

**Minutes of the Meeting
of the Glenorchy City Council
held at the Council Chambers
on Monday, 30 March 2020 at 6:00 pm**



NOTE: Due to social distancing restrictions around COVID-19, the meeting was conducted by video link, with the open portion streamed live on Council's Facebook page.

Present (in Chambers): Aldermen Kristie Johnston (Mayor),

Present (by video link): Bec Thomas (Deputy Mayor), Peter Bull, Jan Dunsby, Simon Fraser, Steven King, Gaye Richardson, Angela Ryan and Kelly Sims.

In attendance (in Chambers): Executive Officer (Bryn Hannan)

In attendance (by video link): General Manager (Tony McMullen), Director Corporate Services (Jenny Richardson), Director Community and Customer Services (David Ronaldson), Director Strategy and Development (Sam Fox), Director Infrastructure and Works (Ted Ross), , Manager Finance and ICT (Tina House).

Leave of Absence:

Workshops held since last Council Meeting

Date: Monday, 2 March 2020

Purpose: To discuss:

- General Manager's 2020 KPIs

Date: Tuesday, 10 March 2020

Purpose: To discuss:

- GCC Mountain Bike Park Masterplan
- Bushfire Mitigation Strategy

Date: Monday, 16 March 2020

Purpose: To discuss:

- 2020/21 Council Budget

1. APOLOGIES

Alderman Melissa Carlton

2. CONFIRMATION OF MINUTES

Resolution:

THOMAS/BULL

That the minutes of the Council meeting (open session) held on Monday, 24 February 2020 be confirmed.

That the minutes of the Special Council meeting (open session) held on Friday, 28 February 2020 be confirmed.

The motion was put.

FOR: Aldermen Bull, Ryan, Dunsby, King, Thomas, Johnston, Richardson, Fraser and Sims

AGAINST:

The motion was CARRIED.

3. ANNOUNCEMENTS BY THE CHAIR

The Mayor gave an update on the steps Council has taken in response to the COVID-19 outbreak in Tasmania, announcing the closure of Council public venues including halls and community spaces, parks and playgrounds to help protect the health and wellbeing of the community.

The Mayor noted that Council would tonight be considering an interim community assistance package to help those in the community who are struggling financially as a result of losing their employment or other issues related to the disruption to services as a result of the virus.

The Mayor also noted that Council would be considering further measures to assist ratepayers in the future as part of leadup to the 20/21 budget, which may include rates relief.

The Mayor concluded by reminding people of the importance of following social distancing guidelines and staying at home where possible to stop the spread of the virus, despite the disruption that it would cause to their normal lives.

4. PECUNIARY INTEREST NOTIFICATION

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

Alderman Richardson declared an interest in Item 12 (Glenorchy War Memorial Aquatic Centre – Temporary Extension to contract).

The General Manager declared an interest in Item 21 (General Manager's Annual Performance Review 2019) and Item 22 (General Manager's KPI's 2020).

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

James Bryan – 14 England Avenue, Montrose
(from 28 January 2020 Council meeting).

Q: Under the *Local Government Act* it is the responsibility of Aldermen to notify the Council in writing of any interests that they have declared at Council meetings and the responsibility of the General Manager to ensure that the interest is recorded in the minutes if the meeting and kept in a register. I've got a copy of the register of interests declared by the current Aldermen. I asked to view it and was offered it in an email. On a search of the minutes of Council meetings and extra or special Council Meetings, there appears to be 23 interest declarations by Aldermen. There are less than that on the register.

A: Officers have reviewed all of the declarations of interest contained in the minutes of Council and GPA meetings from the beginning of the term of the current Council. There are a number of instances where the minutes record that a declaration was made but a declaration form has not been filled out. However, it is important to note that the *Local Government Act* requires only that a 'pecuniary interest' needs to be declared and the corresponding form completed. This does not apply to simply conflicts of interest (or matters that could be perceived as conflicts of interest), where, for example, the Aldermen may volunteer for an organisation the subject of an item being considered but would gain no pecuniary (or financial) benefit from any decision. In the case of a conflict of interest, it is necessary for the Alderman concerned to remove themselves from the Council meeting for the debate on that item. It is not necessary for them to make a formal declaration and complete the required form.

It is highly likely that some of the declared interests in the pecuniary interests items on the agenda (as recorded in the meeting minutes) are simply conflicts of interest, in which case Aldermen are going beyond what is required to properly notify the public of that interest (provided they left the meeting, which they did in each case).

However, we are taking steps to ask the Aldermen concerned to go back and check the nature of the interests that have been declared and complete the required form if there is any doubt as to whether their interest being declared is pecuniary.

While the declaration of pecuniary interest form is an important regulatory requirement, it should be noted that all interests declared appear in the minutes of the relevant meetings, which are publicly available, so any discrepancy is simply an administrative error.

**James Bryan – 14 England Avenue, Montrose
(from 24 February 2020 Council meeting).**

Q: During my search for Pecuniary interest declarations, I found that there were three Glenorchy Planning Authority meetings minutes which were not on the GCC website November and December 2018 and December 2019. To me this is an issue of accountability and when will they be made available?

A: This administrative error has been rectified and all Glenorchy Planning Authority minutes are now on the website. Please do not hesitate to contact Council directly with any such concerns in the future and we will rectify it as soon as possible.

Q. In the Glenorchy Planning Authority minutes on February 2017 concern was raised on page 11 by the Planning Authority on whether sufficient limitations were in place in the new standards on the Wilkinson Point SAP to control the use of land for large drive-thru bottle shops. What safeguards will be in place to prevent the Derwent Entertainment Centre becoming a new gaming facility and a hub for advertising this industry? Table for Precinct 'C' Derwent Entertainment Precinct at the February Planning Authority meeting it adds a discretionary use for 'Hotel Industry', when comparing this against the use permitted in Table for Precinct A – Sports and Entertainment precinct, it states permitted use is for 'Hotel Industry' but with the following exclusion 'not for the use of gaming machines'. Does this mean sports betting will be possible for these precincts?

A: Glenorchy City Council is aware of, and greatly concerned about, the social and economic damage that the operation of poker machines causes to Glenorchy. In light of this, when the proposed amendment to the Planning Scheme for Wilkinsons Point was initially submitted, the Glenorchy Planning Authority specifically requested restrictions on gaming machines be included. The proponent altered the proposed planning scheme amendment to prohibit gaming machines at Wilkinsons Point, except for at the Derwent Entertainment Centre (DEC) itself, where they proposed they should be "discretionary". This would mean they are not automatically allowed at the DEC, the Glenorchy Planning Authority would need to approve them being installed.

The Glenorchy Planning Authority also raised concerns about drive through bottle shops at Wilkinsons Point in their initial consideration of the proposed amendment. In response to this, the proponent altered the proposed planning scheme amendment to list a bottle shop as prohibited in all precincts except for Precinct B (Highway Precinct). In Precinct B, a bottle shop less than 500m² is permitted provided it does not include a drive-in section bottle shop. It is recognised that 500m² is a relatively small area even for a retail style bottle shop, as it covers back-of-house storage.

Sports betting involves predicting sports results and placing a wager on the outcome. It is primarily conducted online. As such, sports betting is possible across Tasmania from any mobile device. It is not possible to restrict the use of mobile devices for sports betting through the planning scheme.

Janiece Bryan – 14 England Avenue, Montrose
(submitted in writing at 24 February 2020 Council meeting)

Q: Council please supply the amount of money spent on supporting Basketball at the Derwent Entertainment Centre including funds spent from the Capital Works Budgets?

Please include the amount spent on:

- **Partnership agreement between the Glenorchy community and the Telstra Hobart Chargers negotiated by the Glenorchy City Council in 2016;**
- **New Curtaining System;**
- **New Court;**
- **Corporate Boxes Infrastructure**
- **Electronic Scoreboard for Basketball**
- **Any other improvement not identified such as:-upgrade to bar facilities, extensive upgrade to kitchen, new carpets and flooring, painting, electrical upgrades, new doors, new signage, roof repairs, external storage, consultants, advertising, travel, rebates on fees and charges, repairs to sea wall etc.**

A. Council's records indicate that since 1989 approximately \$1.2m of work has been undertaken at the DEC including upgrades, renewal and new works. This work was completed to support a range of activities that occur at the facility and is not specific to basketball.

6. PUBLIC QUESTION TIME (15 MINUTES)

The Mayor explained that due to the meeting being held by video link (as a result of restrictions caused by the Coronavirus outbreak), it was not possible to hold public question time as Council ordinarily would.

The Mayor noted that some questions had been received from members of the public by email, and that written answers to these would be provided at the next Council meeting.

7. PETITIONS/DEPUTATIONS

None

COMMUNITY

Community Goal: "Making Lives Better"

8. ANNOUNCEMENTS BY THE MAYOR

File Reference: Mayoral Announcements

Reporting Brief:

To receive an update on the recent activities undertaken by the Mayor.

Resolution:

BULL/RYAN

That Council:

RECEIVE the announcements about the activities of the Mayor during the period from period Tuesday, 21 January to Monday, 23 March 2020.

The motion was put.

FOR: Aldermen Bull, Ryan, Dunsby, King, Thomas, Johnston, Richardson, Fraser and Sims

AGAINST:

The motion was CARRIED.

9. COVID-19 INTERIM COMMUNITY ASSISTANCE PACKAGE

File Reference: Business Continuity COVID-19 2020

Reporting Brief:

To provide a briefing on Council's initial response to COVID-19 and to seek approval of an interim community assistance package to 30 June 2020.

Resolution:

RICHARDSON/SIMS

That Council:

1. NOTE the actions taken by Council's Management to date in responding to the COVID-19 emergency
2. ADOPT an interim community assistance package to assist community members, organisations and businesses adversely affected by COVID-19 to apply between now and 30 June 2020, as follows:
 - (i) waive rental instalments for grassroots community and sporting clubs for the rest of 2019/20
 - (ii) consider applications from commercial tenants adversely affected by COVID-19 for relaxation or deferral of rent instalments on a case by case basis
 - (iii) waive any penalties and interest that would have otherwise applied to overdue rate instalments for the fourth quarter
 - (iv) develop and apply amended guidelines for the Financial Hardship Policy to ensure relevant and timely consideration of applications from those seeking relief as a result of the COVID-19 incident, and
 - (v) action the business support package.
3. Pursuant to Section 6(3) of the *Land Use Planning and Approvals Act 1993*, DELEGATE to the General Manager the power to determine all applications that would otherwise be determined by the Glenorchy Planning Authority (GPA) for the period from 31 March to 27 April 2020, inclusive, in the event that GPA meetings are not held
4. ADVOCATE for the State Government \$50M assistance package to local government to be provided as grants to assist with provision of essential

services and for the delivery of 'funding ready' projects identified as part of the Australian Government Stimulus Package, and

5. DIRECT the General Manager to prepare a further report to the next ordinary Council meeting providing an update on the status of the emergency response and the development of further community support measures for the 2020/21 financial year to respond to COVID-19.

The motion was put.

FOR: Aldermen Bull, Ryan, Dunsby, King, Thomas, Johnston, Richardson, Fraser and Sims

AGAINST:

The motion was CARRIED.

ENVIRONMENT

Community Goal: “Valuing our Environment”

10. GLENORCHY SKATE PARK

File Reference: Skate Park

Reporting Brief:

To present the outcomes of a community engagement process on skating within Glenorchy City Council area and provide a recommendation as to where Council can spend a \$250,000 grant provided by Department of Health and Human Services.

Resolution:

THOMAS/RICHARDSON

That Council:

1. RECEIVE and NOTE the community feedback on the Glenorchy Skate Park
2. ENDORSE the preparation of a Skate Action Plan for Glenorchy
3. ENDORSE the concept design prepared by Enlocus for inclusion in the draft Montrose Bay Play Space Master Plan by Inspiring Place, and
4. ENDORSE the proposed approach to proceed with expending the grant funding, outlined in this report.

The motion was put.

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

AGAINST: Alderman Ryan

The motion was CARRIED.

GOVERNANCE

Community Goal: "Leading our Community"

11. DISPOSAL OF PUBLIC LAND - MILL LANE (CARPARK) - FURTHER EXTENSION OF TIMEFRAME

File Reference: Disposal of Public Land

Reporting Brief:

To recommend that Council further extends an exclusive dealing period with Marigold (Tas) Pty Ltd (**Marigold**) to exchange or purchase land situated at Mill Lane, Glenorchy.

Resolution:

DUNSBY/KING

That Council:

1. NOTE that negotiations with Marigold (Tas) Pty Ltd to exchange or purchase the property at Mill Lane, Glenorchy, situated on the corner of Barry Street and Regina Street, CT29803/5 (**the Land**) during the initial exclusive dealing period have been constructive, and that a resolution is close, and
2. EXTEND the exclusive dealing period with Marigold (Tas) Pty Ltd for a further six (6) months, to allow time for negotiations between Council and Marigold (Tas) Pty Ltd in respect of the Land to be finalised and for a satisfactory outcome to be reached.

The motion was put.

FOR: Aldermen Bull, Ryan, Dunsby, King, Thomas, Johnston, Richardson, Fraser and Sims

AGAINST:

The motion was CARRIED.

Alderman Richardson declared an interest in the following item and left the meeting by removing herself from the video conference at 6.38pm.

12. GLENORCHY WAR MEMORIAL AQUATIC CENTRE - TEMPORARY EXTENSION TO CONTRACT

File Reference: 0507-2015

Reporting Brief:

To seek Council's approval to temporarily extend the YMCA's operating lease for the Glenorchy War Memorial Aquatic Centre until 30 September 2020 to allow time for the current tender process to be completed.

Resolution:

KING/BULL

That Council:

APPROVE an extension to the existing Glenorchy War Memorial Aquatic Centre Lease (Contract No 0507) with YMCA until 30 September 2020, to allow time for the current tender process to be completed.

Alderman Richardson left the meeting at 18:38 pm.

The motion was put.

FOR: Aldermen Bull, Ryan, Dunsby, King, Thomas, Johnston, Fraser and Sims

AGAINST:

The motion was CARRIED.

Alderman Richardson returned to the meeting by being re-added into the video conference at 6:45 pm.

13. PROCUREMENT AND CONTRACTS - MONTHLY REPORT

File Reference: Procurement

Reporting Brief:

To inform Council of exemptions that have been applied to procurements under Council's Code for Tenders and Contracts for the period 11 February 2020 to 11 March 2020 and provide updates on other relevant procurement matters.

Resolution:

RICHARDSON/KING

That Council:

1. RECEIVE and NOTE the Procurement and Contracts Monthly Report for the period from 11 February 2020 to 11 March 2020, and
2. NOTE the General Manager's exercise of the power under under regulation 27(a) of the *Local Government (General) Regulations 2015* to authorise entry into short-term (six month) contracts with Council's labour hire suppliers without a public tender process.

The motion was put.

FOR: Aldermen Bull, Ryan, Dunsby, King, Thomas, Johnston, Richardson, Fraser and Sims

AGAINST:

The motion was CARRIED.

14. FINANCIAL PERFORMANCE REPORT TO 29 FEBRUARY 2020

File Reference: Corporate and Financial Reporting

Reporting Brief:

To provide the monthly Financial Performance Report to Council for the period ending 29 February 2020.

Resolution:

BULL/THOMAS

That Council:

RECEIVE and NOTE the Financial Performance Report for the year-to-date ending 29 February 2020 in the form of Attachment 1.

The motion was put.

FOR: Aldermen Bull, Ryan, Dunsby, King, Thomas, Johnston, Richardson, Fraser and Sims

AGAINST:

The motion was CARRIED.

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

None.

Resolution:

KING/BULL

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, Ryan, Dunsby, King, Thomas, Johnston, Richardson, Fraser and Sims

AGAINST:

The motion was CARRIED.

The Facebook Live video feed ended at 6.58pm.

CLOSED TO MEMBERS OF THE PUBLIC

16. CONFIRMATION OF MINUTES (CLOSED MEETING)

Resolution:

RICHARDSON/BULL

That the minutes of the Council meeting (closed session) held on Monday, 24 February 2020 be confirmed.

That the minutes of the Special Council Meeting (closed session) held on Friday, 28 February 2020 be confirmed.

The motion was put.

FOR: Aldermen Bull, Ryan, Dunsby, King, Thomas, Johnston, Richardson, Fraser and Sims

AGAINST:

The motion was CARRIED.

17. APPLICATIONS FOR LEAVE OF ABSENCE

Resolution:

FRASER/BULL

That Council:

That Alderman Carlton's application for a Leave of Absence be approved with leave to continue until the next Council meeting, unless revoked earlier by Alderman Carlton.

The motion was put.

FOR: Aldermen Bull, Ryan, Dunsby, King, Thomas, Johnston, Richardson, Fraser and Sims

AGAINST:

The motion was CARRIED.

GOVERNANCE

Community Goal: “Leading our Community”

18. PROCUREMENT EXEMPTION - HOWARD ROAD RECONSTRUCTION

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).

19. AUDIT PANEL MINUTES

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

The following item was tabled under regulation 8(6) of the *Local Government (Meeting Procedures) Regulations 2015*.

Resolution:

DUNSBY/KING

That the Agenda be re-ordered as follows:

- (a) to permit discussion of an additional item (to be numbered as Item 20) under regulation 8(6) of the *Local Government (Meeting Procedures) Regulations 2015*
- (b) to renumber items 20, 21 and 22 as items 21, 22 and 23, and
- (c) to deal with renumbered item 23 (Notices of Motion / Questions on Notice and Without Notice) before renumbered items 21 (General Manager's annual performance review 2019) and 22 (General Manager's KPIs 2020).

The motion was put.

FOR: Aldermen Bull, Ryan, Dunsby, King, Thomas, Johnston, Richardson, Fraser and Sims

AGAINST:

The motion was CARRIED.

The following item was tabled under regulation 8(6) of the *Local Government (Meeting Procedures) Regulations 2015*.

20. ESTIMATED IMPACT OF COVID-19 ON COUNCIL RESOURCES

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

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

None.

The General Manager and all staff left the meeting during consideration of the remaining items on the agenda, by leaving the video conference call.

21. GENERAL MANAGER'S ANNUAL PERFORMANCE REVIEW 2019

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

22. GENERAL MANAGER'S KPIS 2020

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

The meeting closed at 8.42 p.m.

Confirmed,

CHAIR