

Minutes of the Meeting of the Glenorchy City Council held at the Council Chambers on Monday, 29 October 2018 at 6.00 p.m.



Present:	Aldermen K. Johnston (Mayor), M. Stevenson (Deputy Mayor), P. Bull, M. Carlton, J. Dunsby, S. Fraser, S. King, G. Richardson and B. Thomas.
In attendance:	Mr. T. McMullen (General Manager), Ms. J. Self (Director Corporate Services), Mr. D. Ronaldson (Director Community and Strategy), Mr. T. Ross (Director Infrastructure and Works), Ms. S. Fox (Director Development and Customer Service), Mr. B. Richardson (Acting Chief Financial Officer), Mr. A. Woodward (Acting Manager Property Assets), Mr. B. Hannan (Senior Internal Compliance Advisor) and Mrs. J. King (Mayoral and Executive Support Officer).
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: • Draft Roads By-law • Waste Management update, and • Action Tracking System
Sixteen (16) members of the public attended the open part of the Council meeting.	

The Chair opened the meeting at 6.02 p.m.

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

The Chair read the following two statements:

Statement 1:

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

Statement 2:

In relation to work health and safety at the Council meeting.

1. APOLOGIES

Alderman K. Sims.

2. CONFIRMATION OF MINUTES

Resolution:

FRASER/RICHARDSON

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

The motion was put.

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

AGAINST:

The motion was CARRIED.

3. ANNOUNCEMENTS BY THE CHAIR

The Chair made the following announcements:

Tasmania International Students Shine awards

Council was awarded the 'Industry Partner of the Year' award at the at the Study Tasmania International Students Shine awards on 15 October 2018. Ald. Richardson attended the ceremony on behalf of Council. Ald. Richardson advised that Council received the award for its significant contribution towards enhancing the employability of international students in Tasmania as part of the I-PREP program, and presented the award to the Mayor.

Keep Australia Beautiful Awards

The Chair announced that Council had received ten awards at the recent Keep Australia Beautiful Awards held in Smithton on 19 October 2018, including the 'Sustainable City' award for Tasmania. Council will now represent Australia in the Sustainable City category at the national Keep Australia Beautiful awards in Brisbane.

The other nine awards that Council received were:

- the Health and Wellbeing Award for Council's '12 Week Challenge' staff health and wellbeing initiative
- the Litter Prevention, Waste Management and Resource Recovery Award for Council's 240L recycling bin upgrade project
- the Community Action and Partnership Award for the WAVE Action Program which builds community connectedness by acknowledging each others' presence
- the Environmental Sustainability Award for the Windemere Bay Foreshore Reserve water sensitive urban design passive stormwater treatment wetland
- the Litter Prevention Waste Management and Resource Recovery Award for the school waste education program and waste education art competition
- the Natural Environment Conservation Award for Council's Bushfire Mitigation Strategy
- the Community Action and Partnership Award for Council's Forum for older people
- the Health and Wellbeing Award for the winning the 'Betty' Asbestos Awareness award for best Tasmanian Metropolitan Council, and
- the Youth Leadership and Activities Award for the Safer Communities 'Kids and Keys' Operation Bounce Back project.

New Members of Executive Leadership Team

The Chair invited the General Manager to introduce two new members of Council's executive leadership team. The General Manager introduced:

- Jenny Self-Kowaluk, Director Corporate Services, and
- Sam Fox, Director Development and Customer Services

Both new Directors commenced employment with Council on 8 October 2018.

4. PECUNIARY INTEREST NOTIFICATION

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

The General Manager declared an interest in Item 26 (General Manager's Interim Performance Review Assessment).

Alderman Fraser declared an interest in Item 15 (Draft Short Stay Accommodation Bill 2018).

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

James Bryan – 14 England Avenue, Montrose

Q: The new figure given for depreciation of the Derwent Entertainment Centre (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?

A: The General Manager explained that there were two reasons for the depreciation figure being \$186,000:

- a decrease in the valuation of the DEC for accounting purposes to \$18.6m as a result of a change to the relevant Australian Accounting Standard which allows Council to apply the 'economic obsolescence principle' which allows Council to calculate the replacement value for the facility based on its average occupancy rather than its total maximum occupancy, and
- the fact that a number of the assets that comprise the DEC have now become fully depreciated for accounting purposes.

A more detailed written response will be provided to Mr. Bryan and will be published in the agenda for the next meeting.

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, and
- 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)

Question on Notice - Patrick Mineely, Glenorchy
(Received 27 October 2018)

- Q.** I note that despite Regulation 15(3)(c) of the *Local Government (Meeting Procedures) Regulations* which I have raised with Council officers directly both in writing and in person of my concerns and of my enquiries with the Local Government Directorate that all dealings involving the disposal of public lands ought be in open meeting, this council continues to conduct closed sessions on the subject matter namely the sale of the DEC when the words in the Regs are themselves very clear and unambiguous .

For your convenience I have copied the sections under reference below:
under Item 23 of the Agenda Indicative Offer for the Derwent Entertainment Centre

r15 (3): *Unless subregulation (4) applies, a council or council committee must not close a part of a meeting when it is –*

(a) acting as a planning authority under the Land Use Planning and Approvals Act 1993 ; or

(b) considering whether or not to grant a permit under that Act; or

(c) considering proposals for the council to deal with public land under section 178 of the Act.

r 15(4): *A council or council committee may close a part of a meeting when it is acting or considering as referred to in sub-regulation (3) if it is to consider any matter relating to –*

(a) legal action taken by, or involving, the council; or

(b) possible future legal action that may be taken, or may involve, the council.

Accordingly I place on notice as a question on notice for this Council to explain at the Council Meeting October 29 2018 to the public why the Council believes it is not in breach of the *Local Government Act* and associated Regulations by conducting meetings in closed session on the sale.

- A. The Mayor advised that Council had referred Dr. Mineely's question to the Director of Local Government, and read the following advice that was received from the Director:

"I am satisfied that the Council has appropriately applied regulation 15(2) and (3) of the Local Government (Meeting Procedures) Regulations 2015 (the Regulations) for the meeting of 9 July 2018 to separate the discussion of the issue of the Council's decision on whether to sell public land, which was conducted in open session, from the Council's consideration of commercially sensitive information associated with the unsolicited offer to purchase the DEC, which was conducted in closed session.

In simple terms, there is implicitly a 'two staged' process – one is simply deciding to sell public land (in which case it should be an open process which allows objections and potential appeals). The second is consideration of specific offers or proposals to purchase the land (subject to there being a decision to do so and that decision has not been overturned on appeal).

In my view, it is appropriate that the Council has dealt with the decision in relation to its intention to sell public land in open session. Persons are able to object in relation to this intent and Council must consider any objections before making a decision. Persons are able to appeal to the RMPAT if they have made an objection and Council determines to proceed with the sale, but appeals can only on grounds limited to whether the sale of public land may cause the community to suffer undue hardship due to the loss of access or use of the land, or there is no similar facility available to users of the facility. This in my view does not extend to allowing persons to object to, or appeal against, specific proposals or offers to purchase the land, because the Council's consideration of a proposal or offer must be subsequent to the decision to sell having been made (and not objected to, or if objected to, the objection having failed).

A council may close part of a meeting for a reason specified in regulation 15(2) of the Regulations. In doing so, the Council noted in the agenda that it relied upon the following subregulations:

- 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;*
- 15(2)(f) - Proposals for the Council to acquire land or an interest in land or for the disposal of land; and*

- *15(2)(g) - Information of a personal and confidential nature or information provided to the Council on the condition it is kept confidential.*

In my view, the Council is entitled to rely on 15(2)(c) and (g) of the Regulations in respect to its discussion of commercial-in confidence information in respect to the unsolicited offer for the DEC. I do not consider that 15(2)(f) is a relevant ground for moving this matter to a closed meeting. However, I do not consider this to constitute a breach of the Regulations as the remaining two grounds for closure are valid grounds."

Doug Richardson, Amiens Avenue, Moonah

Mr. Richardson raised a number of concerns about traffic safety in Amiens Avenue, Moonah and asked the following questions:

- 1. When Amiens Avenue was reconstructed, the consulting engineers, Johnston McGee and Gandy, in their general notes, stated that it should have two lanes and parking on one side. Why was this never implemented?**
- 2. The slow points (solid white lines near the islands) were originally intended to be much longer but were then changed into broken white lines. Why?**
- 3. Recently, Council painted one lot of yellow lines near one road island but no more line marking was done in the street. Why wasn't the line marking in rest of the street done at the same time for safety?**
- 4. There are a number of missing reflectors in the street. When are they likely to be replaced?**
- 5. Is Council likely to do a study into the street, given that service vehicles from a nearby development will be entering and leaving Amiens Avenue into the congestion on Main Road. Will Council take the added traffic into the street on board?**
- 6. Does the Council condone their own work vehicles crossing onto the wrong side of the road islands? I noted that two Council trucks recently crossed onto the wrong side of the islands.**

A: The questions were taken on notice.

Question on Notice - James Bryan, 14 England Avenue, Montrose

(Received 23 October 2018)

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 property at 404-408 Main Road Glenorchy was sold to the State Government Department of Health and Human Services for the development of the Integrated Care Centre that opened in 2017.

Settlement was completed on 30 June 2015 with Council receiving consideration comprised of:

- the sale price
- a grant for the redevelopment of a community park, and
- a further grant for the relocation of existing tenancies on the site.

The reported loss of \$940,000 was based on a comparison of the above amounts with the value of the land and the written down value of the buildings that were recorded in Council’s asset registers at the time.

The difference between the land and building values recorded in Council’s asset registers and the sale price is an accounting adjustment and does not represent a loss of cash.

The ‘loss’ is therefore a loss for accounting purposes, and not a loss caused by the property being sold for less than Council purchased it for. The values of the land and buildings for the property in Council’s asset registers would have been revalued over many years and appear to have been overvalued.

It should also be noted that value of an asset in Council's asset management system is different to the market value of an asset. When considering whether to dispose of the Land, Council commissioned a market valuation of the property which was carried out by an externally engaged valuer. The sale price that was achieved was the same as the valuation. As noted above, Council also secured additional benefits in the form of the two grants.

In response to your specific queries, therefore:

1. **[Was the \$940k loss because] the property was sold for less than the original purchase price?**

No. The loss was a loss caused by an accounting adjustment and was not a 'cash' loss.

2. **[Was the \$940k loss because] The property was sold for less than its valuation, government or market?**

The property was sold for an amount consistent with the market valuation that was carried out for the purpose of the sale. The value in Council's asset register was higher than the market valuation, however that value was not prepared for the purposes of a market assessment and was also likely to have been overvalued.

3. **[Was the \$940k loss because] The cost of any major work expended to prepare the property for sale was in excess of the price achieved at sale?**

No, there was no major work undertaken to prepare the property for sale. There were some minor expenses involved in real estate and consultancy fees, but these were not the reason for the loss.

4. **Another reason?**

The reasons for the loss recorded in the 2015/16 Annual Report are explained above.

Question on Notice - James Bryan, 14 England Avenue, Montrose
(Received 24 October 2018)

Q:

DERWENT ENTERTAINMENT CENTRE MANAGEMENT AUTHORITY

Report for the year ended 30 June – 1996

Presented to both Houses of Parliament and the City of Glenorchy pursuant to section 24 (1) of the *Derwent Entertainment Centre Authority Act 1988* (Copy available from the Tasmanian Parliamentary Library).

On Page 8 of this report is the following:

“According to our Strategic Plan, during the year we have achieved the following objectives:

1. Negotiated the transfer of ownership of the Centre:-

- A) The control and ownership of the Derwent Entertainment Centre be vested solely in the Glenorchy City Council.**
- B) The Glenorchy City Council would continue to operate the Centre as an entertainment venue.**
- C) The State Government would provide a once-off grant to Council to meet construction defect remedy costs.**
- D) The Council continues to hold a 99 year lease over the Crown land surrounding the Centre and including Wilkinsons Point.”**

1. When did the 99 year lease the Council had on this land (Volume No 110871 - Folio 1) cease to exist?

- A: The exact date that the 99 year lease was extinguished is not clear. However, it is a fact that that Council owns the land described (Volume 110871, Folio 1) **(the Land)** in fee simple. A copy of a current title search for the Land showing Council as the owner is Attachment 1.

It follows that at the time Council became the outright owner of the Land, any previous lease it may have held (as tenant) was extinguished. Council cannot lease the property to itself nor take a lease from someone else over property it in fact owns.

The lease to Council would therefore have ceased when the former Derwent Entertainment Centre Authority transferred the Land to Council in fee simple on 10 July 1997 (which was done pursuant to a sale agreement between the Authority and Council), although it may have been extinguished before that.

2. What documentation does the Council have to show that this has occurred as the LIST FOLIO PLAN downloaded on the 19 October at 7.51 pm for Volume number 110871 indicates that the OWNER is THE CROWN ?

(Please refer to attachments, see top left hand corner). Please note that this also lists F/R 33936/1 which is also crown land and on 1 March 1989 this land was acquired and gazetted for the following public purpose namely:- Recreation and Amusement (that is a Public Reserve). Reference: Page 351 Tasmanian Government Gazette 15th April 1989 See attached Folio Plan D33936 downloaded on 16 September 2018 at 7.46 p.m.

- A: The documentation that shows the lease no longer exists is the publicly available title search for the Land which indicates that the Land was transferred to Council in fee simple on 10 July 1997 ([Attachment 1](#)).

The document referred to in your email is [Attachment 2](#). It appears to be a screenshot of part of the Folio Plan for the Land (**Folio Plan**). A complete copy of the Folio Plan is [Attachment 3](#). A Folio Plan is not evidence of the ownership of a property. Evidence of ownership is established by a title search.

However, to address your query, it is understood that the part of the Folio Plan you are referring to is the following (outlined in red):

List...		FOLIO RECORDED Issued Purs
OWNER (THE CROWN)	LOT 1 : THE DERWENT ENTERTAINMENT CENTRE MANAGEMENT AUTHORITY (A15687 & B751252) LOT 2 : THE CROWN	
FOLIO REFERENCE F/R 4651/45, F/R 33936/1, NOTN. 24/6346, SURR. 31/9266 27A. APPN (C.192563) GRANTEE WHOLE OF LOT 1 7.165ha VESTED IN THE DERWENT ENTERTAINMENT CENTRE MANAGEMENT AUTHORITY PART OF 427AC. GTD. TO G.F. READ		
TASMAP CODE No 17 (SHEE* No. 5225)	LAST UPI No 5832 5833	

That part of the Folio Plan shows that at the time the Folio Plan was prepared (which was prior to 29 July 1994) the Crown was the owner of the land. Immediately next the part you have referred to is the following (see red outline):

List... **FOLIO**
RECORDED
Issued Purs

OWNER (THE CROWN)	LOT 1: THE DERWENT ENTERTAINMENT CENTRE MANAGEMENT AUTHORITY (A15687 & B751252)
FOLIO REFERENCE F/R 4651/45, F/R 33936/1, NOTN. 24/6346, SURR. 31/9266 27A. APP. (C.192563) GRANTEE	LOT 2: THE CROWN
WHOLE OF LOT 1 7.165ha VESTED IN THE DERWENT ENTERTAINMENT CENTRE MANAGEMENT AUTHORITY PART OF 427AC. GTD. TO G.F. READ	
TASMAP CODE No 17 (SHEET No. 5225)	LAST UPI No 5832 5833

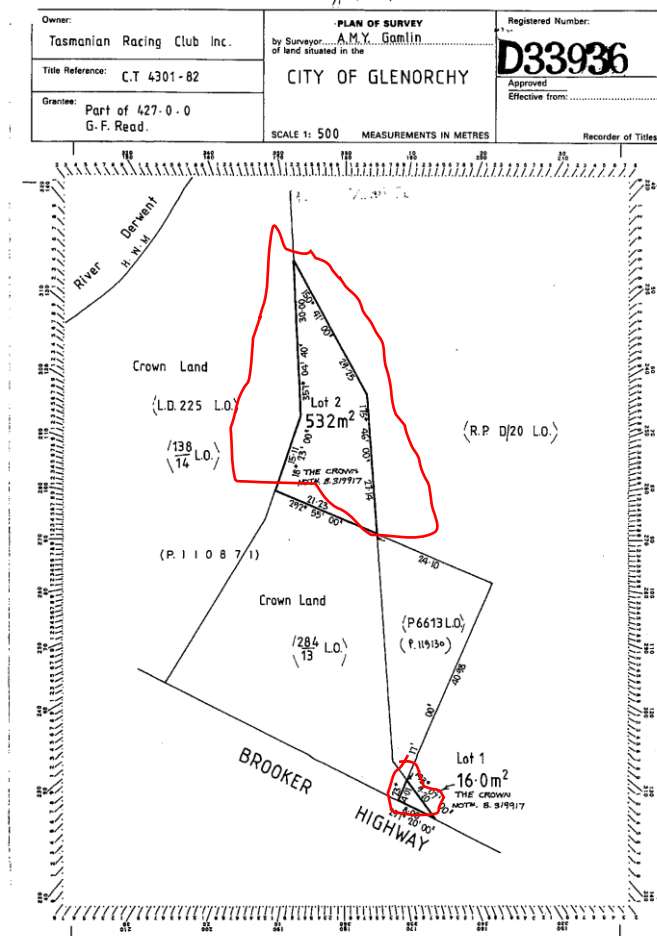
The area in red indicates that on the registration of the Folio Plan, ownership would vest in the Derwent Entertainment Centre Authority (**the DEC Authority**). The Folio Plan was registered on 29 July 1994 and created the parcel of land now known as Volume 110871, Folio 1 (i.e. the Land). On its creation, ownership of the Land vested in the DEC Authority. A copy of the dealing that vested the ownership in the Authority is [Attachment 4](#). The transfer of the Land from the Crown to the DEC Authority was required under section 8 of the (now repealed) *Derwent Entertainment Centre Authority Act 1998 (the Act)*.

The DEC Authority subsequently transferred the Land to Council in July 1997, as noted above.

You also allege the following:

"Please note that this also lists F/R 33936/1 which is also crown land and on 1 March 1989 this land was acquired and gazetted for the following public purpose namely:- Recreation and Amusement (that is a Public Reserve). Reference: Page 351 Tasmanian Government Gazette 15th April 1989 See attached Folio Plan D33936 downloaded on 16 Sept 2018 at 7.46 p.m."

The gazette notice of 15 April 1989 that you are referring to and the plan referred to in it is [Attachment 5](#). Under that notice, the Crown acquired (in 1989) the two small parcels of land outlined in red on the below plan:



Those two parcels of land are in the south eastern corner of the Land, abutting the Brooker Highway and comprise a total of 548m² (or approximately 0.76% of the total area of the Land). They became part of the Land when it was created on 29 July 1994.

Your assertion that because that 548m² of land was acquired for the public purpose of 'recreation and amusement' makes it a 'Public Reserve' is legally and factually incorrect. The two small parcels of land were acquired under the (now repealed) *Lands Resumption Act 1957*. Under section 13 of that Act, the Crown was required to identify the purpose for which land is being acquired. The use of land for a public purpose does not automatically make it a public reserve. For land to be declared a 'public reserve' an order is required to be given by the Minister under section 8 of the *Crown Lands Act 1976*. No such order has been given, either in respect of the 548 m², or over the balance of the Land.

While the Crown's rationale for stating the purpose as 'recreation and amusement' is not known, it may have been because the land that it was to form part of land that was already, at that stage, set aside for the DEC. The reason for its acquisition may have been to have been to straighten the boundaries of the DEC land, although this is also speculation.

- 3. This is part of the land (110871) [the 548m² discussed above] and is Crown land and is not able to be sold! Does the Council have documentation to show that is no longer Public Reserve?**

This is not correct, for the following reasons:

- the 548m² parcel of land acquired in 1989 is not Crown land. It was incorporated into Volume 110871, Folio 1 (i.e. the Land) when that parcel of land was created on 29 July 1994. On creation, ownership of the Land vested in the Authority, which transferred it to Council in fee simple in 1997, and
- in any event, and as noted above, for any land to be declared a 'public reserve' an order is required to be given by the Minister under section 8 of the *Crown Lands Act 1976*. No such order has been given, either over 548m² acquired by the crown in 1989 or over the balance of the Land.

Accordingly, Council does not have documentation to show that this land is not a public reserve because the land is not, and has never been, a public reserve.

Geoff Lucas, Blacksnake Lane, Granton

- Q. As a Council, are you planning to impose a \$2.8 m provision [contingency budget] in the next financial year? If not, what is the process to remove it permanently from rates calculations?**

A. The question was taken on notice.

- Q. In the interests of transparency and fairness to the people of Glenorchy, when will matters such as KGV, potential claims against Council, and the Derwent Park Stormwater project that the \$2.8m contingency related to be put into an actual financial context so that the ratepayers know what they are paying for with the increase?**

A. The question was taken on notice.

- Q. At the Special Council meeting on the DEC, I'm sure that Council moved to put the Derwent Entertainment Centre on the Market. Has that happened?**

A. The question was taken on notice.

- Q. Why was the question on notice from Mr. Holderness-Roddam related to rates comparisons between Glenorchy and Hobart Councils at the last meeting not published in answers to questions [in the meeting agenda]?**

A. The answers are provided in the minutes of the Council meeting held on 24 September 2018. Those minutes have now been confirmed and will be released publicly as part of those minutes.

Q. Why are responses to questions taken on notice not provided until after the following meeting? Can they please be provided in advance of the meeting?

A: The question was taken on notice.

Q. Can answers to questions please be provided by email rather than in the post?

A: The question was taken on notice.

Janiece Bryan, 14 England Avenue, Montrose

Q. Why were the attachments to the answers to the questions from James Bryan [which are provided above] not provided to me before today's meeting so that I could respond to them?

A. The question was taken on notice. However, the Mayor advised that the answers to the questions took some time to prepare. They were only received on 23 and 24 October 2018. Copies were emailed to Mrs. Bryan at 4:30 pm this afternoon, which was the earliest opportunity after they had been prepared and checked for accuracy.

Janine Foley, 5 Bethune Street, Chigwell

Ms. Foley submitted a written document containing a number of questions. A copy of the document is Attachment 1 to these minutes.

The questions were taken on notice. Written answers will be provided.

7. PETITIONS/DEPUTATIONS

A petition lodged by Janiece Bryan, 14 England Avenue, Montrose was tabled.

COMMUNITY

8. ANNOUNCEMENTS BY THE MAYOR

File Reference: Mayoral Announcements

Reporting Brief:

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

Resolution:

THOMAS/RICHARDSON

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.

The motion was put.

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

AGAINST:

The motion was CARRIED.

ENVIRONMENT

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

File Reference: Telecommunications

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.

Resolution:

STEVENSON/KING

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.

The motion was put.

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

AGAINST:

The motion was CARRIED.

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

File Reference: PLN-11-007

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.

Resolution:

BULL/STEVENSON

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.

The motion was put.

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

AGAINST:

The motion was CARRIED.

11. TOLOSA DAM DECOMMISSIONING AND REMEDIATION PROJECT

File Reference: Tolosa Dam Decommissioning and Remediation Project

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.

Resolution:

RICHARDSON/THOMAS

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.

The motion was put.

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

AGAINST:

The motion was CARRIED.

GOVERNANCE

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

File Reference: Derwent Entertainment Centre Proposals

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*.

Resolution:

STEVENSON/RICHARDSON

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 Wilkinsons 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 Wilkinsons Point.

The motion was put.

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

AGAINST:

The motion was CARRIED.

13. COMMUNICATIONS STRATEGY

File Reference: Communications Strategy

Reporting Brief:

To present the proposed Communications Strategy to Council for adoption.

Resolution:

Alderman Fraser left the meeting at 7.13 p.m.

THOMAS/DUNSBY

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, and
3. NOTE that by adopting the Communication Strategy, Council is likely to satisfy the requirement under Ministerial Direction 1(h).

Alderman Fraser returned to the meeting at 7.15 p.m.

The motion was put.

FOR: Aldermen Thomas, Dunsby, Stevenson, Johnston, Richardson and Carlton.

AGAINST: Aldermen Bull, King and Fraser.

The motion was CARRIED.

14. 2017/18 FINANCIAL STATEMENTS

File Reference: General Purpose Financial Report

Reporting Brief:

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

Resolution:

FRASER/DUNSBY

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.

The motion was put.

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

AGAINST:

The motion was CARRIED.

Alderman Fraser declared an interest in the following item and left the meeting at 7.43 p.m.

15. DRAFT SHORT STAY ACCOMMODATION BILL 2018

File Reference: Planning legislation review

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.

Resolution:

STEVENSON/DUNSBY

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 and in addition noting the need to broaden the interpretation of "booking platform" to go beyond a provider who has a software application and website.

The motion was put.

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

AGAINST:

The motion was CARRIED.

Alderman Fraser returned to the meeting at 7.56 p.m.

16. DRAFT AUDIT PANEL CODE OF CONDUCT

File Reference: Audit Panel

Reporting Brief:

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

Resolution:

STEVENSON/THOMAS

Alderman King left the meeting at 7.57 p.m.

That Council:

1. APPROVE the Audit Panel Code of Conduct, in the form of Attachment 2
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.

The motion was put.

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

AGAINST:

The motion was CARRIED.

17. MINISTERIAL DIRECTIONS - MONTHLY AND THIRD QUARTERLY REPORT

File Reference: Ministerial Directions

Reporting Brief:

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

Resolution:

DUNSBY/FRASER

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.

The motion was put.

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

AGAINST:

The motion was CARRIED.

18. FINANCIAL PERFORMANCE REPORT TO 31 AUGUST 2018

File Reference: Corporate and Financial Reporting

Reporting Brief:

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

Resolution:

FRASER/BULL

That Council:

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

Alderman King returned to the meeting at 8.00 p.m.

The motion was put.

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

AGAINST:

The motion was CARRIED.

19. PROCUREMENT EXEMPTIONS - MONTHLY REPORT

File Reference: Procurement

Reporting Brief:

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

Resolution:

STEVENSON/DUNSBY

That Council:

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

The motion was put.

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

AGAINST:

The motion was CARRIED.

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: Council's mowing team consist of approximately 24 staff who maintain Council property across our City. The areas are divided up into six categories that includes: turf wickets, sport fields, parks (including lawns), reserves, and roadside verges. The categories have varied intervention levels and are usually governed by grass height rather than frequency as seasonal growing conditions vary.

Natural bushland is managed in part by Councils Bushfire Mitigation Coordinator and generally consists of planned burns, fire trail maintenance/establishment, and the development/maintenance of hazard management areas. Planned burns are scheduled to maximise risk reduction from bushfire impacting human settlements. This requires the development of complex strategic fire plans. The intervention levels for controlled burns are partially determined by monitoring specific plots marked out on varying sites across bushland areas and noting the level of vegetation regrowth between annual assessments.

Maintaining these areas is a challenge for the team and many factors contribute towards the scheduling of mowing. These include: level of use, regional and local significance, location, growing conditions, weather and storm events, preparation for community events, resource availability, flexibility due to emergencies and competing priorities, and other environmental factors.

The below table summarises the current levels of service:

Area	Frequency	Comment
Turf wickets / Sports fields (Grades 1 and 2)	Weekly / various	Specialist turf management program for each field and these sites have the highest level of care.
Parks (Grade 3)	Weekly in summer / Fortnightly in winter	Frequency varies based on location, but generally these sites are irrigated, and higher profile type areas e.g. Council front lawn, Montrose Bay, Tolosa Park.
Reserves including creeks (Grades 4 and 5)	Fortnightly in summer / Monthly in winter	Frequency varies based on location and includes creeks and rougher areas that require brush cutters and slashing with tractors. These sites are also inclusive of areas that have management plans requiring fire breaks.

Area	Frequency	Comment
Roadside verges (Grade 6)	As required	Roadside vegetation control and spraying is conducting year-round with a peak season through the Spring. The goal is to maintain a maximum height of 150mm.
Nature strips	N/A	Council do not mow nature strips. This is the responsibility of the adjoining landowners.
Natural bushland	Various	Strategic Fire Management Plans

As part of the annual plan Council officers are reviewing the mowing levels of service based on the above factors. This is to be completed by 30 June 2019.

Question On Notice - Alderman Dunsby

Q. On 11 October 2018, two former aldermen of Glenorchy City Council appeared in the Magistrates Court on matters relating to their time on Council.

Could Council and the ratepayers pleased be advised if Ms Branch-Allen or Mr Pearce will be receiving support for this legal action through the Glenorchy City Council Directors and Officers insurance policy?

A. Council's Directors and Officers insurer does not provide details of the acceptance (or otherwise) of any individual claims made under the D&O Insurance Policy. Claims are made directly to the insurers by any officer (or former officer) covered by the policy. It is therefore not known whether former Aldermen Pearce and Branch-Allen have made a claim under the policy or whether they are receiving support for their legal expenses under the policy.

Council can be assured that other than the payment of any excess on the policy, Council will not be directly affected if a claim was made and the insurer decided to cover any defence costs.

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

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.

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

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.

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

Resolution:

KING/FRASER

That Council:

1. RESOLVE pursuant to Regulation 27(i) of the *Local Government (General) Regulations 2015* that a satisfactory result would not be achieved by inviting tenders for the supply of project management, consultancy and superintendent services on the KGV Project because of extenuating circumstances, namely:

- (a) Sugden & Gee was engaged by Council on an urgent basis in April 2017 to provide advice, project management, consultancy and superintendent services to Council on the KGV project
 - (b) the project has experienced considerable problems with a high degree of complexity. Issues include defective or incomplete works, contractual disputes, and tenancy disputes. Sugden & Gee's assistance has been critical to Council's ability to manage those issues and progress the project towards an eventual outcome
 - (c) at the time Sugden & Gee's was engaged, it was intended that their engagement would only be required on a short-term basis. However, the ongoing issues plaguing the project have meant that it was not foreseen that their engagement would stretch as long as it has and incur costs approaching the \$250,000 threshold
 - (d) during its engagement, Sugden & Gee has developed extensive knowledge of all aspects of the project which can only be gained through many months of intensive work. There would be a significant detriment to Council in engaging a new consultant, given that they would not have the background information and would need to spend significant time familiarising themselves with the issues
 - (e) the quality of the services provided by Sugden & Gee has been exceptional, and there is no suggestion that the rates they charge are not competitive.
2. APPROVE the further expenditure on Sugden & Gee for ongoing services in relation to the KGV project up to \$150,000, in addition to the \$350,000 expenditure approved since April 2017

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

AGAINST:

The motion was CARRIED.

Resolution:

KING/DUNSBY

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

The motion was put.

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

AGAINST:

The motion was CARRIED.

CLOSED TO MEMBERS OF THE PUBLIC

Resolution:

RICHARDSON/THOMAS

That Items 21, 22, 23, 24, 25, 27, 28 and 26 be dealt with as the next Agenda items.

The motion was put.

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

AGAINST:

The motion was CARRIED.

21. CONFIRMATION OF MINUTES (CLOSED COMMITTEE)

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).

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

28. EXEMPTION TO REQUIREMENT TO INVITE PUBLIC TENDERS – KGC CONSULTANCY SERVICES BY SUDGEN AND GEE

This item is to be considered at a closed meeting of the Council by authority of the Local Government (Meeting Procedures) Regulations 2015 Regulation 15(2)(d) (Contracts and tenders, for the supply and purchase of goods and services and their terms, conditions, approval and renewal.)

All staff left the meeting at 10.07 p.m.

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).

Resolution:

STEVENSON/KING

That Council move into Open Council.

The motion was put.

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

AGAINST:

The motion was CARRIED.

The meeting closed at 10.17 p.m.

Confirmed,

CHAIR

ATTACHMENT 1

Questions submitted by J Foley (address previously supplied) at Glenorchy City Council Meeting 29/10/2018.. *ALL E+O responsibility author JF*

Question 1. Tender GCC 825 125 Ticketing Services DEC

Context:

Ratepayer – value for money/management practices around asset base/ public asset provision for benefit of community ?

tenderlink.com/gcc

GCC 825 125 Ticketing Services DEC

"Ticket sales outside the DEC **utilizing the DEC** as an outlet for ticket sales of events outside of the DEC..."

1. Explanation sought for reason of tender.
2. Disposal of public asset process in place – why wasn't tender held/stayed until outcome known?
3. How does this tender add value to Glenorchy LGA ratepayer community?
4. Tender closed on 10/10/2018 - if/when public asset known as the Derwent Entertainment Centre is disposed of why has the Glenorchy City Council made ratepayers 'gift' a service to the new owners – this service is subsidised at the expense of the ratepayer base – explanation sought for GCC motivation/ action/ outcome ?



Question 2. Decommission Water Treatment Plant

Context – asset management practice/ provision of information on which the GCC's decommission schedule including costing is sought/ update to ratepayer base re-process is requested- timeline – resourcing – costing.

Further – the 'Glenorchy Gazette' (front page) in 2015 reported that the GCC accepted a series of awards and recognition from the Keep Australia Beautiful (KAB) National Sustainable Cities Awards . The Derwent Stormwater Reuse project was highly commended. Comment is sought regarding the acceptance of this recognition which would have lead the ratepayer base to form an opinion that the project was on track and performing as 'promised'. Can council indicate the point between 2015-2017 at which the decision was formed and on what basis (information) the decommission process was investigated and an intent was formed to proceed with the decommission of this asset?

How and when has KAB been informed of council decision?

Can council confirm that issues around the potential of the Water Treatment Plant to act as a mitigator (i.e. provide local business with a potential competitive advantage) of any carbon offsetting process was fully and thoroughly investigated as part of the decommissioning process?

Can council confirm that the decommissioning does not relate in any manner to the operation of the 'Strategic Infrastructure Corridors (Strategic and Recreational Use) Act 2016'?

Can council explain the intended use for the site once decommissioning is complete?

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Question 3. Mitigation potential ratepayer liability – herbicide use in the Glenorchy LGA.

1. Can council identify the location of the GCC 'Do Not Spray Register'? [mitigation inhale, ingest, absorb/ governance]
2. Can council identify the location of the GCC 'Adverse Experience/Effects Register' and how monitor mechanisms inform and are reported to the APVMA's Adverse Experience Reporting Program (AERP)? [manage mitigation inform practice data lines]
3. Can council identify the product that is applied throughout the Glenorchy LGA by council workforce and contractors? e.g. GLY – isopropylamine salt, GLY – trimesium and so on.
- 3a. Can council confirm compliance with the FAISD (Handbook of First Aid Instructions, Safety Directions, Warning Statements and General Safety Precautions for Agricultural and Veterinary Chemicals) Handbook – APVMA?
- 3b. Can council confirm it is aware of the potential issues surrounding the APVMA's 'Final regulatory position: Consideration of the evidence for a formal reconsideration of glyphosate'. e.g.p.10 claims (see 1996 Monsanto Assurance of discontinuance pursuant to executive law§ 63(15).New York, NY, Nov. **False Advertising by Monsanto Regarding the Safety of Roundup Herbicide** (Glyphosate), and p.21 claims around NNG, and p.29 citations Greim et al (2015) and issues around the JMPR .
4. Can council identify the surfactant used in product? e.g. POEA
5. Does council add a dye to treated areas so that members of the public know an area has been treated (poison applied) and avoid it?
6. Can council identify the source it will rely on to justify exposure to children and pregnant women? What authority expressly justifies/proves a safe exposure level for children?

7. Can council identify how it forms the opinion that herbicides it uses pose no risk to users of those areas?

8. Is council aware that in "2016 New South Wales insurance body State Cover warned local councils to investigate other options to control weeds.

"It is recommended that councils take a cautious approach and investigate their use of glyphosate and other hazardous chemicals used for weed control," State Cover told local NSW councils in a fact sheet.

Public safety lawyer Dimi Ioannou from Maurice Blackburn said **council workers could potentially sue their employers in the future if they developed a significant injury as a result of handling the product.**".? Worksafe Victoria updated glyphosate information in 2017.

9. When did council last audit practices around use of herbicides? Where is the policy relating to herbicide use in the Glenorchy LGA located? Is GCC LGAT compliant? Does LGAT have a policy relating to herbicide usage?

10. Could council provide information from current SDS relating to 8. Exposure Controls/ Personal Protection and 12. Ecological Information noting questions 6 and 7 above. Can council confirm that it has sought information/advice relating to the formulation of the SDS in the light of the result of Johnson v Monsanto.

11. Can council explain how it manages those containers – Fast Action Roundup ready to use weedkiller SDS prepared by Scotts, Infosafe No: LQ1DZ– classified as P501 'controlled waste' . This SDS states that contents and containers should be taken to an 'approved waste disposal plant'.p2/8., and disposed of 'in accordance with all applicable local and national regulations.'p.7/8. Can council identify those local regulations it must comply with in relation to issues identified in this SDS? Is council currently compliant with those requirements?

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