council meeting on 25 June 2018. The report will detail the process that has been followed to prepare the budget, as well as all the information that Aldermen will vote on at the 25 June 2018 Council meeting. The public will be given the opportunity to ask questions about the information contained in the report, but unfortunately there will not be the opportunity to alter the budget papers due to the time constraints involved.

In relation to time constraints, the Mayor advised that the new Council was only elected in January, and in an ordinary year budget preparations would begin in the preceding October. Accordingly, the Mayor advised that unfortunately Council did not have the time to consult with the community about the budget to the degree that they would have liked.

Q: Has the issue of a levy for two years been considered? If not why not? Has the budget been divided into cost centres (some of which would preferably be profit centres)? If so, do those cost centres have performance criteria? Mr. Burrows advised that he considered that each of the cost centres should have similar performance criteria to those of the General Manager, to be judged at least six monthly either financially or by other indicators, depending on how they are couched.

A: The Mayor thanked Mr. Burrows for his questions, and advised that she hoped the community would be provided with all the details they required about how the budget was prepared at the Community Budget Briefing being held on 19 June 2018. The Mayor explained that Aldermen would be participating in a further budget workshop on 4 June 2018 at which they would consider a range of options presented by Management to reduce expenditure, which would then inform the budget papers which will be presented to the public at the community briefing. The Mayor advised that, accordingly, the community briefing was would be the perfect opportunity for Mr. Burrows' to ask these types of questions of Council.

Mr. Geoff Corrigan - Glenorchy

Mr. Corrigan presented a number of photographs to Aldermen of damage caused by the flooding of Humphreys Rivulet near a unit complex at 55 Grove Road (adjacent to the Grove Road bridge) during the storm event of 11 and 12 May 2018. Mr Corrigan noted that there was still a large amount of debris under the bridge which would need to be cleared in case of a similar event.

Mr Corrigan outlined some of the history of flooding in that area and mitigation action taken by Council, and referred to a previous Council By-law which provided that dwellings could not be constructed within five (5) metres of the banks of the rivulet, and that floor levels of those dwellings were required to be half a metre above the survey level of the Grove Road bridge.

Q: Mr Corrigan asked, in view of his comments, how the unit complex at 55 Grove Road, which was constructed in or about 2009, passed Council inspections given that it appeared to be constructed below the level specified in the By-law he referred to, and was closer than 5 metres to the watercourse.

A: The question was taken on notice.

Q: The photographs distributed by Mr Corrigan show that the flooding has undermined the driveway of the units at 55 Grove Road. Mr Corrigan asked whether Council is going to build gabion walls (or something similar) in that location to protect that property, similar to what it did after the 1996 floods?

A: Council's Director of Infrastructure and Works (Ted Ross) advised that Council currently has structural engineers assessing this location and preparing a proper design to ensure that there is a structural fix for this issue.

7. PETITIONS/DEPUTATIONS

None.

COMMUNITY

8. ANNOUNCEMENTS BY THE MAYOR

File Reference: Mayoral Announcements

Reporting Brief:

To receive the announcement of events by the Mayor.

Resolution:

STEVENSON/THOMAS

That Council:

RECEIVE the announcements about the activities of the Mayor's office during the period from Tuesday, 24 April to Monday, 21 May 2018.

The motion was put.

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

AGAINST:

The motion was CARRIED.

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

File Reference: Gambling

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.

Resolution:

KING/FRASER

That Council:

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

The motion was put.

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

AGAINST:

The motion was CARRIED.

ENVIRONMENT

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

File Reference: Fees and Charges

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.

Resolution:

KING/FRASER

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.

The motion was put.

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

AGAINST:

The motion was CARRIED.

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

File Reference: CBD Steering Committee

Reporting Brief:

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

Resolution:

FRASER/RICHARDSON

That Council:

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

The motion was put.

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

AGAINST:

The motion was CARRIED.

GOVERNANCE

12. READOPTION OF ALDERMAN'S CODE OF CONDUCT

File Reference: Code of Conduct

Reporting Brief:

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

Resolution:

RICHARDSON/DUNSBY

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.

The motion was put.

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

AGAINST:

The motion was CARRIED.

13. MEDIA POLICY

File Reference: Council Policy

Reporting Brief:

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

Resolution:

DUNSBY/STEVENSON

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.

The motion was put.

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

AGAINST:

The motion was CARRIED.

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

File Reference: Corporate Reporting

Reporting Brief:

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

Resolution:

SIMS/RICHARDSON

That Council:

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

The motion was put.

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

AGAINST:

The motion was CARRIED.

15. MINISTERIAL DIRECTIONS - AUDIT PANEL COMPLIANCE REVIEW

File Reference: Ministerial Directions

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.

Resolution:

STEVENSON/DUNSBY

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.

The motion was put.

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

AGAINST:

The motion was CARRIED.

16. MINISTERIAL DIRECTIONS - MONTHLY REPORT

File Reference: Ministerial Directions

Reporting Brief:

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

Resolution:

DUNSBY/KING

That Council:

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

The motion was put.

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

AGAINST:

The motion was CARRIED.

17. PROCUREMENT EXEMPTIONS - MONTHLY REPORT

File Reference: Procurement

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.

Resolution:

DUNSBY/FRASER

That Council:

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

The motion was put.

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

AGAINST:

The motion was CARRIED.

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

File Reference: Actions List - Council Meetings

Reporting Brief:

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

Resolution:

THOMAS/BULL

That Council:

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

The motion was put.

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

AGAINST:

The motion was CARRIED.

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.

Question without notice – Alderman Fraser

Q: Can Council release the SGS Economics report into Council amalgamations on Council's website?

A: The General Manager advised that when the Commissioner was appointed for Council, Council withdrew from any discussions around local government reform. The Commissioner advised at the time that Council would not participate in discussions until such time as an elected Council was returned. The General Manager advised that some neighbouring Councils had released the SGS report, however because Council has not participated in recent discussions around local government reform, we have not yet engaged publicly in relation to the report.

Consideration will be given to publishing the report on Council's website.

Council resolved to publish the following resolution, made during the closed part of the Council meeting, in the minutes of the open part of the Council meeting:

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

Resolution:

FRASER/BULL

That Council:

1. RESOLVE pursuant to Regulation 27(i) of the *Local Government (General) Regulations 2015* that a satisfactory result would not be achieved by inviting tenders for the supply of project management, consultancy and superintendent services on the KGV Project because of extenuating circumstances, namely:
 - (a) Sugden & Gee was engaged by Council on an urgent basis in April 2017 to provide advice, project management, consultancy and superintendent services to Council on the KGV project
 - (b) the project has experienced considerable problems with a high degree of complexity. Issues include defective or incomplete works, contractual disputes, and tenancy disputes. Sugden & Gee's assistance has been critical to Council's ability to manage those issues and progress the project towards an eventual outcome

- (c) at the time Sugden & Gee was engaged, it was intended that their engagement would only be required on a short-term basis. However, the ongoing issues plaguing the project have meant that it was not foreseen that their engagement would stretch as long as it has and incur costs approaching the \$250,000 threshold
 - (d) during its engagement, Sugden & Gee has developed extensive knowledge of all aspects of the project which can only be gained through many months of intensive work. There would be a significant detriment to Council in engaging a new consultant, given that they would not have the background information and would need to spend significant time familiarising themselves with the issues
 - (e) the quality of the services provided by Sugden & Gee has been exceptional, and there is no suggestion that the rates they charge are not competitive.
2. APPROVE the following expenditure on Sugden & Gee for ongoing services in relation to the KGV project
- (a) total expenditure for project management, consultancy and superintendent services of \$300,000 (noting that a total of \$210,565 has already been spent), and
 - (b) additional expenditure of \$50,000 for providing advice and assistance to Council in respect of the ongoing legal matters related to the KGV project.
3. After considering privacy and confidentiality issues, RESOLVE that the information contained in this report:
- (a) may be used and communicated by Council officers in the performance of their duties
 - (b) may be disclosed by the Mayor as the spokesperson of Council, and
 - (c) may not be disclosed by Aldermen.
4. RESOLVE that this resolution be published within the open Council Minutes for this meeting.

The motion was put.

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

AGAINST:

The motion was CARRIED.

Council resolved to include the following information, which formed part of a resolution made during the closed part of the Council meeting, in the minutes of the open part of the Council meeting:

24. KGV - MIGRANT RESOURCE CENTRE LEASE

Council resolved to settle the terms of a lease with the Migrant Resource Centre (**MRC**) including lease term of five years with options for two further five year lease terms and otherwise on such terms and conditions as have been negotiated with MRC and approved by Council.

Resolution:

KING/DUNSBY

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

The motion was put.

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

AGAINST:

The motion was CARRIED.

CLOSED TO MEMBERS OF THE PUBLIC

20. CONFIRMATION OF (CLOSED MEETING) MINUTES

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)

Resolution:

DUNSBY/SIMS

That Council move into Open Council.

The motion was put.

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

AGAINST:

The motion was CARRIED.

The meeting closed at 9.38 p.m.

Confirmed,

CHAIR