

COUNCIL AGENDA

MONDAY, 29 OCTOBER 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 blue ink signature of Tony McMullen.

Tony McMullen
General Manager

24 October 2018

Hour: 6.00 p.m.

Present:

In attendance:

**Workshops held since
last Council Meeting**

Date: Monday, 1 October 2018

Purpose: To discuss:

- Positive Ageing Strategy
- Safer Communities Strategy, and
- RAST briefing

Date: Monday, 22 October 2018

Purpose: To discuss:

- Roads by-law
- Waste management update, and
- Action Tracking System

TABLE OF CONTENTS:

1.	APOLOGIES	4
2.	CONFIRMATION OF MINUTES (OPEN MEETING)	4
3.	ANNOUNCEMENTS BY THE CHAIR	4
4.	PECUNIARY INTEREST NOTIFICATION	4
5.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	4
6.	PUBLIC QUESTION TIME (15 MINUTES).....	6
7.	PETITIONS/DEPUTATIONS.....	7
	COMMUNITY	8
8.	ANNOUNCEMENTS BY THE MAYOR.....	9
	ENVIRONMENT	13
9.	REQUEST TO INSTALL TELECOMMUNICATIONS INFRASTRUCTURE ON COUNCIL PROPERTY - KGV SPORTS GROUND	14
10.	OWNER'S CONSENT FOR A MINOR AMENDMENT TO PLANNING PERMIT APPLICATION AT THE BERRIEDALE FORESHORE RESERVE	18
11.	TOLOSA DAM DECOMMISSIONING AND REMEDIATION PROJECT	21
	GOVERNANCE	29
12.	PETITION - PROPOSED SALE OF THE DERWENT ENTERTAINMENT CENTRE AND DEVELOPMENT OF ADJACENT LAND	30
13.	COMMUNICATIONS STRATEGY	35
14.	2017/18 FINANCIAL STATEMENTS	41
15.	DRAFT SHORT STAY ACCOMMODATION BILL 2018	45
16.	DRAFT AUDIT PANEL CODE OF CONDUCT	51
17.	MINISTERIAL DIRECTIONS - MONTHLY AND THIRD QUARTERLY REPORT	54
18.	FINANCIAL PERFORMANCE REPORT TO 31 AUGUST 2018	57

19.	PROCUREMENT EXEMPTIONS - MONTHLY REPORT.....	60
20.	NOTICES OF MOTIONS – QUESTIONS ON NOTICE / WITHOUT NOTICE	63
20.1	QUESTION ON NOTICE - ALDERMAN STEVENSON - STATE GOVERNMENT LOAN OFFER.....	64
20.2	QUESTION ON NOTICE - ALDERMAN STEVENSON - POTENTIAL GREEN WASTE BIN UPDATE.....	65
	CLOSED TO MEMBERS OF THE PUBLIC	66
21.	CONFIRMATION OF MINUTES (CLOSED MEETING)	66
22.	APPLICATIONS FOR LEAVE OF ABSENCE.....	66
	GOVERNANCE	66
23.	INDICATIVE OFFER FOR THE DERWENT ENTERTAINMENT CENTRE	66
24.	KGV SPORTS AND COMMUNITY PRECINCT - PROJECT UPDATE.....	67
25.	AUDIT PANEL MINUTES AND CHAIR'S REPORT.....	67
26.	GENERAL MANAGER'S INTERIM PERFORMANCE REVIEW ASSESSMENT	67
27.	NOTICES OF MOTION – QUESTIONS ON NOTICE / WITHOUT NOTICE (CLOSED)	67

1. APOLOGIES

2. CONFIRMATION OF MINUTES (OPEN MEETING)

That the minutes of the Council Meeting held on 24 September 2018 be confirmed.

3. ANNOUNCEMENTS BY THE CHAIR

4. PECUNIARY INTEREST NOTIFICATION

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

James Bryan – 14 England Avenue, Montrose

Q: The new figure given for depreciation of the DEC is \$186,000 which, we were told, is based on a valuation of \$18.6m. That doesn't seem to be correct and the depreciation on that amount should be significantly higher. What is the figure of \$186,000 for depreciation on the DEC based on and how is it calculated?

The answer to Mr Bryan's question will be tabled at the Council meeting and published in the meeting minutes.

Janine Foley – 5 Bethune Street, Chigwell

Q: In relation to the DEC sale, Council considered reports at the 9 July and 20 August 2018 Council meetings which listed figures for depreciation of the DEC. Was the depreciation figure presented at the 9 July 2018 Council meeting (\$869,000) compliant with the Australian Accounting Standards?

It was noted at the 20 August Special Council meeting that the depreciation methodology had changed to take into account the economic obsolescence principal, and that Council had been in contact with the Tasmanian Audit Office early in the year. Why did Council release the figure of \$869,000 for depreciation if they were in discussions to change the methodology (i.e. why didn't Council wait and just release the revised figure) and given that there was no time line for the sale of the DEC? Why not have the first meeting about the DEC sale in August?

[Extract from the Mayor's letter to Ms. Foley]

- A: Your primary question appears to be around why Council provided the figures of \$869,000 for depreciation and \$234,000 for the DEC operational loss at the 9 July 2018 special Council meeting, and did not wait until the revised depreciation methodology was agreed with the Tasmanian Audit Office (TAO) which was subsequently reported at the 20 August 2018 meeting.

Both of those amounts were originally reported in Council's 2016/17 Annual Report which was released in November 2017. They are therefore both accurate and correct, and were also already on the public record well before the 9 July meeting.

The purpose of the report to Council on 9 July 2018 was to provide Council with the information necessary to allow Aldermen to make an informed decision about whether to proceed to public consultation about the proposed sale. The information about depreciation was, and remains, the only information that was available at the time.

Council's subsequent agreement with the TAO to revise the depreciation methodology for the DEC to consider the economic obsolescence principle was a matter that Council has been in negotiations with the TAO about for some time. Council is always in discussions with the TAO about various aspects of its financial management to ensure that our financial records are kept and collated in accordance with applicable accounting standards. The DEC depreciation methodology was one of several issues that our financial management team was liaising with the TAO about in preparation for the end of financial year processes for 2017/18.

At the time of the 9 July meeting no outcome had been reached with the TAO, and Council had no way of knowing when, or even if, the revised depreciation methodology would be adopted, or what the impact on the DEC depreciation figure for the 2017/18 financial year would be. Further, in respect to the impact of depreciation on Council's decision to investigate a sale of the DEC, I make the following points:

- while the annual depreciation amount (and its impact on Council's annual budget) is a factor to be considered in any decision about the future of the DEC it is one of many, and is not the primary consideration.
- Council's audited figure for depreciation is not a matter that is likely to have any bearing on the potential market value of the DEC. It is an internal figure arrived at by Council for our accounting purposes and has little (if any) impact on any valuation for a potential sale.

The Special Council meeting on 9 July 2018 sought a resolution to proceed with the first step in any sale process which was effectively to proceed to public notification and consultation. In view of the above points, there was simply no need for Council to wait until August to begin consideration of whether to sell the DEC on the basis of a potential (although not known) reduction in depreciation. It was prudent to begin that process as soon as possible, given the interest in the DEC that had been received from the Hydraplay consortium.

6. PUBLIC QUESTION TIME (15 MINUTES)

Please note:

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

James Bryan, 14 England Avenue, Montrose

Q. In the 2015/16 Annual report it is stated that,

"During 2014-15 the sale of one property at 404-408 Main Road Glenorchy resulted in a net loss of \$998,754."

Could Council please explain how this occurred ?

Actual figures or any information that is considered commercial in confidence is not required, rather was it because

1: The property was sold for less than the original purchase price?

2: The property was sold for less than its valuation, government or market?

3: The cost of any major work expended to prepare the property for sale was in excess of the price achieved at sale?

or

4: Another reason?

A. The Answer to Mr Bryan's question will be tabled at the Council meeting and published in the meeting minutes.

7. PETITIONS/DEPUTATIONS

A petition lodged by Janiece Bryan, 14 England Avenue, Montrose is to be tabled.

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:

Annual Plan Reference *4.2.4.03 Implement the Governance Strategy*.

Reporting Brief:

To receive an update on the Mayor’s events and meetings attended by the Mayor during the previous month.

Proposal in Detail:

The following is a list of events and meetings the Mayor has attended during the period Tuesday 18 September 2018 to Monday 23 October 2018:

Wednesday, 19 September 2018

- Attended the Celebrity Chef Dinner Fundraiser at Moonah Primary School

Thursday, 20 September 2018

- Attended meeting with a representative of Velocity Church
- Attended the Greater Glenorchy Group meeting
- Attended the Dominic College Musical and Dance Showcase

Friday, 21 September 2018

- Attended the Glenorchy Primary School Spring Community Celebration
- Attended the Glenorchy District Football Club Best and Fairest Awards Dinner

Saturday, 22 September 2018

- Attended the Glenorchy Golden Years Club 50th Anniversary Dinner

Sunday, 23 September 2018

- Attended the St Therese School Fair
- Officially opened the Glenorchy City Bowls Club season

Monday, 24 September 2018

- Chaired the Council Meeting

Tuesday, 25 September 2018

- Attended a meeting with representatives from Department of Premier and Cabinet

Wednesday, 26 September 2018

- Participated in the Claremont Bowls Club Mad Hatter's Tea Party and Fashion Parade

Thursday, 27 September 2018

- Attended the Special TasWater Owners' Representative Group meeting in Launceston
- Attended a meeting with the Chief Executive Officer of St Giles

Friday, 28 September 2018

- Attended the National Police Remembrance Day Service at the Tasmanian Police Academy
- Attended a meeting with a resident

Saturday, 29 September 2018

- Attended as Guest Speaker and Returning Officer the Multicultural Council of Tasmania's Annual General Meeting

Sunday, 30 September 2018

- Attended the Glenorchy Open Tennis Tournament Dinner

Monday, 1 October 2018

- Attended the Council of the Ageing Senior's Week Launch
- Chaired a Council Workshop

Tuesday, 2 October 2018

- Chaired a council briefing by the Mount Wellington Cableway Company representative
- Attended the Collinsvale Community Association meeting

Wednesday, 3 October 2018

- Presented to the Tasmanian Regional Development Australia Board Meeting
- Hosted and presided over a Glenorchy Citizenship Ceremony

Thursday, 4 October 2018

- Attended a meeting with a business representative

Saturday, 6 October 2018

- Attended the Collinsvale Market
- Attended the Glenorchy Rodman's Bowls and Community Club's 50th Anniversary Dinner

Sunday, 7 October 2018

- Attended the Civic Reception for the Tasmanian Youth Local Government Conference

Monday, 8 October 2018

- Attended a meeting with Madam Speaker, Sue Hickey MP and a representative from the Glenorchy Knights Football Club
- Attended a meeting with Jane Addison and the General Manager's Review Committee

Tuesday, 9 October 2018

- Attended a meeting with a resident

Thursday, 11 October 2018

- Attended the Hobart Magistrates Court in relation to R v Branch-Allen and R v Pearce matters

Saturday, 13 October 2018

- Attended the Claremont RSL Sub-Branch Annual Dinner

Monday, 15 October 2018

- Chaired the Glenorchy Planning Authority meeting

Tuesday, 16 October 2018

- Attended the Eating with Friends luncheon at West Moonah Community House

Wednesday, 17 October 2018

- Attended a meeting with the General Manager of Nyrstar
- Attended a meeting with representatives from Indie School
- Attended the Greater Glenorchy Group meeting

Thursday, 18 October 2018

- Attended a meeting with representatives of Mondelez International (Cadbury)

Friday, 19 October 2018

- Attended the Tasmanian Keep Australia Beautiful Awards in Smithton

Saturday, 20 October 2018

- Attended the Northern Suburbs Table Tennis League Quiz Night

Monday, 22 October 2018

- Attended the Berriedale Childcare Centre for their Teddy Bears' Picnic and Storytime
- Hosted the Mayor's Red Cross Big Cake Bake event
- Chaired a 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, 18 September 2018 to Monday, 23 October 2018.

Attachments/Annexures

Nil

ENVIRONMENT

9. REQUEST TO INSTALL TELECOMMUNICATIONS INFRASTRUCTURE ON COUNCIL PROPERTY - KGV SPORTS GROUND

Author: Acting Manager, Property Assets (Alex Woodward)

Qualified Person: Director Infrastructure and Works (Ted Ross)

ECM File Reference: Telecommunications

Community Plan Reference:

Valuing our Environment

We will value and enhance our natural environment.

Open for Business

We will be a place where business can establish, continue and flourish.

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:

Valuing our Environment

Objective 3.1 Create a liveable and desirable City.

Strategy 3.1.4 Deliver new and existing services to improve the City's liveability.

Open for Business

Objective 2.1 Stimulate a prosperous economy.

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:

To obtain Council's approval to advertise the intention to lease land at King George V Oval for the installation of a telecommunications base station and for the utilisation of an existing light tower.

Proposal in Detail:

A mobile phone 'black spot' has been identified in Glenorchy in the vicinity of the King George V Oval (**KGV**).

Service Stream Mobile Communications (**Service Stream**), which acts on behalf of Telstra, has lodged a formal request to install telecommunications equipment on Council property at KGV.

The proposed equipment would consist of a telecommunications base station and equipment on a light pole. Telstra's proposal involves replating the existing light pole with a slightly different monopole which is 41.7 metres in height and structurally stronger than the existing poles. The existing poles are currently 35 metres in height. The base station would also require a leased area of 24m².

Currently the light tower adjacent to the Glenorchy Cricket Club is occupied by Vodafone, which has installed similar equipment to that proposed by Telstra, meaning that the proposed infrastructure would be required to be installed on one of the other poles. Telstra has identified three poles which would be suitable for the location of proposed the telecommunications equipment. Attachment 1 identifies the three potential locations that were put to Council.

Council Officers consulted with the Glenorchy Football Club and the Glenorchy Cricket Club as to their proposed location, based on Telstra's proposal. Following that consultation, the preferred location for this infrastructure was identified as the light tower to the southern end of the ground and nearest to the YMCA ('Option 2' in the attached document). This location was determined to be in an area that is not proposed to be utilised in the future and will not have an adverse impact to the users of the ground and the nearby occupiers of properties. The two other locations were not considered to be suitable.

Telstra has already prepared detailed preliminary drawings for the works (Attachment 2) which will be submitted with their development application if Council approves the proposal. Council's Property officers have also reviewed the proposal and found the submission to be sound.

Council staff have commenced discussions with Telstra's representatives (noting that the discussions are subject to Council and planning approval) regarding lease rates and contract conditions if approval is granted for the facility to be located within the Council property. The lease rates are likely to be \$15,000 per annum.

Legislative Requirements

Under section 178 of the *Local Government Act 1993* (**the Act**), Council can dispose of 'public land' owned by it in accordance with the process set out in that section. The section makes it clear that leasing public land is a form of disposal.

Council's *Disposal of Council Land* policy states that Council considers all land owned by Council to be public land for the purposes of the Act.

Council is therefore required comply with section 178 of the Act if it wishes to proceed with the proposal, which would involve leasing the relevant part of KGV to Telstra.

Section 178 requires that Council makes a resolution to dispose of public land which must be passed by an absolute majority. If Council makes such a resolution, Council would then proceed to advertise its intention to dispose of the land in accordance with the requirements set out in section 178(4) of the Act.

Consultations:

Director, Infrastructure and Works
 Property Officer
 Manager Legal Services
 Service Stream Network Construction
 Glenorchy District Football Club
 Glenorchy Cricket Club

Human Resource / Financial and Risk Management Implications:

Financial

It is not expected that staff involvement will extend past the negotiating of the lease for the enclosure.

Public liability and facility insurances will be the responsibility of the lessee and will be conditioned in the contract for the use of the site.

The annual lease rate is to be negotiated for the site (minimum \$15,000 p.a. + CPI).

Next Year	\$15,000 plus CPI
Future Years	\$15,000 plus CPI

Human resources

As above

Risk management

Risk Identification	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the recommendation	Moderate (C3)	Possible (L4)	Moderate	Provide scientific information about telco towers and radiation to interested rate payers. Require the applicant to hold an information session to alleviate concerns re radiation from the tower.
Adverse public reaction due to concerns about electromagnetic radiation from telecommunications equipment.				
Do not adopt the recommendation	Moderate (C3)	Almost Certain (L5)	Notable	Request Telstra to find an alternate location in the CBD and give appropriate consideration to any new proposal.
Loss of revenue. Retention of Glenorchy mobile phone "black spot" with no service. Inconsistency with 'Open for Business' goal in Community Plan				

Community Consultation and Public Relations Implications:Community consultation

Prior to gaining approvals for construction on Council land consultation is required in accordance with Section 178 of the Local Government Act (leasing of land beyond five years).

Public relations

There may be community concerns about the proposed development. However, requesting the carrier to hold information sessions should work towards addressing these concerns.

Recommendation:

That Council:

1. RESOLVE under section 178 of the *Local Government Act 1993 (the Act)* to form an intention to dispose of public land, being the proposed lease of 24m² and a monopole within the King George V Oval for the installation of a Telstra telecommunications base station
2. AUTHORISE the General Manager to take all actions necessary to complete public notification of Council's intent to dispose of the land in accordance with section 178 of the Act, and
3. AUTHORISE the General Manager to consider and acknowledge any objection received pursuant to section 178(6) of the Act and report to a future Council meeting.

Attachments/Annexures

- 1 Equipment Location Options



- 2 Telstra Proposed Plans



10. OWNER'S CONSENT FOR A MINOR AMENDMENT TO PLANNING PERMIT APPLICATION AT THE BERRIEDALE FORESHORE RESERVE

Author: Acting Manager, Environment and Development (Alex Woodward)

Qualified Person: Woodward, Alex

ECM File Reference: PLN-11-007

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

Action 3.1.4.03 Plan for the sustainable development of the City, ensuring compliance with the planning scheme and community involvement in the planning process

Reporting Brief:

To seek Council's consent, as the owner of land, to the making of a minor amendment to planning permit application to allow for an amendment to the layout of the Overflow Car Park for Mona.

Proposal in Detail:

On the 26th September 2018, MONA, lodged an amendment to planning permit application for permit number PLN-11-007.02 under section 56 of the *Land Use Planning and Approvals Act 1993 (LUPAA)*. MONA's existing permit is for guest and staff car parking at 671 Main Road, Berriedale (CT139511/1), which is on land owned by Council. Presently MONA have a lease from Council over this site which provides parking for MONA guests and staff. A condition of the lease is to construct and maintain an appropriately surfaced car parking facility. This lease expires on the 30/06/2021 and has a 10 year renewal option.

Under section 43 of LUPAA, Council's consent, as the owner of the land, is required for the Council Land to be included in the Planning Application.

Council's 'General Manager's Permission or Owner's Consent to the Making of Planning Applications' Directive (approved by the General Manager) expressly provides that Council, and not the General Manager, must determine whether to grant owner's consent to amendment requests.

Impacts on Council Land

The proposed amendment is to change the layout of the previously approved carpark, as detailed in Attachment 1). The new layout is not considered to have any detrimental impacts on the Council property or other nearby properties. The design demonstrates that the car park is within the current leased area and does not impede on the adjacent tennis courts or BMX track. The proposed amendment would not result in a materially different application.

Assessment of the permit application and planning scheme amendment

Assessment of whether the Planning Application meets the legislative requirements of LUPAA cannot be determined until the proposal is made valid and is subsequently assessed. The proposal cannot be made valid unless Council, as the owner of the land, consents to the making of the planning permit application.

If Council's consent is granted, a decision on whether the proposal meets the legislative requirements of LUPAA would be made at a future Glenorchy Planning Authority meeting.

Conclusion

The impact of the proposed amendment is minimal and is in accordance with the current lease arrangement.

Council's consent to the making of the application would have no bearing or impact on the assessment of the proposed permit or planning scheme amendment.

A report on whether the proposed amendment will need to be considered by the Planning Department to determine if the proposal is appropriate.

Consultations:

Senior Statutory Planner
Property Officer

Human Resource / Financial and Risk Management Implications:

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

Risk management

Risk Identification	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the recommendation The land is already subject to an ongoing lease. The proposal is consistent with the terms of that lease. The planning application will be assessed on its merits in accordance with the process under LUPAA. Accordingly, there is no material risk to Council in providing its consent.				
Do not adopt the recommendation MONA's planning permit application would either proceed in its original form (which is not optimal) or not at all, leading to poor outcomes for MONA but no mitigation of any identifiable risk to Council.	Minor (C3)	Almost Certain (L5)	Notable	Council consults further with MONA about the proposed amendments to the application to attempt to reach a mutually agreeable outcome as soon as possible.

Community Consultation and Public Relations Implications:Community consultation

There has not been any community consultation undertaken.

Public relations

There are no material public relations impacts.

Recommendation:

That Council:

1. CONSENT, as the owner of land, to the making of a minor amendment to planning permit application by MONA for land at the Berriedale Foreshore Reserve at 671 Main road, Berriedale, and
2. AUTHORISE the General Manager to take any steps necessary give effect to Council's resolution in paragraph 1 (above), including by signing any required documentation.

Attachments/Annexures

- 1 Car Park Design Drawings



11. TOLOSA DAM DECOMMISSIONING AND REMEDIATION PROJECT

Author: Acting Manager, Property Assets (Alex Woodward)

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

ECM File Reference: Tolosa Dam Decommissioning and Remediation Project

Community Plan Reference:

Making Lives Better

Our lives will be enhanced by using good design to create safer, more welcoming public spaces. Community facilities and services are important to us; especially meeting place, parks and playgrounds.

Valuing our Environment

The active involvement of the community means we will maintain and enjoy our natural treasures like Wellington Park, Tolosa Park, Montrose Bay, Goulds Lagoon and Myrtle Forest.

Strategic or Annual Plan Reference:

Making Lives Better

Objective 1.1 Know our communities and what they value.

Strategy 1.1.2 Guide decision making through continued community engagement based on our community plan.

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.

Objective 4.2 Prioritise resources to achieve our communities' goals.

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

Reporting Brief:

To update Council on the Tolosa Dam Decommissioning and Remediation Project and to seek an extension to the resolution of the previous Council meeting that Officers meet with MONA and provide an updated business case by the October meeting.

NOTE: At the September 2018 Council meeting, Council resolved to defer consideration of this report until the present meeting. The report has been updated since then to reflect the additional considerations that led to the report's initial deferral, namely the consideration of a third option for the decommissioning and remediation of the site

Proposal in Detail:

Background:

In 2014 Council signed a Memorandum of Understanding with TasWater to decommission the dam at Tolosa Park by September 2019.

In June 2018, staff reported the results of a community survey undertaken to gauge community views and preferences on remediation of the dam to Council.

The report noted that the feedback went beyond the reservoir and voiced a need to consider the future of Tolosa Park and the broader open space network. Given the feedback received, it was considered that a higher priority should be to focus on delivering immediate and sustainable infrastructure improvement (while recognising that a master plan would still be required).

Council resolved that the recommendations in the Community Feedback Report would be considered in future planning of capital expenditure within Tolosa Park and prioritised in future open space planning within the wider Glenorchy municipality. Council directed the General Manager to instruct Council officers to prepare a business case, including further public consultation on two specific options.

In August this year, a community survey was undertaken to gauge the public's preferences in relation to the two options, which were:

- **Option 1:** Removal of dam embankment by TasWater, reinstatement of landscape and no further development. This would involve rehabilitating the area to natural bushland, wetlands and trees similar to the surrounding parkland, or
- **Option 2:** Embankment to be retained and the empty reservoir filled with clean fill and levelled off to form a large, flat area for recreational activities.

Business case:

In response to Council's resolution, and following the community survey, Council staff developed a Business Case which evaluates the two options in light of the organisation's objectives, the likely cost, community support, risk and landfill capacity issues (Business Case).

The Business Case is Attachment 1 to this report.

The Business Case outlines that Option 1 received stronger support from the community within the surveys, poses a significantly lower risk than Option 2 and is more financially prudent. It also presents significantly lower risks for Council because the outcomes will be known and will not be dependent on external factors such as the availability of cleanfill. In addition, the responsibility of the decommissioning and site remediation will rest with TasWater rather than Council.

While Option 2 does provide opportunities for disposal of clean fill from developments (such as the proposed MONA Hotel), it presents significant risk and likely cost to Council. Option 2 would see Council effectively taking responsibility as the dam owner in terms of implementation of any agreed plan.

This would require engagement of consultants and obtaining approval for a change to the decommissioning plan. The dam regulator, DPIPWE, has advised that any decommissioning plan would need to include an upgrade of the cut off drain from a 1 in 20 year to a 1 in 100 year flood standard. This would require significant investment by Council. In addition to this requirement, Council would not have certainty that the amount of cleanfill would be available to fill the dam site, or that the fill would be of a suitable standard and not be contaminated.

If Council does decide to progress with Option 1, it would be vital that the design and construction be undertaken to a high standard to ensure that Council inherits an asset that is easily maintained at a minimum cost to the community. To assist with this, Council Officers would need to negotiate with TasWater to mitigate any risks. This would need to include an agreement around the quality of construction and post construction performance management (e.g., holding a bond on the project or TasWater overseeing an extended defect/maintenance period). An appropriate maintenance period would also need to be a precondition to any agreement with TasWater.

This report recommends that the General Manager is delegated the powers to enter into such an agreement with TasWater.

As part of the project Council's Planning team will be consulted to determine whether a Development Approval will be required under the *Land Use Planning and Approvals Act 1993* and the *Glenorchy Interim Planning Scheme 2015*. While the Reservoir is not currently heritage-listed, advice will be sought from Council's Heritage Officer on opportunities for interpretation in a public open space context and any attendant budgetary limitations. In this regard, the intake structure and profile of the dam are potentially subjects for interpretation, noting the former will likely require reduction to an, as yet, unspecified extent to address structural and safety concerns.

Other options:

The Business Case sets out the reasons for the recommendation that Council progresses Option 1, which include that Option 1 has more community support than Option 2.

Comments from supporters of both options, as well as those who didn't like either option, refer to the need for an affordable but versatile solution. Several responders commented that they would prefer the Council takes the time to reach 'the right outcome'. As well, the decision on the Tolosa Dam decommissioning and remediation could also impact on the options available to respond to issues such as the significant amount of fill from the proposed MONA redevelopment. It is noted that there are other options for the disposal of clean fill. For example, Council may consider investigating the potential to dispose of this fill as part of the decommissioning of the Limekiln Gully Reservoir by TasWater (which is planned). Some of the benefits from Option 2 could be transferred to this project.

Council decision and exploration of third option:

Another possibility for the site is a 'hybrid' option which would involve partially filling the dam and removing the top of the dam. This would require an engineering assessment to determine a safe height for the dam and any other measures necessary to mitigate the safety issues. It would also require negotiations with TasWater, keeping in mind the timeframes that they have identified.

MONA formally contacted Council just prior to the September Council meeting to request that this hybrid option be fully explored. As a result, Council deferred the decision for one month to allow discussions to occur. Since then, Council officers have met with MONA and TasWater to discuss this proposal.

Unfortunately, due to the unavailability of some parties, the joint meeting did not occur until 19 October 2018.

The preliminary discussion with MONA and TasWater indicated that the proposal would consist of the disposal of fill from MONA's hotel development into the site of the former dam. No other clean fill would be disposed of at the site. This fill would be placed in the dam over a period of approximately 12 – 18 months. It is estimated that this proposal would fill the dam up to a height of approximately two thirds of the current dam wall. This would provide a larger flatter area with greater flexibility to explore opportunities for recreation, include a water feature, and retain the heritage values of the dam wall.

TasWater staff advised that they were comfortable that the hybrid design was achievable and were confident that the dam decommissioning permit could be extended to meet these timeframes. After meeting with the external parties, Council Officers are of the view that this third option should be explored in more detail, as it may provide a better outcome for the community, whilst still constituting a low risk to Council.

To enable officers to adequately revise the business case, it is recommended that Council defer a decision on the future of the Tolosa Dam site until a future Council meeting. This will enable Council, TasWater and MONA to successfully negotiate an agreement on a third option.

A revised business case would include a detailed analysis of the third hybrid option and report would be brought back to Council for consideration. MONA has committed to engaging a consultant to prepare the landscape design plan which will incorporate the fill material and meet the low risk/low maintenance outcome desired by Council.

At the September meeting, concerns were also raised by members of the public about the heritage values on the site. If the decision is made to defer the decision, Council's Heritage Officer will be consulted and provide input into the revised business case. This would also be the case if a decision is made to proceed with any of the options.

Conclusion:

The business case provides a detailed comparison of the two options and recommends that Council proceed with Option 1. However, a third hybrid option has been identified which may result in superior outcomes for the community.

To enable Officers to adequately revise the business case, it is recommended that Council defer a decision on the Tolosa site until a future Council meeting, and at which a further report will be presented.

Consultations:

Tolosa Park Steering Committee
Executive Leadership Team
Community Planning and Engagement Unit
Operations and Maintenance Supervisor
Landfill Coordinator
TasWater
MONA

Human Resource / Financial and Risk Management Implications:Financial

The Business Case has highlighted key differences between the two options in respect to the level of financial uncertainty. Council's outlay under Option 1 is estimated to be around \$140,000 with annual maintenance costs of between \$60,000 to \$100,000 following handover.

The costs of Option 2 are more difficult to estimate. A payment from TasWater has been agreed in-principle but has not been quantified. The costs of undertaking the works and operating the site for clean fill cannot be adequately estimated at this stage but would be likely to be significant.

While Council may receive up to \$1m upfront from TasWater for Option 2, it is noted that the cost of operating the site does not provide any guaranteed return. Under Option 2 it could potentially end up costing us significantly more than the \$1m provided by TasWater. In other words, while there might be a short-term benefit there are significant risks to Council in the longer term.

The analysis for the newly identified Option 3 has not yet been fully investigated, however, initial estimates indicate that costs to Council would be similar to Option 1. If the recommendations of this report are adopted, a revised business case will provide further detail of the likely costs.

Human resources

Council has resources in place to continue to manage the Tolosa Park Dam decommissioning and remediation and the delivery of projects that are recommended in the Report.

Risk management

The attached business case discusses and compares the risks of each Option 1 and Option 2 in further detail. A detailed risk analysis for option 3 has not yet been undertaken, but will be as part of the proposed revised business case.

Risk Identification	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the recommendation	Moderate (C3)	Possible (L3)	Moderate	Council continues to engage with the community during any decommissioning and remediation of the Tolosa Park dam and communicates its intentions to deliver a number of improvements to open space areas as part of the 2019/20 capital works program.
Community expectations for the future of Tolosa Park and delivery of improvements to open space are not met leading to community frustration				
Failure to reach a satisfactory agreement with TasWater leading to ongoing uncertainty on the future of the site and a potential loss of control	Moderate (C3)	Unlikely (L2)	Moderate	Council officers engage productively with TasWater and provide updates to Council on the progress of negotiations to give Council sufficient oversight of the process.
Delays in the completion of the project adversely impact the amenity of Tolosa Park and surrounding areas.	Minor (C2)	Possible (L3)	Moderate	An adequate project plan is put in place and robust project management practices are engaged in during construction. Council is kept informed of progress.
TasWater has insufficient funds to remediate the site to a suitable standard.	Minor (C2)	Possible (L3)	Moderate	Council will ensure that a detailed design and costings will be produced by TasWater and MONA. Once completed agreement will be entered into between the three organisations.
Do not adopt the recommendation	Major (C4)	Possible (L3)	Notable	That an alternative solution is agreed on as a matter of urgency and Council receives an update at its next ordinary meeting.
A proposed alternative option with larger impacts does not secure planning approval, or approval from DPIPWE and protracted uncertainty of the site.				

Risk Identification	Consequence	Likelihood	Rating	Risk Mitigation Treatment
DPIWE refuses to extend the decommissioning licence during ongoing negotiations leading to a loss of control of the project by Council	Major (C4)	Possible (L3)	Notable	That an alternative solution is agreed on as a matter of urgency and Council receives an update at its next ordinary meeting.
Council proceeds with Option 2 leading to significantly increased risk and disruption to the Tolosa Park site for an extended period while it is filled, leading to a loss of amenity and potential high expenditure by Council.	Major (C4)	Possible (L3)	Notable	An adequate project plan is put in place and robust project management practices are engaged in during construction. Council is kept informed of progress. A specialist consultant is engaged specifically to advise on, manage and mitigate project risks.

Community Consultation and Public Relations Implications:

Community consultation

The high response rate to the survey demonstrates a high degree of interest in Tolosa Park and the value placed by the community in open space. Ongoing engagement with the community is required as part of developing projects, future planning for Tolosa Park, business plan development, and broader strategic work in Council's open space areas.

An Option 3 is still considered to be within the vision presented as part of Option 1 and 2. As such the Council understands the community's concerns raised in the surveys and these will need to be addressed as part of the design and report to Council. If an Option 3 is selected the community will have further opportunity to comment and there will also be opportunities to lodge objections as part of a planning process.

Public relations

It is recommended that Council place the report on Council's website, publish the findings in the Glenorchy Gazette, and distribute copies to stakeholders who were provided with the survey.

Recommendation:

That Council:

REQUEST that a further report be presented at a future Council meeting, incorporating a revised business case which includes an additional third 'hybrid' of option 1 and 2, and to defer any decision on the use of the Tolosa Dam site until that report and revised business case have been considered.

Attachments/Annexures

- 1** Tolosa Park Dam Decommissioning and Remediation Business Case



GOVERNANCE

12. PETITION - PROPOSED SALE OF THE DERWENT ENTERTAINMENT CENTRE AND DEVELOPMENT OF ADJACENT LAND

Author: Senior Internal Compliance Advisor (Bryn Hannan)
Qualified Person: Director, Community and Strategy (David Ronaldson)
ECM File Reference: Derwent Entertainment Centre Proposals

Upon Community Plan Reference:

Leading Our Community

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

Strategic or Annual Plan Reference:

Leading our community

Objective 4.1 Govern in the best interests of our community.

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

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

Reporting Brief:

To consider a petition presented to the General Manager and tabled at this meeting relating to the potential sale of the Derwent Entertainment Centre and the development of adjacent land in accordance with the requirements of Part 6, Division 1 of the *Local Government Act 1993*.

Proposal in Detail:

Council has received a petition, lodged by Janiece Bryan of 14 England Avenue, Montrose, relating to Council's proposed sale of the Derwent Entertainment Centre and Development land at Wilkinson's Point (**the Petition**). A copy of the Petition is Attachment 1.

The Petition is to be formally tabled in the current Council meeting (29 October 2018).

The Petition was accompanied by a covering letter signed by Mrs Bryan (**Covering Letter**). The Covering Letter is Attachment 2.

The Petition

The subject of the Petition is as follows:

“Stop selling our public Assets and Land

*HANDS OFF OUR DEC and WE SAY NO THE \$4,000,000 LIBERAL
GOVERNMENT LOAN TO DEVELOP AND SELL OUR LAND”*

The Petition is referring to Council’s proposed sale of the Derwent Entertainment Centre (**DEC**), and the \$4 million loan that has been offered by the State Government to assist Council in providing the infrastructure necessary to develop land adjacent to the DEC site at Wilkinsons Point.

It should be noted that these two issues are not directly related to one another and are two matters that will (or may) be considered separately by Council in the future.

The Covering Letter states that the petition contains 1,176 signatures. However, that figure consists of:

- 418 signatures in a petition (in the same form) which was tabled at the Special Council meeting on 20 August 2018 (**the August Petition**), and
- 758 signatures on the attached Petition.

The August Petition was formally considered by Council at the same meeting at which it was tabled. At that meeting, Council resolved to treat the August Petition as a formal objection to the proposed disposal of the DEC, which was also being considered at that meeting.

Given that action has already been taken in response to the August Petition by Council, it is recommended that Council treat the current Petition as a separate document. Council should note, however, that both Petitions are in the same form, meaning that the issue stated in them has received 1,176 signatures in total (subject to the comments below about duplicate or anomalous signatures).

Signatories to the Petition

Council has reviewed each of the 758 signatures on the Petition. The following should be noted:

- once duplicate signatures, unsigned entries, or entries where the signatory has written a statement that contradicts the petition (i.e. is supportive of the DEC sale) are removed, the petition contains **736 signatures**
- of those 736 signatures, **236** were from people who reside outside the Glenorchy local government area, leaving **500** signatories who claim to be Glenorchy residents, and
- of the 500 Glenorchy residents, **287** can be identified as electors on the Glenorchy electoral roll.

Requirements for Dealing with Petitions under the *Local Government Act 1993*

The Petition substantially complies with the requirements under section 57 (Petitions) of the *Local Government Act 1993* (**the Act**). Accordingly, the Petition has been tabled at an ordinary Council meeting as required by section 58(2) of the Act.

Section 60(1)(b) of the Act requires that General Manager gives notice to the person who lodged the Petition (Mrs Bryan) of when Council will consider the Petition. The General Manager has notified Mrs Bryan that the petition will be considered at the current meeting.

Section 60(2) of the Act requires that within 42 days after tabling the Petition, the General Manager is to advise Council at a council meeting whether the Petition complies with section 59 (if applicable) and Council at that meeting is to determine any action to be taken in respect of the Petition. In respect to this:

- section 59 of the Act does not apply to the current Petition, as the petition does not call for a public meeting, and
- the action recommended in respect of the petition is set out below.

Recommended Action on Petition

The Covering Letter to the Petition proposes that the action to be taken in response to the petition is to the effect that Council does not proceed with the sale of the DEC.

While the number of signatures on the Petition indicates that a portion of the community is opposed to the prospective sale, this should not, alone, form the basis of any decision by Council as to whether the DEC is to be sold. The action proposed by the Petition is therefore not practical, despite the fact that Council has not yet reached a final decision on whether it will sell the DEC, or to who and on what terms, meaning that the outcome it seeks may ultimately eventuate.

The Petition does not propose any alternative course of action. However, given that Council is currently in the process of negotiating with potential purchasers for the DEC and will likely be required to make a decision on whether it will sell the DEC at some point in the future, it is recommended that the action taken by Council is to make resolutions to the effect that the Petition and the concerns noted by its signatories are taken into consideration in any final decision as to whether to sell the DEC. This is reflected in the recommendations to this report.

Allegation in Covering Letter About DEC Tenure

The Covering Letter to the Petition does not form part of the Petition. Rather, it is a separate representation from Mrs. Bryan outlining some of her specific concerns relating to the proposed sale of the DEC.

Council should note that the General Manager recently met with Mrs Bryan to discuss her concerns in person.

One matter that needs to be addressed is the allegation in the Covering Letter that Council is prevented from selling the DEC because it is a public reserve under the *Crown Lands Act 1976*.

Despite having already satisfied itself that it was lawfully able to sell the DEC, in response to Mrs Bryan's concerns Council sought advice from the Surveyor General on this issue. A copy of the Surveyor General's response is Attachment 3 to this report.

The advice confirms the subject has not been set aside as a public reserve, and that it was lawfully transferred to Council.

Mrs Bryan's allegations are therefore unable to be substantiated.

Consultations:

Mayor
General Manager
Director, Community and Strategy
Manager, Governance and Executive Support

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 Council would be in breach of its obligations under Part 6, Division 1 of the <i>Local Government Act 1993</i> .	Major (C4)	Unlikely (L2)	Moderate	Council adopts the recommendations of receiving and noting the tabled Petition.

Community Consultation and Public Relations Implications:

Community consultation

The lodger of the petition, Mrs. Bryan, has been informed that the petition will be tabled and considered at the present meeting.

Public relations

The potential sale of the DEC is an issue that is attracting significant media and public interest. Public relations issues around the potential sale are being handled by the Mayor and Council's Communications and Marketing Officer, in consultation with the General Manager.

Recommendation:

That Council:

1. RECEIVE and NOTE the petition titled *Proposed Sale of the Derwent Entertainment Centre and Development of Adjacent Land* lodged by Janiece Bryan of 14 England Avenue, Montrose (**the Petition**)
2. NOTE the concerns of the 736 signatories to the Petition in relation to the proposed sale of the Derwent Entertainment Centre (**DEC**) and the potential loan from the State Government to assist with the development of Wilkinson's Point, and
3. RESOLVE to take the concerns of the 736 signatories to the Petition into account in any future consideration by Council of sale of the DEC or the acceptance of assistance from the State Government in relation to the development of Wilkinson's Point.

Attachments/Annexures

- 1 Petition - Proposed Sale of the Derwent Entertainment Centre and
 Development of Adjacent Land
- 2 Covering Letter

- 3 Letter from Surveyor General


13. COMMUNICATIONS STRATEGY

Author: Communications and Marketing Advisor (Carolyn Docking)

Qualified Person: Director, Community and Strategy (David Ronaldson)

ECM File Reference: Communications Strategy

Community Plan Reference:

Under the *City of Glenorchy Community Plan 2015 – 2040*, we are a proud city; a city of arts; of opportunity; of partnerships; a city that makes exciting things happen.

Strategic or Annual Plan Reference:

Making Lives Better

Objective 1.1 Know our communities and what they value

Strategy 1.1.1 Guide decision making through continued community engagement based on our community plan

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

Objective 4.2 Prioritise our resources to achieve our community's goals

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

Reporting Brief:

To present the proposed Communications Strategy to Council for adoption.

Proposal in Detail:

Council's ability to clearly and effectively engage and communicate with our community and other stakeholders is critical to achieving our short and long-term goals. The effective communication of Council's decisions and actions allows the community to understand what Council is doing and why, and assists in Council to be open and transparent, and provide essential services and information to ratepayers.

To facilitate Council's effective communication, a draft Communications Strategy has been developed and is presented to Council as Attachment 1 to this report.

The Communications Strategy will ensure that appropriate communication methods are employed by Council to ensure its communities are informed, engaged, can create dialogue and be aware of existing and emerging opportunities.

If adopted, the Communications Strategy will also to satisfy the requirements direction 1(h) of the Ministerial Directions to Council.

Communications Strategy Goals

The goals of the Communications Strategy are to ensure that Council uses effective communication which will result in:

- informed residents who feel they are part of their city and have a say in its future
- improved staff morale and ability to get 'the job done well'
- more effective and efficient use of limited resources, and
- more community pride and awareness of Glenorchy's strengths and assets
- minimisation of unnecessary conflict and delay because residents have been informed and consulted

Its three focus areas are around digital and social media, internal communications, and media management. If adopted by Council, the Communications Strategy will underpin a range of actions over the short-to-mid-term which will be aimed at achieving its strategic goals.

Development of Communications Strategy

The Communications Strategy has been developed in close consultation with both the community and Council staff.

Council officers conducted a public community communications survey from 24 May to 22 June 2018, in which participants were asked a range of questions around how they currently receive information from Council and how they believe Council could better communicate with them. Following the survey, a community communications forum was held on 28 June 2018 which was attended by a diverse range of community members.

The findings from the survey and forum (which are contained in the report) were that:

- respondents currently find information about Glenorchy City Council via the Glenorchy Gazette, Mercury newspaper and word-of-mouth from friends and family
- respondents, in the future, will seek information about Glenorchy City Council from the website, aldermen face-to-face, Council events, Council meetings, phone, email, letters to Council and social media
- most Glenorchy Gazette readers read the Mayor's Message

- over sixty per cent of respondents want to see Council on social media
- over ninety per cent want Council to establish an active presence on Facebook
- half the respondents find the Council website user-friendly with news and events ranked highest in the information they want
- respondents want to see Council run events more prominently branded, so they know it is a Council event
- respondents want to know outcomes/decisions that have been reported/consulted on.

Following the community survey, and an internal communications survey was conducted with Council staff between 8 and 15 August.

Findings from the surveys and forum were considered in the development of the strategy (see page 8 of [Attachment 1](#)).

Implementation of Communications Strategy

If adopted by Council, the Communications Strategy will underpin a range of actions over the short-to-mid-term which would need to be suitably budgeted and resourced.

Management intends to fund the implementation of the Communications Strategy through savings measures that are identified from elsewhere in Council's operating budget. Implementation of the Strategy is expected to cost up to \$100,000. A detailed implementation plan will be prepared and presented to Council at a future meeting.

In the meantime, however, consultation on the Communications Strategy identified that there was a clear desire from the community to receive better engagement from Council through social media. The implementation of the social media component of the Communications Strategy should therefore be prioritised and a Council Facebook page established as soon as practicable=

Accordingly, Management proposes to commence a project to deliver the social media component of the Communications Strategy by 1 July 2019 and embed the ongoing operation of a Glenorchy City Council Facebook page as part of our 'business as usual' procedures.

Compliance with Ministerial Direction

Direction 1(h) of the Ministerial Directions to requires Council to:

... within a period of 9 months, in consultation with the community, developing a communication and consultation plan for all internal and external communications and consultation processes that is consistent with the eight characteristics of good governance outlined in the Good Governance Guide ...

Officers are of the view that the Communications Strategy satisfies direction 1(h), and note the following:

- the draft Communications Strategy has been developed in consultation with the community as outline above, and
- The Strategy is guided by the eight (8) characteristics of good governance outlined in the Good Governance Guide for Local Government in Tasmania, which are accountable, transparent, law-abiding, responsive, equitable, participatory and inclusive, effective and efficient, and consensus oriented (see pages 5, 9-10 of Attachment 1).

Consultations:

Mayor
Aldermen
General Manager
Executive Leadership Team
Manager, Governance and Executive Support
Finance

Aldermen were briefed on the working draft of the Communications Strategy on Monday, 17 September 2018.

Human Resource / Financial and Risk Management Implications:

Council currently employs (and has budgeted for) a full-time Marketing and Communications Officer. The estimated cost to Council for maintaining the current staff levels and receiving additional external communications support (as required) is \$100,240 (inclusive of the current budgeted salary and on-costs of \$94,945).

An additional \$100,000 is proposed to be allocated towards implementing the Communications Strategy, funded through savings measures identified from elsewhere in the budget.

An implementation plan which will outline the financial and human resources implications in greater detail will be presented to Council at a future meeting.

Risk Identification	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the Recommendation The Communications Strategy is not able to be adequately implemented using existing resources, resulting in difficulties for Council in achieving its strategic goals and an ongoing risk of brand or reputational damage.	Moderate (C2)	Possible (L3)	Moderate	Management regularly reviews the ongoing implementation of the Communications Strategy considers updating resourcing requirements as part of its mid-year budget review.

Risk Identification	Consequence	Likelihood	Rating	Risk Mitigation Treatment
By engaging in and establishing an active presence on Social Media as part of the Strategy, Council exposes itself to the risk of adverse publicity or brand damage through improper or inadequate management.	Moderate (C2)	Possible (L3)	Moderate	Clear and strict guidelines and controls are put in place to ensure that any social media pages operated by Council are managed appropriately and do not result in a negative image for Council.
Do not adopt the recommendation	Moderate (C3)	Likely (L4)	Notable	Council continues to progress actions required to comply with these Directions
Council will be in breach of the Ministerial Directions leading non-compliance under section 339E and further scrutiny and sanction by the Director of Local Government				
Council will be less likely to meet its desired vision: to communicate effectively and constructively, both internally and externally in a proactive, open and transparent manner, leading to poor relations with stakeholders and brand and reputational damage.	Moderate (C3)	Likely (L4)	Notable	Council provides guidance on its preferred communications priorities and directs that a revised strategy is presented for adoption as soon as possible.

Community Consultation and Public Relations Implications:

Council officers conducted a public community communications survey from 24 May to 22 June 2018 and a communication forum consisting of a diverse range of community members was held on 28 June 2018.

An internal communications survey was held between 8 and 15 August this year.

The public relations implications are as detailed in the draft strategy.

Recommendation:

That Council:

1. ADOPT the Communications Strategy in the form of Attachment 1
2. DIRECT the General Manager to develop a Council presence on social media through the operation of a Glenorchy City Council Facebook page as soon as practical, and implement appropriate policies and procedures to manage the page
3. AUTHORISE the General Manager to spend up to \$100,000 to fund the implementation of the Communications Strategy, to be funded through expenditure reductions identified elsewhere in Council's operating budget, and
4. NOTE that by adopting the Communication Strategy, Council is likely to satisfy the requirement under Ministerial Direction 1(h).

Attachments/Annexures

1 Communications Strategy



14. 2017/18 FINANCIAL STATEMENTS

Author: Acting Manager, Business and Finance/Chief Financial Officer
(Bill Richardson)
Senior Internal Compliance Advisor (Bryn Hannan)

Qualified Person: General Manager (Tony McMullen)

ECM File Reference: General Purpose Financial Report

Community Plan Reference:

Leading Our Community

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

Strategic or Annual Plan Reference:

Leading Our Community

Objective 4.1	Govern in the best interests of our community
Strategy 4.1.1	Manage Council for maximum efficiency, accountability and transparency
Action 4.1.1.04	Implement the performance reporting system for corporate strategic planning
Objective 4.2	Prioritise resources to achieve our communities' goals
Strategy 4.2.1	Deploy the Council's resources effectively to deliver value
Action 4.2.1.07	Develop the annual budget estimates in line with the Financial Management Strategy and provide regular reporting of actuals to budget

Reporting Brief:

To present Council's annual financial statements for the 2017/18 Financial Year to Council.

Proposal in Detail:

Background

Section 84 of the *Local Government Act 1993* requires the General Manager to prepare Council's Financial Statements for each financial year in accordance with the *Audit Act 2008*.

Council's Financial Statements for the 2017/18 Financial Year – in the form of the *Glenorchy City Council 2018 General Purpose Financial Report (Financial Statements)* – are Attachment 1 to this report.

The Financial Statements have been prepared by Council's finance team under the supervision of the Acting Chief Financial Officer and were certified by the General Manager in accordance with section 84 of the Act on 29 September 2018.

The Tasmanian Audit Office signed-off on the Financial Statements the same day.

The Financial Statements will form part of Council's Annual Report which is currently being finalised and will be released for community consultation in the coming weeks. The Financial Statements are being presented to Council ahead of the Annual Report being released in the interests of transparency and to ensure that Council has appropriate time to consider them ahead of Council's Annual General Meeting in December.

Summary of 2017/18 Results

The Statement of Comprehensive Income for the year ended 30 June 2018 (page 3) shows that Council recorded an actual deficit of \$10.444m against a budgeted deficit of \$1.205m.

The increased deficit is principally attributable to the substantial amount of assets written-off during the year, which jumped from \$4.005m in 2016/17 to \$15.895m in 2017/18 (against a budgeted amount of \$170,000). The principal reason for the jump was Council's decision to decommission the industrial reuse component of the Derwent Park Stormwater Harvesting and Reuse Scheme (**DPSHRS**) and to write-off all non-saleable assets related to the reuse component as at 30 June 2018. This decision resulted in a significant but ultimately one-off asset write-off of approximately \$11 m.

Council's decision to write-off the DPSHRS assets was made to avoid considerable ongoing losses out until 2026 arising from the operating expenses and depreciation costs associated with continuing to operate the scheme.

The remaining actual expenses were generally in line with budget estimates, including employment costs which were approximately \$250,000 less than budget.

The losses associated with the DPSHRS write-off are partially offset by 'Contributions – non-monetary assets', which were \$4.723 m and for which there was no budget allocation. A large portion of that figure was made up of 'found infrastructure assets' which are assets located during stocktakes that were previously unknown to Council.

It should be noted that revenue from Grants is also substantially above budget (\$3.267m versus \$1.696m), however this is the result of the early receipt of a 2018/19 Federal Government Assistance Grant instalment which was not budgeted to occur until the current financial year.

If the reported deficit above was adjusted for these one-off and/or unexpected items, Council would have recorded a \$1.015m deficit for the 2017/18 year which is consistent with the budgeted deficit noted above.

Also, worth noting is the result for 'Other comprehensive income', which records a net gain of \$11,477m for the financial year and which results from the revaluation of Council's property, plant and equipment assets during the year. In accordance with Council's Asset Management Policy, one of three main classes of assets is revalued each financial year. The previous year's result for this activity was a loss of \$25.117m caused principally by a write-down in the value of Council's stormwater assets. This financial year, Council revalued all non-transport and stormwater assets (effectively land, buildings, plant, vehicles, furniture and equipment) and recorded a positive revaluation result.

The Statement of Financial Position as at 30 June 2018 (page 4) discloses that Council's cash and other receivables at the end of the financial year was \$14.144m, an increase of approximately \$2.5m from the previous year. While the increase is positive for Council's overall financial position, it is predominantly caused by the previously reported underspend in Council's capital works program and by the early receipt of the Federal Government Assistance Grant instalment (as discussed above), rather than through budgeted savings or revenue increases.

Further detail of the movements underlying the change in the balance of Council's 'Cash and cash equivalents' asset during the 2017/18 financial year is disclosed in the Statement of Cash Flows (page 6).

Consultations:

General Manager

Auditor General / Tasmania Audit Office

Human Resource / Financial and Risk Management Implications:

Financial

As detailed in the Financial Statements

Human resources

There are no material human resources implications

Risk management

Risk Identification	Consequence	Likelihood	Rating	Risk Mitigation Treatment
The report is for Council's information only. There are no material risks associated with adoption				

Community Consultation and Public Relations Implications:Community consultation

The Financial Statements are required to be prepared in accordance with statutory requirements. Community consultation was therefore not required nor undertaken during their preparation.

The public will have the opportunity to comment on the Financial Statements during public consultation on Council's 2017/18 Annual Report. Submissions on the annual report will be discussed at Council's Annual General Meeting in early December. The annual report is expected to be finalised and released for consultation by mid-November 2018.

Public relations

There is likely to be significant interest in Council's financial performance given the governance issues at Council in previous years and the rate revenue increase included in the 2018/19 budget. There has already been some media commentary around Note 35 in the Financial Statements, Key Management Personnel Remuneration.

For legal reasons Council is unable to comment on any individual employee's remuneration or on any arrangements entered into by the Commissioner with any former senior employees, other than to the extent reported in the Financial Statements. However, Council has a duty to disclose all payments to Key Management Personnel as part of the Financial Statements. Compliance with that duty is taken very seriously.

Recommendation:

That Council:

RECEIVE and NOTE the Glenorchy City Council Financial Statements for the financial year ended 30 June 2018 in the form of Attachment 1.

Attachments/Annexures

- 1 Glenorchy City Council 2017/18 Financial Statements



15. DRAFT SHORT STAY ACCOMMODATION BILL 2018

Author: Coordinator, Planning Services (Kylie Williams)
Qualified Person: Director Development and Customer Services (Samantha Fox)
ECM File Reference: Planning legislation review

Community Plan Reference:

Leading Our Community

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

Strategic or Annual Plan Reference:

Leading Our Community

Objective 4.1 Govern in the best interests of our community
Strategy 4.1.3 Maximise regulatory compliance in Council and the community through our systems and processes
Action: 4.1.3.01 Ensure community compliance with legislative requirements on matters of material importance within Council’s jurisdiction.

Reporting Brief:

To inform Council of the introduction of the draft *Short Stay Accommodation Bill 2018* to address compliance concerns relating to short stay visitor accommodation, and to seek Council’s endorsement of a draft submission to be submitted to the Department of Justice.

Proposal in Detail:

Background

On 7 August 2018, the Tasmanian Government announced that it would seek to introduce new legislation to address concerns about compliance with existing regulations around short stay accommodation.

The Minister for Planning (the Hon. Roger Jaensch MP) wrote to Council on 26 September 2018 inviting comments on the draft *Short Stay Accommodation Bill 2018 (the Bill)*. Submissions on the Bill are required to be made by 31 October 2018.

This report outlines the background to the Bill and seeks Council’s endorsement of comments that will form the basis for a submission by Council.

Regulation of Short Stay Accommodation in Tasmania

Historically, the use of a property for 'visitor accommodation' (or similar uses), as with any other type of land use, has been regulated by local planning schemes.

However, in 2017 the State Government issued a policy statement that it intended to support Tasmania's visitor economy by allowing participation in the sharing economy for people to rent their homes or shacks through online hosting platforms (such as AirBnB or Stayz). The Government's policy statement argued the range of existing planning scheme provisions did not adequately address the contemporary developments in the tourism and visitor markets or available technology to offer visitor accommodation to the market.

To facilitate the Government's policy, the (then) Minister issued an Interim Planning Directive, the *Planning Directive No 2 – Exemption and standards for Visitor Accommodation in Planning Schemes (Interim Planning Directive)*. The Interim Planning Directive came in to effect on 1 July 2017. At the same time, the Minister directed the Tasmanian Planning Commission to review *Draft Planning Directive No. 6 – Exemption and standards for Visitor Accommodation in Planning Schemes* which would supersede the Interim Directive once the required consultation processes to implement it had been completed.

Interim Planning Directive No. 2

The Interim Directive had immediate effect and replaced the rules in the various planning schemes relating to the visitor accommodation use. Because it was an interim directive, it was not required to undergo a consultation process before coming into effect.

The key provisions of the Interim Planning Directive were:

- Visitor Accommodation in a dwelling was exempt from requiring a planning permit if:
 - the dwelling was used by the owner or occupier as their main place of residence, and only let while the owner or occupier was on vacation or temporarily absent, or
 - the dwelling was used by the owner or occupier as their main place of residence, and visitors were accommodated in not more than 4 bedrooms [have reworded this section - Bryn]
- Visitor Accommodation was given a 'permitted status' in some planning scheme zones, and
- use standards and other criteria were applied to the Visitor Accommodation use. The use standards essentially related to issues around residential amenity.

Planning Directive No.6

Planning directives are made under the *Land Use Planning and Approvals Act 1993*. They replace the provisions of planning schemes relating to a use or development, so that the same rules apply state-wide. Unlike interim directives, planning directives are required to undergo a consultation process and require a report from the Tasmanian Planning Commission to the Minister.

Following completion of the consultation process and the Tasmanian Planning Commission's report, *Planning Directive No. 6 – Exemption and standards for Visitor Accommodation in Planning Schemes (Planning Directive)* came into effect from 1 July 2018 and replaced the Interim Planning Directive.

The key changes made by the Planning Directive were:

- a reduction in the 'permitted' floor area per lot from 300m² to 200m² for the Visitor Accommodation use within the existing habitable buildings in residential zones
- new requirements for the consideration of the visitor accommodation use that form part of a strata scheme (e.g. multiple dwellings or apartments) in a residential zone in the interim planning schemes
- reinstating the limitation on visitor accommodation in Battery Point that were in place prior to 1 July 2017, and
- placing limitations on visitor accommodation use within the Wapping area under the *Sullivan's Cove Planning Scheme 1997* if the floor area is greater than 200m² and a part of a strata scheme.

Development Compliance matters

Since the implementation of the Interim Directive there have been numerous (approximately 20 to 30) applications made to Council (as a planning authority) for either permitted or discretionary permits. Council often receives complaints and representations from residents regarding the use of private dwellings for accommodation purposes. These usually relate to car parking problems, noise and other amenity issues.

Attachment 1 is an Advice on the Planning Directive published by the Justice Department's Planning Policy Unit (**Advice**). The Advice summarises the circumstances in which the visitor accommodation use is exempt from requiring a permit, and when it is permitted subject to meeting certain requirements.

The current lack of regulation around visitor accommodation means it is difficult to accurately assess how many premises are currently operating without any form of permit.

Draft Short Stay Accommodation Bill 2018

As noted above, the purpose of the Bill is to address compliance concerns in relation to the visitor accommodation sector. The Bill proposes to introduce measures to encourage compliance of short stay accommodation with planning permit requirements, support improved enforcement by planning authorities (which includes Council) and allow a better understanding of the impact of short stay accommodation on the broader housing market.

The scope of the proposed legislation aims to:

- require short stay premises providers to provide online booking platforms with permit and/or other specified compliance information when requesting a new online listing and to update existing online listings of short stay accommodation in Tasmania
- require online booking platforms to collect and publish permit and/or other specified compliance information for all online listings of short stay accommodation in Tasmania
- introduce penalties for short stay premises providers who knowingly make a false declaration and for online booking platforms that fail to publish permit and/or other specified compliance information
- require the sharing of permit and/or specified compliance information by online booking platforms with the Crown and for the Crown's use of that information for the purpose of compliance, enforcement, planning and policy development and for the sharing of that information by the Crown with relevant planning authorities, and
- provide a limitation on how Government can use the specified information to protect the privacy of individual short stay premises providers.

Officer Comments on Bill

Council officers have reviewed the Bill and have prepared comments which are intended to form the basis of Council's submission. Those comments are [Attachment 2](#) to this report.

Officers are broadly supportive of the Bill and its aims and agree that the short stay accommodation industry requires additional regulation. However, officers are of the view that the Bill does not provide sufficient information about who has responsibility for the regulation of this industry, or how it would be resourced. Officers' key concerns are that the proposed Bill, if enacted, may impose a significant burden on Council in the form of the additional resources to ensure compliance with it.

In particular, Part 2 of the Act requires booking platforms (the websites offering accommodation, such as Air BnB) to ensure that certain information about short stay premises is provided, and also to provide an annual report to the Director of Building Control on the bookings it has taken during each financial year. Property owners letting their properties are also required to provide correct information to booking platforms. The Bill provides for penalties to be imposed for breaching the information disclosure requirements. However, the Bill does not clarify whether the State or planning authorities (which include local councils) will be responsible for monitoring the many different websites and doing compliance checks.

Historically, different aspects of visitor accommodation were regulated under the *Liquor and Accommodation Act 1990* (which was administered by the State) and local planning schemes. This created a joint responsibility for regulation by councils and the State.

However, when the current Planning Directive is read with the proposed Bill, there appears to be a shift of responsibility for the regulation of this industry to local government.

Glenorchy Council employs a single development compliance officer. This resource would not be sufficient to undertake any comprehensive auditing or ongoing monitoring of compliance with visitor accommodation regulations as may be required if the Bill becomes law. In terms of other resource allocation, the suggested changes come at a time when the Minister for Planning has requested all councils prioritise work associated with the submission of the Local Provisions Schedules to the Tasmanian Planning Commission.

Council officers' comments also address other minor concerns and provide suggestions about other aspects of the Bill.

It is therefore recommended the attached officer comments provide a basis for a submission to the State Government for consideration.

Consultations:

Strategic Planner
Manager Development
Co-ordinator Environmental Health
Co-ordinator Building and Plumbing

Human Resource / Financial and Risk Management Implications:Human resources

The proposed legislation may create a greater expectation that local government will be proactive in identifying non-compliant short stay premises providers and pursuing relevant enforcement. As already alluded to, this may place an unreasonable demand on existing resources.

Financial

As outline above.

Risk management

There are no material risk management implications.

Community Consultation and Public Relations Implications:

Council's representation will be considered by the Department of Justice and under that Department's Policy, unless otherwise requested, Council's submission will be made publicly available on the Department of Justice website.

Recommendation:

That Council:

1. RECEIVE and NOTE the report on the draft *Short Stay Accommodation Bill 2018*, and
2. ENDORSE the comments of Council officers in Attachment 2 as the basis for a submission by Council on the Bill to the Department of Justice.

Attachments/Annexures

- 1 Attachment 1 - Advice on PD6 - Exemption and Standards for Visitor
⇒ Accommodation
- 2 Attachment 2 - Table of Officer comments -Short Stay
⇒ Accommodation Bill 2018

16. DRAFT AUDIT PANEL CODE OF CONDUCT

Author: Manager, Governance and Executive Support (Simon Scott)

Qualified Person: Director, Corporate Services (Jenny Self)

ECM File Reference: Audit Panel

Community Plan Reference:

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

Strategic or Annual Plan Reference:

Objective 4.1: Govern in the best interests of the community

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

Reporting Brief:

To recommend that Council adopts the Audit Panel Code of Conduct.

Proposal in Detail:

Under the *Local Government Audit Panels: A Practice Guide* (March 2018) (published by the Local Government Division - Department of Premier and Cabinet), a model Audit Panel Code of Conduct has been drafted for consideration by councils (see [Attachment 1](#)).

The proposed Audit Panel Code of Conduct would apply to members of Council’s Audit Panel. Similar arrangements apply to Council’s Aldermen, who are bound by the statutory Aldermanic Code of Conduct (adopted 28 May 2018 – Item 12) and Council staff, who are bound by the Code of Conduct Directive (adopted 31 March 2017).

The proposed Audit Panel Code of Conduct would apply to Aldermanic members of the Audit Panel to the extent that they are serving in their capacity as Audit Panel members.

Accordingly, the proposed Audit Panel Code of Conduct has been drafted to reflect the model, consistent with Council’s policy template ([Attachment 2](#)). The main aim of the Code of Conduct is to clearly set out the standards of behaviour expected of audit panel members.

At its meeting held on 13 September 2018, the Audit Panel endorsed the draft Audit Panel Code of Conduct for submission to a future Council Meeting for consideration and adoption.

If adopted by Council, the General Manager will inform the Audit Panel of the adoption of the Audit Panel Code of Conduct. In addition, the General Manager (or delegate) will ensure that any future contractual arrangements with independent members of the Audit Panel reference the obligation to comply with the Audit Panel Code of Conduct.

Consultations:

Audit Panel Members
 Manager, Governance and Executive Support
 Senior Internal Compliance Advisor
 Senior Risk and Assurance Advisor

Human Resource / Financial and Risk Management Implications:

Financial

There are no material financial implications.

Human resources

There are no material human resource implications

Risk management

Risk Identification	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Do not adopt the recommendation Council will not be at the forefront of better practice with respect to governance and compliance of Audit Panel which would represent a minor regulatory compliance failure	Minor (C2)	Possible (L3)	Moderate	Council adopts the recommended Audit Panel Code of Conduct, as amended

Community Consultation and Public Relations Implications:

Community consultation

Nil

Public relations

Nil

Recommendation:

That Council:

1. APPROVE the Audit Panel Code of Conduct, in the form of Attachment 2, and
2. NOTE that the General Manager will inform the Audit Panel of the adoption of the Audit Panel Code of Conduct, and
3. NOTE that the General Manager will ensure that any future contractual arrangements with independent members of the Audit Panel will reference the obligation to comply with the Audit Panel Code of Conduct.

Attachments/Annexures

- 1** Model Code of Conduct for Members of the Audit Panel



- 2** Endorsed Draft Audit Panel Code of Conduct



17. MINISTERIAL DIRECTIONS - MONTHLY AND THIRD QUARTERLY REPORT

Author: Manager, Governance and Executive Support (Simon Scott)

Qualified Person: Director, Corporate Services (Jenny Self)

ECM File Reference: Ministerial Directions

Community Plan Reference:

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

Strategic or Annual Plan Reference:

Leading our Community

Objective 4.1 Govern in the best interests of our community

Strategy 4.1.1 Manage Council for maximum efficiency, accountability and transparency

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

Reporting Brief:

To inform Council of the progress towards completing the action items out of the Ministerial Directions Implementation Plan for the period ending 19 October 2018 and to recommend for adoption the third quarterly report to the Minister as per Direction 7 of the Ministerial Directions.

Proposal in Detail:

At its meeting of 24 September 2018, Council was informed of the progress of satisfying the Ministerial Directions (as at 14 September 2018).

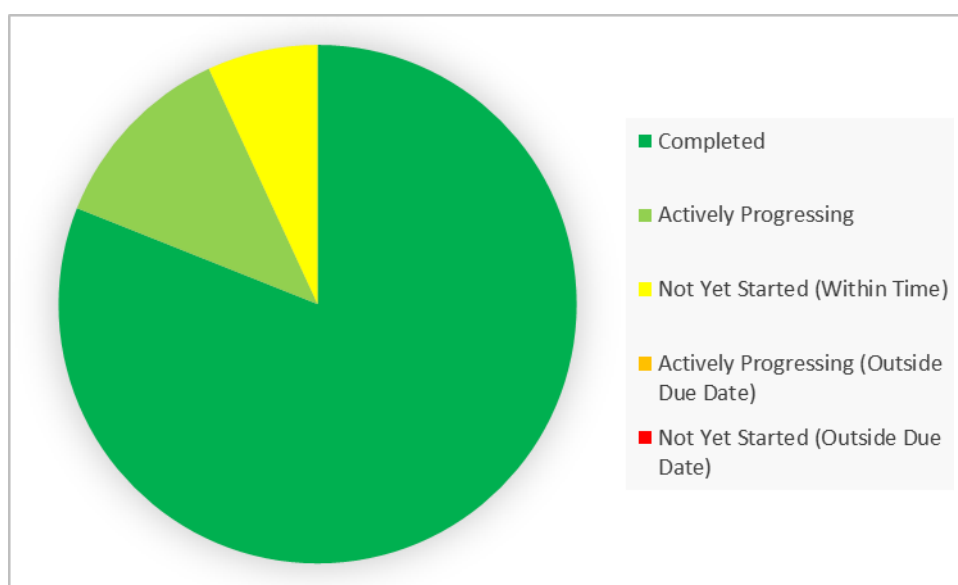
As per [Attachment 1](#), there are 58 Ministerial Direction actions that are required to be undertaken by Council.

As at the date of this Report, Council had not completed any additional actions over the reporting period, meaning that the total actions completed to date remains at 47. However, the Communications Strategy which is a requirement under Ministerial Direction 1(h) is up for consideration at this Council meeting (29 October 2018)

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

• Actions completed	47
• Actions being actively progressed	7
• Actions not yet started but within time	4
• Actions being actively progressed and outside due date, and	0
• Actions not yet started and outside due date	0

58



In line with Direction 7, there is a requirement for Council to report quarterly (for the term of the current Council) to the Minister on the progress of actions taken to comply with the Directions, and make that report publicly available on Council's website. Accordingly, the Ministerial Directions Implementation Quarterly Progress Report has been drafted to satisfy this requirement. The draft report is Attachment 2.

It is recommended that Council acknowledge and approve this report with the view that the Mayor can forward it to the Minister in accordance with Direction 7.

Consultations:

Mayor
General Manager
Director, Corporate Services

Human Resource / Financial and Risk Management Implications:

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

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

Community Consultation and Public Relations Implications:

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

Recommendation:

That Council:

1. NOTE the progress satisfying the Ministerial Directions in the form of Attachment 1 as at 18 October 2018
2. ACKNOWLEDGE and APPROVE in accordance with Direction 7 of the Ministerial Directions, for the Mayor to forward the third quarterly report (in the form of Attachment 2) to the Minister of the progress of actions to date taken to comply with the Ministerial Directions, and
3. NOTE that the third quarterly report will be made publicly available on Council's website.

Attachments/Annexures

- 1 Ministerial Directions Implementation Progress Report (October 2018)
- 2 Ministerial Directions Implementation Quarterly Progress Report (Third Quarter 2018)

18. FINANCIAL PERFORMANCE REPORT TO 31 AUGUST 2018

Author: Finance Reporting Officer (Allan Wise)
Qualified Person: Director, Corporate Services (Jenny Self)
ECM File Reference: Corporate and Financial Reporting

Community Plan Reference:

Leading Our Community

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

Strategic or Annual Plan Reference:

Leading Our Community

Objective 4.1	Govern in the best interests of our community
Strategy 4.1.1	Manage Council for maximum efficiency, accountability and transparency
Action 4.1.1.04	Implement the performance reporting system for corporate strategic planning
Objective 4.2	Prioritise resources to achieve our communities' goals
Strategy 4.2.1	Deploy the Council's resources effectively to deliver value
Action 4.2.1.07	Develop the annual budget estimates in line with the Financial Management Strategy and provide regular reporting of actuals to budget

Reporting Brief:

To provide the monthly Financial Performance Report to Council for the year-to-date, ending 31 August 2018.

Proposal in Detail:

The Financial Performance Report (**Report**) for the period 1 July to 31 August 2018 is Attachment 1.

In summary, the Report highlights that as at 31 August 2018 the operating result is \$323k ahead of the budgeted position. The report discloses:

- operating revenue is \$134k above budget representing a favourable variance of 0.29%

[Note: the potential over-reporting of animal registration revenue referenced in last month's report has been resolved and is reflected in the above result]

- operating expenditure is \$189k under budget representing a favourable variance of 2.08%

[Note: the underspend in expenditure referenced in last month's report has reduced substantially]

- capital works are \$460k underspent, representing 23.73% of the overall YTD programs budget of \$1.938m

[Note: Each individual works / purchase has been scheduled to commence / occur in a particular month. The ability to be flexible in relation to the timing of delivering the capital program is an important tool, but it may result in monthly variances.]

There are a total of 169 projects (works / purchases) budgeted for in 2018/19. The timing of the expenditure spend is set in February during development of the Capital Works program. The timing of the spend is therefore being predicted between four and sixteen months ahead. It is unavoidable that the timing predictions will change in some cases due to:

- design changes
- rescoping of works
- unsuitable tender outcomes
- weather conditions
- availability of contractors
- urgent and unforeseen works, and
- delays from suppliers

Therefore, it is important to assess the capital works program over a longer timeframe. This allows timing issues to resolve themselves, or remedial action to be implemented to address any possible shortfall in delivering the program.

Further information on specific instances of unspent budget can be found in the Financial Performance Report [Attachment 1](#).

Consultations:

General Manager

Executive Leadership Team

Acting Chief Financial Officer

Capital and Operational Budget Responsibility Officers

Human Resource / Financial and Risk Management Implications:

There are no material risk management or human resources implications.

Community Consultation and Public Relations Implications:

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

Recommendation:

That Council:

RECEIVE and NOTE the Financial Performance Report for the year-to-date, ending 31 August 2018.

Attachments/Annexures

- 1** Attachment 1 - Financial Performance to 31 August 2018



19. PROCUREMENT EXEMPTIONS - MONTHLY REPORT

Author: Senior Internal Compliance Advisor (Bryn Hannan)

Qualified Person: Director, Corporate Services (Jenny Self)

ECM File Reference: Procurement

Community Plan Reference:

Leading our Community

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

Strategic or Annual Plan Reference:

Leading our Community

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

Reporting Brief:

To inform Council of exemptions that have been applied to the procurement requirements under Council's Code for Tenders and Contracts for the period 15 September to 22 October 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 15 September to 22 October 2018.

Council should note that the approval of Council's electricity supply contract with Aurora (detailed elsewhere in this Agenda) is not included in the Exemption Report as it was approved outside of the normal procurement exemption process.

Consultations:

Executive Leadership Team

Human Resource / Financial and Risk Management Implications:

Human resources

There are no material human resources implications.

Financial

The Exemption Report identifies approximately \$152,000 in budgeted operational expenditure that has been approved.

Risk management

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

Community Consultation and Public Relations Implications:

Community consultation was not required or undertaken.

There is unlikely to be any material public relations impact.

Recommendation:

That Council:

RECEIVE and NOTE the monthly Procurement Exemptions Report for the period from 15 September to 22 October 2018.

Attachments/Annexures

- 1 Purchasing Exemption Register



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

Answer to Question Without Notice (24 September 2018)– Alderman Fraser

Q: We are getting into the warmer months of the year when grass starts to grow much faster. What are Council's current service levels with respect to how often we mow grass on Council owned properties?

A: An answer will be provided in writing prior to the Council meeting and published in the minutes.

20.1 QUESTION ON NOTICE - ALDERMAN STEVENSON - STATE GOVERNMENT LOAN OFFER

Author: General Manager (Tony McMullen)

Qualified Person: General Manager (Tony McMullen)

ECM File Reference: Questions on Notice

Reporting Brief:

To consider a Question on Notice by Alderman Matt Stevenson submitted in accordance with the requirements of Regulation 30 of the *Local Government (Meeting Procedures) Regulations 2015*.

Question on Notice:

During the 18/19 Budget deliberations, the State Government agreed to the provision of a \$4m interest free loan for the purposes of preparing Wilkinsons Point for potential future sale. May the General Manager please provide an update on how Council will consider the use of this offer?

Answer:

Council is eager to explore the offer from the State Government further to determine the extent of the terms and conditions attached to it so that a proper assessment of whether it is in Council's best interest to accept it can be undertaken.

The Mayor will contact the Treasurer's office in coming weeks to arrange an initial meeting with Treasury staff to establish a basis for ongoing discussions.

Attachments/Annexures

Nil.

20.2 QUESTION ON NOTICE - ALDERMAN STEVENSON - POTENTIAL GREEN WASTE BIN UPDATE

Author: General Manager (Tony McMullen)

Qualified Person: General Manager (Tony McMullen)

ECM File Reference: Questions on Notice

Reporting Brief:

To consider a Question on Notice by Alderman Matt Stevenson submitted in accordance with the requirements of Regulation 30 of the *Local Government (Meeting Procedures) Regulations 2015*.

Question on Notice:

During the 18/19 Budget deliberations, the Council agreed to budget for the purchase of Green Waste, or Food and Organics, bins. This was on the basis that Council would consider the case for the purchase of the green waste bins from the 2019/20 financial year if the provision of a green waste service was found acceptable to Council and the Community. May the General Manager please provide an update on how Council will consider implementing Green Waste bins from the 2019/20 financial year?

Answer:

Council is currently conducting preliminary reviews and analysis of several potential projects to address several important waste management issues, with the assistance of a specialist Waste Services Project Manager engaged specifically for this task.

The introduction of a Food Organic Green Organic (FOGO) waste collection service is one of the investigations being undertaken.

At this stage the project is still in the planning stage, meaning that it is premature to speculate on when or how it would be implemented. The project team anticipates being able to provide Council with clear recommendations on the introduction of FOGO bins by the end of March 2019, including how the project should be implemented (e.g. through the use of old or new bins, as well as collection and disposal options) and the projected costs and time frames.

Council received an update on the progress of the project at the Council workshop on 22 October 2018.

Attachments/Annexures

Nil

CLOSED TO MEMBERS OF THE PUBLIC

21. CONFIRMATION OF MINUTES (CLOSED MEETING)

22. APPLICATIONS FOR LEAVE OF ABSENCE

GOVERNANCE

23. INDICATIVE OFFER FOR THE DERWENT ENTERTAINMENT CENTRE

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)(g) (Information of a personal and confidential nature or information provided to the Council on the condition it is kept confidential).

24. KGV SPORTS AND COMMUNITY PRECINCT - PROJECT UPDATE

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

25. AUDIT PANEL MINUTES AND CHAIR'S 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).

26. GENERAL MANAGER'S INTERIM PERFORMANCE REVIEW ASSESSMENT

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 MOTION – QUESTIONS ON NOTICE / WITHOUT NOTICE (CLOSED)
