

COUNCIL AGENDA

MONDAY, 30 APRIL 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 April 2018

Hour: 6.00 p.m.

Present:

In attendance:

**Workshops held since
last Council Meeting**

Date: Monday, 9 April 2018

Purpose: To discuss:

- Aldermanic Training – Financial Fundamentals

Date: Monday, 16 April 2018

Purpose: To discuss:

- Glenorchy Demography – Profile ID

Date: Monday, 23 April 2018

Purpose: To discuss:

- KGV Update
- Budget and Annual Plan

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1. APOLOGIES

2. CONFIRMATION OF MINUTES (OPEN MEETING)

That the minutes of the (Open) Council Meeting held on 26 March 2018 be confirmed.

That the minutes of the (Open) Special Council Meeting held on 16 April 2018 be confirmed.

3. ANNOUNCEMENTS BY THE CHAIR

4. PECUNIARY INTEREST NOTIFICATION

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Darrell Vincent - Berriedale

Q: Mr Vincent noted that there only two disabled car park spaces have been provided at the new (and yet to be opened) medical centre in Glenorchy. He also noted that the new medical centre provided services for dialysis patients who required parking for approximately five (5) hours, and that there was no patient drop-off area to assist patients with accessibility issues. Mr Vincent asked whether Council could look into this issue further?

A: Council has provided Mr Vincent with a written answer, to the following effect:

- The new health centre was approved by Council in March 2014.

- The application was assessed under the the *Glenorchy Planning Scheme 1992* which was in force at the time the development application was submitted (the **Planning Scheme**).
- The Planning Scheme specified the number of car parking spaces to be provided for developments within the Glenorchy municipality, including accessible parking spaces.
- The application for the new health centre sought a reduction in the total number of car parking spaces for the development. The required number of accessible spaces is determined as a ratio to the total number of approved car parking spaces. In this case, the reduction in car parking spaces resulted in a requirement for two accessible parking spaces.
- A traffic impact assessment was undertaken by a consultant as part of the application. The assessment looked at a number of factors related to parking requirements, including the number of vehicle trips generated by the health centre, and the proposed usage of the development.
- Having considered the Planning Scheme requirements and the information included in the application (including the traffic assessment), the Planning Authority ultimately approved the inclusion of two accessible parking spaces Planning Scheme.
- It was noted in the Development Engineer's report that Council considered when making the decision that two spaces were considered to be acceptable for the proposed development, particularly given that there was also a dedicated parking area for emergency vehicles and accessible service vehicles directly at the rear entrances to the building.

Pam Harvey – Montrose

Q: Mrs Harvey raised a concern that a number of roads in Glenorchy are effectively being used as public 'for sale' yards. In particular, Mrs Harvey noted that there are two cars that are regularly parked outside Centrelink on Main Road with 'for sale' sign on them for 24 hours every day, and also, on occasion, a boat. Mrs Harvey advised that these particular cars take up the majority of the five (5) parking spaces outside Centrelink and prevent other people from parking in that area. Mrs Harvey asked whether Council would consider implementing a two (2) hour parking zone in this area.

A: This issue has been referred to Council's traffic engineering section for investigation advice on a possible solution. The outcome of those investigations and the advice provided will be communicated to Mrs Harvey.

6. PUBLIC QUESTION TIME (15 MINUTES)

7. PETITIONS/DEPUTATIONS

COMMUNITY

8. ANNOUNCEMENTS BY THE MAYOR

Author: Mayor (Ald. Kristie Johnston)
Qualified Person: General Manager (Tony McMullen)
ECM File Reference: Mayoral Announcements

Community Plan Reference:

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

Strategic or Annual Plan Reference:

Annual Plan Reference *4.2.4.03 Implement the Governance Strategy*.

Reporting Brief:

To receive the announcement of events by the Mayor.

Proposal in Detail:

The following is a list of events and meetings the Mayor has attended during the period from Tuesday, 20 March 2018 to Monday, 23 April 2018.

Tuesday, 20 March 2018

- Visited Council's landfill site
- Participated in the Multicultural Story time activity at the Glenorchy LINC
- Guest speaker at the Moonah Rotary Club lunch
- Attended the Claremont Mens' Shed Special General Meeting

Wednesday, 21 March 2018

- Attended the Cosgrove High School Harmony Day March

Thursday, 22 March 2018

- Attended and presented at the Claremont College Awards Evening

Friday, 23 March 2018

- Attended a meeting with GASP
- Attended the Glenorchy District Football Club Season Launch and Player Sponsor evening

Saturday, 24 March 2018

- Attended the West Moonah Community House Wellness Gala Dinner

Sunday, 25 March 2018

- Attended and opened the Moonah Taste of the World Festival

Monday, 26 March 2018

- Chaired the Council Meeting

Tuesday, 27 March 2018

- Attended the Montrose Bay High Inauguration Assembly
- Spoke at an all staff briefing for Childcare Centres

Wednesday, 28 March 2018

- Officially opened the Community Seniors' Forum at KGV

Thursday, 29 March 2018

- Attended the Dedication of the 24 Headstones to First World War Veterans
- Chaired the Safer Communities Committee meeting
- Attended and spoke at the Glenorchy Knights Football Club Season Launch

Friday, 30 March 2018

- Attended as guest speaker the Berriedale Belligerents meeting

Saturday, 31 March 2018

- Attended the Tasmanian Netball Invitational Netball Series at the DEC

Tuesday, 3 April 2018

- Attended as a guest speaker at the Collinsvale Community Association

Wednesday, 4 April 2018

- Attended a meeting with representative from the Bicycle Network

Friday, 6 April 2018

- Attended a telephone conference with Minister Gutwein
- Meeting with representatives from the Collinsvale Community Association
- Attended the Glenorchy District Football Club Women's Player Sponsor night
- Attended the Hobart Chargers Basketball Game at the DEC

Saturday, 7 April 2018

- Attended the Glenorchy v Lauderdale game at KGV
- Attended and presented awards at the Glenorchy City Bowls Club Presentation Night

Sunday, 8 April 2018

- Attended the Lutana Woodlands Walk and Talk

Monday, 9 April 2018

- Chaired the Council Workshop
- Guest Speaker at Jane Franklin Hall Residential College Dinner

Tuesday, 10 April 2018

- Attended, spoke and laid a wreath at the Claremont ANZAC Flag Parade
- Guest speaker at the CWA Glenorchy Branch meeting
- Attended the FIFA Women's World Cup 2023 Bid meeting

Wednesday, 11 April 2018

- Attended the Opening of the Fra Angelico and Oratory Space at Dominic College

Thursday, 12 April 2018

- Attended a meeting with TASCOS representative
- Opened the Makers Space at Springfield Gardens Primary School

Friday, 13 April 2018

- Chaired the Hobart and Glenorchy Transit Corridor meeting
- Attended and participated in the Inter-Council Dance Off for Youth Week Tasmania event

Saturday, 14 April 2018

- Attended the Estia Greek Festival Dinner

Monday, 16 April 2018

- Attended the aldermanic training session
- Chaired the Glenorchy Planning Authority meeting
- Chaired the Special Council meeting

Tuesday, 17 April 2018

- Attended the Moonah and Glenorchy Business Association Committee meeting

Wednesday, 18 April 2018

- Attended a meeting with representatives from the Glenorchy Community Fund

Thursday, 19 April 2018

- Attended and spoke at the Greater Glenorchy Group meeting

Friday, 20 April 2018

- Attended the TICT Corporate event at the Glenorchy v North Hobart game at KGV

Saturday, 21 April 2018

- Attended the Unveiling of the Icelandic Commemorative Plaque at the International Wall of Friendship
- Attend the TAFRIC forum at the Multicultural Hub
- Attended the Tasmanian Young Achiever Awards Gala Dinner

Sunday, 22 April 2018

- Attended and presenting awards at the DrillDance Championships2018

Monday, 23 April 2018

- Chair the Council Workshop

Numerous internal Council meetings and administrative duties were also undertaken.

Consultations:

Nil.

Human Resource / Financial and Risk Management Implications:

Nil.

Community Consultation and Public Relations Implications:

Nil.

Recommendation:

That Council:

RECEIVE the announcements about the activities of the Mayor's office during the period from Tuesday, 20 March 2018 to Monday, 23 April 2018.

ENVIRONMENT

9. PROPOSED FEES AND CHARGES FOR 2018-19 (FOOD BUSINESS REGISTRATIONS, DOG REGISTRATIONS, KENNEL LICENCES AND STABLE LICENCES)

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

Qualified Person: Acting Director, Environment and Development (Paul Garnsey)

ECM File Reference: Fees and Charges

Community Plan Reference:

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

Strategic or Annual Plan Reference:

Leading our Community

Objective 4.1 Govern in the best interests of our community.

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

Objective 4.2 Prioritise resources to achieve our communities' goals.

Strategy 4.2.2 Deploy the Council's resources effectively to deliver value.

Reporting Brief:

To seek Council's approval of the fees and charges to be levied by Council for food business registrations, dog registrations, kennel licences and stable licences for the 2018-19 financial year.

Proposal in Detail:

Background

The purpose of this report is to present the proposed fees and charges for food business registrations, dog registrations, kennel licences and stable licences for the 2018-19 financial year to Council for adoption.

The changed fees and charges will be included in Council's 2018-19 budget. However, approval of the changed fees and charges is required prior to the presentation of the annual budget to Council to enable licence renewal forms to be developed and distributed prior to the end of the current financial year and for other administrative tasks to be completed.

The recommended fees and charges for 2018-19 have been developed in accordance with Council's Long-term Financial Management Plan and the 2018-19 budget assumptions paper, to ensure that appropriate levels of funding are maintained in real terms.

Food Business Registration Fees

Council's food business registration fees for the current financial year have been set by Council as follows:

Category	Fee for 2017/18 (GST EXEMPT)	Total registered in each category (as of 09 April 2018)
Cat A	\$1,446.00	0
Cat B	\$582.00	21
Cat C+ (multiple premises)	\$1,446.00	5
Cat C	\$388.00	206
Cat D	\$194.00	159
Cat E (school canteens / community organisations)	\$86.00	47
	TOTAL:	438

Traditionally, Council has set the fees for each category to reflect the overall risk associated with the relevant category of food business and the consequent average administrative time (including inspections) that an Environmental Health Officer spends ensuring compliance with the *Food Act 2003*.

For example, a Category A food business produces and handles high risk foods, has limited food safety systems in place and also has a poor record of compliance. The business is therefore required to be inspected more often than those in a low risk, such as Category D.

This system creates fairness for the food businesses and also encourages improvement in food safety procedures to reduce the risk category.

Recommended Fee Increases

It is recommended that Council's fees for food business registrations are increased by CPI (2.5%, rounded up to the nearest dollar) to partially offset the costs to Council in ensuring that Council's statutory obligations regarding food safety are met.

The proposed increased registration fees for 2018-19 are as follows:

Category	Fee for 2017/18 (GST exempt)	Fee for 2018/19 (GST exempt)	Increase
Cat A	\$1,446.00	\$1,483.00	\$37.00
Cat B	\$582.00	\$597.00	\$15.00
Cat C + (multiple premises)	\$1,446.00	\$1,483.00	\$37.00
Cat C	\$388.00	\$398.00	\$10.00
Cat D	\$194.00	\$199.00	\$5.00
Cat E (school canteens / community organisations)	\$86.00	\$89.00	\$3.00

Dog Registration, Kennel Licence and Stable Licence Fees

Council's animal management registration fees for the current financial year have been set by Council as follows:

Category	Standard Fee for 2017/18 (GST exempt)	Overdue Fee for 2017/18 (GST exempt)
Dog Registration Fees		
Non-Desexed Dog	\$85.00	\$120.00
Desexed Dog	\$40.00	\$90.00
Concession Non De-sexed	\$60.00	\$84.00
Concession De-sexed	\$28.00	\$63.00
Working Dog	\$85.00	\$120.00
Special Assistance Dog	No charge	No charge
Obedience Trained Dog	No charge	No charge
Desexed and Microchipped <12months	No charge	No charge
Licence Application and Renewal Fees		
Kennel Licence application	\$92.50	n/a
Kennel Licence renewal	\$57.50	n/a
Greyhound Kennel Licence (up to 5 dogs) application	\$318.00	n/a
Greyhound Kennel Licence (more than 5 dogs) application	\$462.00	n/a
Stable Licence (application and renewal)	\$100	n/a

As at 9 April 2018, Council had registered a total of 9,305 dogs, compared to 9,422 at the same time in the 2016-17 financial year. Income received this financial year to date from dog registrations is \$396,102 (GST exempt).

Council currently provides fee initiatives in the form of a two (2) tiered registration fee structure, based on timely payment of renewals: standard and overdue fees. The fee structure for dog registrations underwent a comprehensive review in April 2018 which resulted in the current structure.

The current fee structure is designed to encourage dog owners to pay registration fees by the due date in order to qualify for the discounted fee. The rationale for this is that it timely payment will reduce the administrative and enforcement costs to Council associated with collecting late payments and undertaking investigations or issuing infringements.

For the next financial year, it is proposed to increase all animal registration and licence fees by CPI (2.5%), rounded up to the nearest dollar.

It should be noted that Council's contribution to the Tasmanian Canine Defence League (Hobart Dogs Home) has recently increased. The proposed rise will cover this contribution.

The proposed increased registration and licence fees for 2018-19 are as follows:

Category	Standard Fee for 2018/19 (GST exempt)	Increase	Overdue Fee for 2018/19 (GST exempt)	Increase
Dog Registration Fees				
Non-Desexed Dog	\$87.00	\$2.00	\$123.00	\$3.00
Desexed Dog	\$41.00	\$1.00	\$92.00	\$2.00
Concession Non De-sexed	\$61.50	\$1.50	\$86.00	\$2.00
Concession De-sexed	\$29.00	\$1.00	\$64.50	\$1.50
Working Dog	\$87.00	\$2.00	\$123.00	\$3.00
Special Assistance Dog	No charge	n/a	No charge	n/a
Obedience Trained Dog	No charge	n/a	No charge	n/a
Desexed and Microchipped <12months	No charge	n/a	No charge	n/a
Licence Application and Renewal Fees				
Kennel Licence application	\$95.00	\$2.50	n/a	n/a
Kennel Licence renewal	\$59.00	\$1.50	n/a	n/a
Greyhound Kennel Licence (up to 5 dogs)	\$326.00	\$8.00	n/a	n/a
Greyhound Kennel Licence (more than 5 dogs)	\$473.50	\$11.50	n/a	n/a
Stable Licence (renewal and new)	\$102.50	\$2.50	n/a	n/a

Timing Considerations

Council is required to adopt any increased fees prior to the submitting its 2018-19 Budget Report (fees and charges), which is usually in May or June.

This is required in order to enable registration renewal forms to be issued prior to the end of the current financial year.

Consultations:

Acting Coordinator, Environmental Health Services

Public Compliance Coordinator

Acting Manager, Governance and Risk

Human Resource / Financial and Risk Management Implications:

There are no human resources implications

Risk Identification	Consequence	Probability	Rating	Risk Mitigation Treatment
If identified fee increases are not adopted as recommended, then the reduction of operating deficit of the respective functions of Council is less optimal	Minor (C2)	Almost Certain (L5)	Moderate	Council adopt the recommended increases to fees and charges

Community Consultation and Public Relations Implications:

Not applicable.

Recommendation:

That Council:

1. APPROVE the following food business registration fees for 2018-19:

Category	Fee for 2018/19 (GST EXEMPT)
Cat A	\$1,483.00
Cat B	\$597.00
Cat C+ (multiple premises)	\$1,483.00
Cat C	\$398.00
Cat D	\$199.00
Cat E (school canteens / community organisations)	\$89.00

2. APPROVE the following dog registration, kennel licence and stable licence fees for 2018-19:

Category	Standard fee	Overdue fee
Dog Registration Fees		
Non-Desexed Dog	\$87.00	\$123.00
Desexed Dog	\$41.00	\$92.00
Concession Non De-sexed	\$61.50	\$86.00
Concession De-sexed	\$29.00	\$64.50
Working Dog	\$87.00	\$123.00
Special Assistance Dog	No charge	No charge
Obedience Trained Dog	No charge	No charge
Desexed and Microchipped <12months	No charge	No charge
Licence Application and Renewal Fees		
Kennel Licence application	\$95.00	n/a
Kennel Licence renewal	\$59.00	n/a
Greyhound Kennel Licence (up to 5 dogs)	\$326.00	n/a
Greyhound Kennel Licence (more than 5 dogs)	\$473.50	n/a
Stable Licence (renewal and new)	\$102.50	n/a

10. MONA REQUEST TO REVIEW HOTEL DEVELOPMENT APPLICATION FEES

Author: Acting Director, Environment and Development
(Paul Garnsey)

Qualified Person: Acting Director, Environment and Development
(Paul Garnsey)

ECM File Reference: MONA

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:

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.

Action 3.1.4.07: Plan for the sustainable development of the City, ensuring compliance with the planning scheme and community involvement in the planning process.

Leading our 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 brief Council on a request by MONA for Council to reduce the planning application fees for the proposed MONA Hotel development and make recommendations to Council accordingly.

Proposal in Detail:

Background

On 16 April 2018, MONA wrote to Council signalling their intention to lodge a development application for the proposed MONA Hotel development within the calendar year, and seeking relief from Council for the planning application fees (Attachment 1).

The proposed hotel will have 172 rooms, a theatre, function centre and dining facilities, and will be a major expansion to the development already on MONA's Berriedale Peninsula site. The development is estimated to cost approximately \$350 million to construct. Construction is scheduled to commence in 2019 and continue for approximately 3 years.

Under Council's current planning fee structure the fees payable for the application would be \$421,492.70.

MONA has requested that Council review these fees with the view of seeking a favourable reduction.

Basis for this Review

A number of matters have been taken into account when assessing MONA's request. These are:

- legislative requirements
- Council's current planning fee structure
- comparison with other planning authorities
- comparison with previous similar applications to Council
- estimated cost in assessing the current hotel application
- public policy implications, and
- rating impact.

Legislative provisions

The ability for Council to apply fees and charges is provided under section 205(1)(e) and (f) of the *Local Government Act 1993* (**the Act**):

205. Fees and charges

(1) In addition to any other power to impose fees and charges but subject to subsection (2), a council may impose fees and charges in respect of any one or all of the following matters:

(a) the use of any property or facility owned, controlled, managed or maintained by the council;

(b) services supplied at a person's request;

(c) carrying out work at a person's request;

(d) providing information or materials, or providing copies of, or extracts from, records of the council;

(e) any application to the council;

(f) any licence, permit, registration or authorization granted by the council;

(g) any other prescribed matter.

(2) A council may not impose a fee or charge in respect of a matter if –

(a) a fee or charge is prescribed in respect of that matter; or

(b) this or any other Act provides that a fee or charge is not payable in respect of that matter.

(3) Any fee or charge under subsection (1) need not be fixed by reference to the cost to the council.

In addition, section 207 of the Act gives Council to provide relief in from those fees and charges as follows:

207. Remission of fees and charges

A council may remit all or part of any fee or charge paid or payable under this Division.

At the August 2017 ordinary Council meeting, Council delegated all its powers under section 207 to the General Manager. There is no limit on the General Manager's ability to remit fees or charges, meaning that the General Manager could approve the reduction without Council's approval. However, given the quantum of the fees involved in this application and the significance of the proposal, the General Manager considers it appropriate to seek Council's endorsement of the reduction in this particular case.

Current planning fee structure

Under the current planning fee structure, application fees are based on the estimated cost of development with minimum amounts. There is no upper limit for commercial development. The fee structure is summarised in Table 1:

Table 1: Current planning fees

	Category	Rate	Comments
Development application fee	Estimated Development Cost < \$500,000	\$3.30 per \$1000 of construction cost	minimum \$235.00
	Estimated Development Cost > \$500,000	\$1,640.00 plus	base fee
		\$1.20 per \$1000 construction cost over \$500,000	no maximum
	Estimated Development Cost < \$10,000 (Residential Only)	\$118.00	flat rate
Advertising fee		\$238.70	flat rate
Heritage assessment fee		\$214.00	flat rate

Under this structure, the fee breakdown for the proposed MONA development would be:

Development application base fee	\$1,640.00
Surcharge of \$1.20/\$1,000	\$419,400.00
Advertising fee	\$238.70
Heritage assessment fee	\$214.00
TOTAL:	\$421,492.70

The cost of development has long been the basis of development application fees. However, prior to the 2008-09 financial year, planning application fees were capped at \$7,500. From the 2008-09 financial year onwards, the ceiling was removed after revenue challenges arising from State Government's water and sewerage reforms (which resulted in a \$13.1 million reduction in Council's revenue).

Comparison with other Planning Authorities

Tasmanian Councils

Table 2 (below) provides a comparison of the fees that would be charged by other large Councils in Tasmania for a \$350 million development in their municipality.

Table 2: Comparison of the fees charged for a \$350 million development

Council	Capped	Calculation	Fees
Burnie City Council	N	\$264 + (\$1.15 per \$1,000) + \$315 (heritage) + \$315 (advertising)	\$403,394.00
Central Coast Council	Y	\$2,600 + \$285 (advertising)	\$2,885.00
Clarence City Council	Y	\$8,800 + \$165 (heritage) + \$305 (advertising)	\$9,270.00
Devonport City Council	N	\$550 + (\$1.00 per \$1,000) + \$305 (advertising)	\$351,200.00
Glenorchy City Council	N	\$1640 + (\$1.20 per \$1,000 over \$500,000) + \$214 (heritage) + \$238.70 (advertising)	\$421,492.70
Northern Midlands Council	N	\$500 + (0.3% over \$500,000)	\$1,049,600.00
Hobart City Council	Y	\$25,000 + \$100 (heritage) + \$300 (advertising)	\$25,400.00
Kingborough Council	N	\$546 + (\$0.40 per \$1,000) + \$268 (advertising)	\$118,814.00
Launceston City Council	Y	\$30,000 + \$320 (advertising)	\$30,320.00
West Tamar Council	Y	\$7,520 + \$28,120 + \$170 (heritage)	\$35,810.00

In general terms, planning application fees are set according to either a flat rate, cost of development (with pre-determined cost intervals) or are variable, based on a charge per unit of development cost (usually \$1,000). Some are capped whilst others have no upper limit.

Burnie, Devonport and Kingborough Councils all have very similar pricing structures with only minor variances in base fee and the unit charge per \$1,000 of development cost.

Northern Midlands Council's fees are calculated on a base fee of \$500 plus 0.3 of a percent of the value above \$500,000. In the above comparison, Northern Midlands' fees would be the highest amongst the sample group at \$1,049,600.

Glenorchy City Council has the second highest fee among the sample group.

Interstate Councils

Planning fees in Victoria are not set by the relevant planning authorities, and are instead legislated under the *Planning and Environment (Fees) Regulations 2016* (VIC). The maximum permitted fee where the estimated cost of development is more than \$50,000,000 is 3,894 fee units (1 fee unit = \$14.22). Accordingly, the maximum permissible planning application fee in Victoria is \$55,372.68 (3,894 x \$14.22)

Planning Application fees in New South Wales are also regulated by legislation, namely the *Environmental Planning and Assessment Regulation 2000* (NSW). However, unlike Victoria, there is no upper limit applied. Where the cost of development is greater than \$10,000,000, the fee is \$15,875, plus an additional \$1.19 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$10,000,000. Under this arrangement, the applicable fees for a \$350 million development cost would be \$420,475.00.

Tasmanian Planning Commission

Major development proposals that have effects that extend beyond a single council area but are confined to a regional level can be assessed as 'Projects of Regional Significance' under the *Land Use Planning and Approvals Act 1993*. In these circumstances, the Tasmanian Planning Commission would assess the project and determine whether to grant a special permit, as well as any conditions or restrictions on that permit.

If the cost of the project is greater than \$20 million but less than \$400 million, the assessment fee is 0.13% of the estimated cost, or \$40,000 (whichever is greater). For the MONA development the fee would equate to \$455,000.

Comparison with previous similar applications at GCC

It is also useful to gain an appreciation of previous similar applications in terms of complexity and location and the relative fees that were charged:

Table 3 – Comparable applications to GCC

Year of Application	Development	Comment	Estimated cost of works	Fee charged
2006	Application for planning permit for Museum of Antiquities (including theatrette, loading bay, workshops, administration area)	A cap on fees was in place at the time of this application.	\$35 million	\$5,000
2011	Planning Scheme Amendment with 75 residential apartments and associated development on Claremont Golf Club Peninsula	Planning application fees. (No cap on max fees)	\$45 million	\$30,250
2013	Demolition, Motel (102 room hotel and ancillary facilities including jetty, library and restaurant), Place of Assembly (400+ seat auditorium), alterations and additions to existing winery (Museum, Function Centre & Restaurant).	Application was withdrawn and fees were partly transferred to another application and the remainder refunded. (No cap in place)	\$45 million	\$46,000
2014	Alterations to existing Major Impact Industry (Nyrstar)	No cap in place	\$22.6 million	\$22,593
2014	Bunnings Redevelopment	No cap in place	\$20 million	\$21,000
2016	Application for planning permit for extension to museum (Turrell exhibition space MONA)	No cap in place	\$15 million	\$17,545

The original application from MONA for a hotel on the Berriedale site was made in 2013 (the third entry in the above table). At that time, the estimated cost of the development was \$45 million. The corresponding fee of \$46,000 was calculated under the current fee structure and is the highest fee charged to-date for a planning application. The application was eventually withdrawn in 2016 after a significant amount of work was expended on its assessment. In good faith \$17,556 of the original fee was transferred to a later application (Turrell exhibition space) and \$28,444 was returned back to MONA to contribute to a new hotel application at which time the work already done could be considered.

The current proposed application aside, it is evident from the above comparisons that the fees derived from current fee structure (for cost of development in the tens of millions) are commensurate with reasonable market expectations within local government areas in Tasmania, State Government pricing, and interstate councils.

However, as the cost of development increases the flaws in this structure are magnified, highlighting the fact that a 'one size fits all' approach does not work for every situation.

The current situation is unique, in that previously largest cost of works associated with a development application was a \$45 million in 2011. Since 2013 there have been only four proposed developments with an estimated value greater than \$20 million. Since 2007, Council has assessed a total of 3,023 planning applications (excluding 'use only' applications where the cost of development is zero). The relevant statistics relating to the value of the development proposed in those applications are as follows:

- the mean (average) value of the development is \$319,626
- the median value is \$70,000, and
- mode (the value that occurs most often) is \$5,000.

It can be seen that the proposed MONA development is anomalous in that its estimated value (\$350 million) enormously exceeds the average value of development in Glenorchy, and also the value next highest value development (\$45 million) from the past 12 years.

In view of that, it is considered that the calculated fees are unsustainable and a different treatment is required in order to achieve practical outcome for both Council and MONA. On that basis, it therefore reasonable to look beyond Council's current fee structure to determine whether a reduction is appropriate.

Estimated cost in assessing the current hotel application

In order to provide some further context, the following is an approximation of the time it would be estimated to take to process the MONA application, and the associated wage cost to Council:

Table 4 –Estimated cost of assessment for MONA Hotel application

	Estimated hours	Hourly rate (including on-costs)	Total
Senior Statutory Planner	70	\$58.31	\$4,081.70
Coordinator Environmental Health Services	40	\$60.06	\$2,402.40
Coordinator Environment	40	\$58.32	\$2,332.80
Development Engineer	40	\$68.50	\$2,740.00
Traffic Engineer	30	\$73.39	\$2,201.70
Administration	3	\$42.42	\$127.26
Other referrals	10	\$50.00	\$500.00
Totals	233		\$14,385.86

The above figures are estimates only. It is impossible to predict the exact amount of time that would be required with a high level of certainty. Factors that may impact this include how well the application is prepared, the nature of interactions with the customer or their consultants, and the complexity of and ability to resolve technical issues.

In addition, certain other activities that may result in additional costs to Council above the estimated wage costs. These 'hidden costs' include:

- site inspections
- meetings with the applicant, both pre-lodgement and during assessment
- preparation and circulation of draft conditions
- report writing
- consultation with authors of reports lodged in conjunction with the application
- engagement of consultants to peer review technical reports where the application involves complex technical matters that are beyond the skill and expertise of Council officers
- GPA attendance by staff and Aldermen
- approval/permit process related administration
- legal costs in resolving technical arguments
- disbursements, including photocopying and postage costs
- monitoring and compliance costs associated with the permit issued
- costs of storing/retrieving information, on-going records management, and
- potential Tribunal/Commission costs.

Many of these costs are not directly observable from the assessment process and often they are not adequately accounted for in the setting of fees in the first instance.

Once a fee is charged in advance, unanticipated work cannot be recovered and the additional sunk cost becomes the burden of Council's ratepayers. For example, based on past experiences technical disputes alone can consume a significant amount of time and are unlikely to be recovered. These cannot be fully anticipated in fixed fees and can only be truly accounted for when work is charged on an hourly basis and invoiced at the end of the process in a true user pays system. This methodology, however, is not without issue and creates a lack of certainty of final costs for the applicant.

When fees are established as a proportion of the cost of development, it is anticipated that there will be winners and losers as there is the potential for some applicants to underpay and others to overpay. Council's current fee structure allows a 'swings and roundabout' approach to cost recovery and there is recognition of the limitations of a 'one size fits all' approach.

It is also worth noting that fees from development applications are the primary source of revenue to offset the provision of planning services. However, the total income derived from planning applications currently only offsets 27% of the cost to provide the service. This further highlights that the full cost of assessment is not being adequately captured in the fee structure.

Public Policy Implications

The principles of the National Competition Policy (**NCP**) extend to local governments insofar as Council should not enjoy any net competitive advantage simply as a result of their public sector ownership. Local governments should conduct business activities (i.e. produce goods or provide services) on fair and equal terms with private sector businesses and where this is in the public benefit. This is otherwise known as 'competitive neutrality'.

Certain business activities are excluded from this requirement, including regulatory or policy functions and the imposition of fees and charges associated with performing such functions.

The proposed reduction in the application fees does not create a conflict with the NCP.

No other policies have been identified that would be affected by Council adopting the recommendations in this report.

Rating impact

Although not immediately realised, the improvements at the Berriedale site will trigger an increase in the assessed annual value (AAV) when the proposed hotel is complete.

The approximate quantum of additional rates resulting from an increase in the AAV corresponding to an increase in capital value of \$350 million (4.6% of \$350 million at 0.07944 cents in the dollar, being the adopted by Council for the current financial year) would result in an estimated additional \$1,278,340 in rating income per annum.

Considerations

In considering MONA's application for fee relief, recognition ought to be given to both the complexities that may arise in dealing with applications/developments of this magnitude and how these may not be adequately captured at the time of fee setting, offset by the benefit to the community that the development will provide.

It is acknowledged that the calculated fee of \$421,492.70 is not reasonable, having regard to the amount of time and resources required by Council to assess the application. On the other hand it would be imprudent to rely on a raw calculation of staff cost (\$14,385.86) to be the sole driver of an alternative fee proposal and ignore the impact of hidden costs. It would also be remiss of Council to ignore the broader community, economic and social benefit that a development of this scale will provide, in addition to the ongoing additional rates that this will generate for future community use.

There is no specific formula to determine an exact fee amount for this application however it is evident about what the fee should not be.

It is, however, reasonable for Council's decision to be guided by what is charged in other jurisdictions for applications of this nature as evidence of what the market will sustain and then to look at an appropriate discount rate.

There is little guidance on what would be an appropriate discount rate in this circumstance. Research of other jurisdictions indicates that fees and charges are waived or reduced for not-for-profit, charitable or community based organisation and there is:

- a limited financial capacity to pay, or
- a reinvestment of revenues predominantly for public interest services and activities.

In these cases, a reduction will generally fall with the range of 25% - 75% off the original full fee. In the context of this application a 75% reduction would still amount to a fee of \$105,373 being levied.

With reference to Table 5 (below), one potential way to quantify an appropriate amount is to derive a median value from the range of fees in the current market which would effectively position Council at the 'middle' of all of the observed values. The derived amount (\$118,814) is more representative of the total market and, based on the discussion above, is a fairer proposition.

In recognition of community, economic and social benefits, future increases in rates, and MONA's investment in the community (rather than just in infrastructure) a 50% discount could also be applied. The resulting amount payable would also be consistent with the maximum fee payable under the Victorian model.

Table 5 – Cost of development fee estimates for all planning authorities.

Authority	Fees
Central Coast Council	\$2,885.00
Clarence City Council	\$9,270.00
Hobart City Council	\$25,400.00
Launceston City Council	\$30,320.00
West Tamar Council	\$35,810.00
Kingborough Council	\$118,814.00
Devonport City Council	\$351,200.00
Burnie City Council	\$403,394.00
Glenorchy City Council	\$421,492.70
Northern Midlands Council	\$1,050,500.00
Victoria	\$55,372.68

Authority	Fees
New South Wales	\$420,475.00
Tasmanian Planning Commission	\$455,000.00
Median	\$118,814
Community benefit discount	50%
Proposed fee	\$59,407

Under the above calculation, the fee would be significantly more aligned with market expectations (at the lower end), but would be sufficient to cover the costs to Council of assessing the application, including any hidden costs associated with the development assessment process.

Summary

- MONA has asked for a review of Council's fees for the assessment of its hotel development
- Council has the ability to apply a charge for applications made to it. In addition Council also has the ability to remit all or part of that charge
- the current fee schedule has been approved by Council and there is no obligation for Council to reduce those approved amounts
- the current fee structure works well and fees charged to date have been commensurate with the level of development and market expectations. There is no need to change the fee structure in general. In the unlikely event of a similar application with a high cost of development, Council could assess such an application on its merits
- the proposed MONA hotel development is distinct from any other application that Council has received and has given rise to a fee that is unsustainable
- there is a remedy available to Council to look at an alternative fee level, and
- a reasonable fee level would be \$59,407.

Consultations:

General Manager
Acting Manager Environment and Development
Acting Manager, Governance and Risk
Coordinator, Planning Services

Human Resource / Financial and Risk Management Implications:

Any approval for the reduction of fees is foregone revenue, as distinct from lost revenue and is a short-term opportunity cost. The foregone revenue from the reduced fee would be \$362,085.70 in the current financial year only.

There is a potential that any reduction in fees would set a precedent and create expectations for discounts for future applications from MONA or other developers. Conversely, reduced fees could stimulate further investment.

Not reducing the fee could also be a risk to Council's reputation and signal that Council is not 'open for business' (one of the goals of our Community and Strategic Plans), particularly as neighbouring Councils have capped fees to more modest levels. Having said that, the proposal under consideration has an unprecedented cost of development.

There are no material human resource implications.

Community Consultation and Public Relations Implications:

None required.

Recommendation:

That Council:

APPROVE a reduction in the development application fees associated with the construction of a proposed MONA Hotel at 655 Main Road, Berriedale from \$421,492.70 to \$59,407 on the basis that:

- a) no further discounts will be provided in relation to the planning application for the proposed MONA hotel, and
- b) the reduction does not create an entitlement to a reduction in fees for any future application from MONA.

Attachments/Annexures

- 1  Request by MONA for reduced fees

11. FUTURE PARTICIPATION IN WASTE STRATEGY SOUTH

Author: Acting Manager, Waste Services (Evan Brown)

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

ECM File Reference: Waste Management

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:

Making Lives Better

Objective 1.3: Facilitate and/or deliver services to our communities.

Strategy 1.3.2: Identify and engage in partnerships that can more effectively deliver defined service levels to our communities.

Leading Our 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 recommend that Council withdraws from Waste Strategy South (**WSS**) at the end of the current membership period.

Proposal in Detail:

Overview:

This report has two purposes:

- to inform Council of the progress that has been made towards re-establishing a regional waste management group in Southern Tasmania following the winding up of the Southern Waste Strategy Joint Authority, and
- to recommend, in view of the current activities being undertaken by Council in relation to ongoing waste education, that Council withdraws from Waste Strategy South (**WSS**).

Recent History

The Southern Waste Strategy Joint Authority (**SWSA**) was established by the 12 Councils in Southern Tasmania in October 2001. In return for the establishment of SWSA and the introduction of a voluntary levy on waste going to landfill, the State Government agreed not to introduce a compulsory State Waste levy similar to those that existed in several other states.

No such groups were established in the North or North-West of the State at that time (although two new authorities have since been formed) and it was agreed that a voluntary levy equivalent to \$2 per tonne of waste to land fill would be paid.

In June 2014, Hobart City Council withdrew from SWSA. This left the organisation to function with 11 Councils, which had an obvious financial impact. A report was presented to Council at the 10 June 2014 Council Meeting recommending that Council continue to remain a member until SWSA resolved its activities in the 2014-15 year. Council ultimately resolved as follows:

- (a) *That Council notes the options on the future of the SWSA.*
- (b) *Unless the state government has given the SWSA a commitment to introduce the local government proposed state wide waste levy before 1st July 2015 Council informs the SWSA of its intention to withdraw from the SWSA at the end of the 2014/15 financial year and that the SWSA should be wound up as at the 30th June 2015,*
- (c) *That Council representatives work with the SWSA and the STCA during the 2014/15 year to explore options to retain a regional waste forum should the SWSA be wound up.*

As part of the reorganised functions of SWSA, the organisation's office moved to the Glenorchy Civic Centre. During the 2014-15 operational year, its project officer position was made redundant. The SWSA CEO resigned as at 30 June 2015.

It should be noted that Council was one of the largest contributors of the SWSA levy, due to the high volume of waste processed by Council's Jackson street landfill. SWSA's 2014-15 budget was approximately \$223,000, of which Council contributed approximately \$87,000 (i.e. almost one third of the total budget).

In early 2015, SWSA wrote to Council offering three options for 2015-16:

1. wind SWSA up and return any remaining moneys to the current members
2. transfer the operations of SWSA to the Southern Tasmania Councils Authority (STCA), wind SWSA up and transfer remaining SWSA funds to either STCA or current members, or
3. maintain SWSA as a separate legal entity and adopt a different method of operation and funding for 2015-16 (**option 3**).

At its 13 April 2015 meeting, Council noted the options available and resolved to support the option 3. Council resolved as follows

"...

- (b) *Council approves the SWSA recommended option 3 to continue as a separate entity for 2015/16 and this approval is binding only if GCC is accepted as host Council and until formal arrangements are developed by STCA for future years for the Regional Waste Authority.*
- (c) *Should the SWSA board of 11 Councils decide to wind or merge with STCA – GCC will accept the recommended option provided GCC gets its due returns as per the contributions made to SWSA."*

Option 3 was seen as a better option for Council, as it would permit the continued operation of SWSA for a year while the State Government determined whether to impose a levy. The additional time would also allow STCA to finalise its Regional Waste Group model and have it accepted by all other Southern Tasmanian Councils. Notably, after 2015-16 financial year, the SWSA would not have sufficient funds to operate as a separate authority and would therefore be dissolved or merged into the STCA.

As regards Council acting as the 'host Council', this entailed Council carrying out the majority of SWSA's functions, other than providing waste education to Schools, which was to be done by Clarence City Council. This was consistent with the practice for the equivalent authorities in the North and North West, in which a single Council in each area acted as a 'host'.

SWSA subsequently determined that it would continue restricted operations in 2015-16 using funds on-hand and would wind-up at 30 June 2016 (with any surplus funds being returned to Councils).

Based on Council's resolution of 13 April 2015, Council's waste services staff effectively began acting as SWSA officers. During the same period, Council also expanded its own existing waste education program to be tailored and provided to other member Councils under the SWSA banner. This this was done in conjunction with Clarence City Council.

The school waste education program delivered by Council involved students attending a presentation regarding waste initiatives (recycling, do not litter, waste minimization), participating in an interactive quiz, receiving handouts and receiving participating (SWSA branded) certificates and pens.

The number of sessions delivered by Council in the first half of the 2015-16 financial year was as follows:

- No of schools July - December: 10
- No of classes July - December: 45
- Approximate no of students July - December: 1,170

Council's school education program has been a resounding success, and has received a positive recognition. It received a Keep Australia Beautiful (KAB) State Award in 2015, Council's Waste Education Officer was recognised in the KAB State Awards and Council was also recognised for the Sustainable Cities category in the National Awards in 2016.

Transition to new regional waste authority

In response to the ongoing uncertainty about the future of SWSA, the STCA resolved to establish a Regional Waste Group to effectively integrate the roles and responsibilities of SWSA with the STCA. A draft terms of reference, activities and budget was developed (a copy of the most recently updated terms of reference is [Attachment 1](#)). This effectively amounted to a continuation of the SWSA program of 2015-16.

At this stage STCA was operating as an independent entity with its own office and CEO. However in late 2016, the CEO resigned. The STCA Board decided not to replace the CEO and to instead have the Local Government Association of Tasmania (LGAT) carry out the administration of STCA (including the waste function) on a fee-for-service basis.

However, it was on the basis of a stand-alone STCA with a separate waste committee and a program similar to that undertaken by SWSA that Council had received the following information in a report to the 9 May 2016 Council meeting:

"The STCA waste group membership fee for the next 2016/17 year is proposed to be \$30,240.

Based on the expression of interest and agreeance by STCA for GCC to provide school education it is anticipated that a reimbursement figure of \$17-25,000 will be received by GCC – this amount will depend if the school education program will be continued at the current shared arrangement by GCC & CCC and/or if HCC will be delivering a program for schools in its municipal area.

Budgets have been allocated in the draft landfill budgets for this membership fee and for other in-house waste education initiatives."

Based on that information, Council resolved as follows:

"That Council:

- (a) RECEIVES and ACCEPTS STCA's Regional Waste Group report.*
- (b) APPROVES joining the STCA Regional Waste Group and writes to the STCA informing of its decision to join as per their latest proposal and expressing interest to act as a co-waste education provider for an allocation funding return to GCC.*
- (c) CONTINUE the current SWSA and STCA Waste Working Group Aldermanic representative (Alderman Stuart Slade) and officer (Manager Waste Services) to continue as GCC representatives in the STCA Waste Group*
- (d) INFORMS SWSA to commence the wind up option in accordance with the Local Government Act 1993 and return any remaining funds and assets distributed proportionally to the current member Councils as per the provisions in the SWSA constitutional rules."*

It was envisaged that Council would submit an expression of interest to deliver the schools education program. However, based on the results and success achieved in its first year, it was expected Council would at least provide one-third of the new authority's school education program, to be delivered by Council's own staff and be reimbursed this cost by STCA.

However, as indicated above, STCA's CEO resigned and STCA merged its operations with LGAT during 2016-17. This resulted in absolutely no regional waste activity taking place in 2016-17 for member Councils (excluding Council, which was still conducting the school education program at its own cost). As a consequence of this, the levy paid by Councils was not used. STCA determined there would be no levy in 2017-18 and the funds on hand would be used to fund 2017-18 activities.

Current Situation

Council is currently preparing its 2018-19 budget and needs to evaluate the value of the waste contribution to STCA, including its ongoing participation.

As noted above, Council agreed to the transfer all of regional waste activities from SWSA to STCA, on the basis of a proposal from STCA which saw the establishment of a separate Waste Committee within STCA and the expectation of a regional waste education program to be conducted jointly by Hobart, Clarence and Glenorchy Council on a cost recovery basis. It was anticipated that a considerable proportion of its levy would be returned to Council to undertake its part of that education program.

The actual situation is now considerably different.

Initially, it was proposed that the Waste Committee would consist of an elected member from each Council. However, the STCA's waste committee has morphed into Waste Strategy South (**WSS**.) Whilst WSS does have an elected member from each of the twelve (12) Southern Councils, at the four meetings held this financial year, attendances have ranged from 4 upwards with some meetings appearing to proceed without a quorum.

SWSA endeavoured to expose directors to best practice waste management strategies and to develop a level of expertise in waste matters by arranging presentations and making site visits so that decisions made would be from a position of knowledge. There appears to be no such intention at WSS.

WSS has appointed a working party consisting of four (4) members (a representative from a large, a medium and a small sized council as well as a consultant). Council is not represented in this group. The group essentially directs strategy and provides WSS with reports and recommendations. Little effort seems to have been made in engaging the actual committee in strategy development.

Council agreed to membership of WSS on the basis of a similar level and type of activity as was being delivered by SWSA in its last two years of operation. WSS has adopted an Action Plan Attachment 2 which is remarkably similar to the strategic policy of SWSA prior to 2014, with little operational involvement but mainly acting as a policy developer and resource provider. The former SWSA policy was ultimately rejected by Councils with a preference for a more hands-on approach.

It is worth noting that the educational strand of the Action Plan provides as follows:

- *Produce A-Z of Recycling tool either separate or in conjunction with other regions*
- *Develop education program that aligns with school curriculum that can be delivered either by teachers or waste education officers*
- *Perform education and engagement program with local schools, community groups, industry and other opportunities as they arise in a manner planned and agreed by the WSS members,*

Council already undertakes all of these actions as part of Council's Waste Management Strategy. Accordingly, there is no value to Council contributing to WSS for these activities.

The Action Plan indicates that there is no intention of funding education officers within Councils as initially proposed. This was one of the main reasons that Glenorchy agreed to participate in the regional authority. Council currently employs its own Waste Education Officer.

Financial and Other Considerations

During 2016-17, WSS advertised for a consultant to 'drive' the implementation of the Action Plan. The working party mentioned above consists of the consultant, and staff members from Hobart, Brighton and Huon Valley councils.

At the February 2018 meeting of WSS, the working group presented a draft budget for 2018-19 with a total value of \$296,800 for WSS to be considered for various activities. That budget does not include school education and community programs, the Garage Sale Trail, Waste Service Calendar and waste educational and promotional material. The proposal is based on a 20.16% contribution from Council with a total cost of approximately \$60,000, representing an increase of \$30,000 on the current contribution.

If the levy on Councils is not to be increased, the consultant's fee would need to be limited to \$20,775. Council has no knowledge of what the consultant's fee might be. At the last WSS meeting in February 2018, the intention to axe Garage Sale Trail project for 2018-19 was discussed, presumably to fund the consultant's fee.

It should be noted that in addition to the above, Council did provide a project brief to WSS to provide Project Management Services based on a \$15,000 budget, however this was unsuccessful. The major concern with this though was WSS requested that the budget to be increased to \$40,000 after the appointment of the consultant, raising concerns about tendering and procurement processes undertaken.

When the items in the budget are examined, the only items of any real value to GCC are the following:

- the Communication Strategy - this is an agreement between the 3 regional waste groups to undertake combined marketing and advertising (there are currently advertisement promoting recycling airing on local television). This is a continuation of the program developed by SWSA. If Council withdrew from WSS, there is no reason why it could not be a signatory to the Communications MOU in its own right. The cost is estimated at \$7,500 p.a.
- the Garage Sale Trail is of particular value but it may not be proceeding in 2018-19. If it does, Council could contribute in its own right the (Glenorchy Municipality has been a recipient of the outstanding contribution award for the past couple of years).
- Council already conducts its own bin audits, which is another component.

Conclusion

The proposal that was placed before GCC by STCA on which Council based its decision to participate in the regional waste strategy authority administered by STCA (WSS), has clearly changed.

Whereas membership may previously have been beneficial to Council by bolstering its own already significant waste education program, most of the benefits to Council have disappeared with the proposed new Action Plan. Any remaining benefits would still be available to Council, irrespective of whether it was a member of WSS.

With the appointment of the consultants and the Working Party (from which Council is excluded) to implement the Action Plan, Council has little ability to have any influence on the future direction of WSS.

There appears to be little benefit of GCC remaining a participant in WSS.

Consultations:

Mayor
General Manager
Acting Director, City Services and Infrastructure
Director, Infrastructure and Works
Manager Waste Services
Acting Manager, Governance and Risk
Waste Services Section

Human Resource / Financial and Risk Management Implications:

There are no material human resources implications.

Withdrawing from WSS would result in a saving to Council of the amount of the annual levy. Although the exact value of Council's levy payable to WSS in 2018-19 is not presently known, as noted above it is expected to be between \$30,000 and \$60,000.

Risk Identification	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Do not adopt the recommendation	Minor (C2)	Almost Certain (L5)	Notable	Adopt the recommendations in this report.
Council will remain a member of WSS and will continue to pay the annual levy whilst receiving minimal benefits, resulting in a poor utilisation of ratepayer funds.				
Adopt the recommendation	Minor (C2)	Possible (L3)	Moderate	Continue to support elements of WSS' Action Plan as stand-alone items and make other positive contributions on regional waste issues as and when opportunities present.
Council's withdrawal from WSS would result in decreased funding for the body, potentially resulting in frustration from other STCA member Councils and damage to Council's standing within STCA.				

Community Consultation and Public Relations Implications:

There will be no impact on Council's service delivery if the recommendations are adopted.

Accordingly, there has not been any community consultation, nor are there expected to be any material public relations considerations.

Recommendation:

That Council:

1. WITHDRAW from Waste Strategy South (**WSS**) at the conclusion of the current membership year, and not make any further financial contributions to WSS, and
2. WRITE to the Southern Tasmanian Councils Authority informing it of Council's decision.

GOVERNANCE

12. NOMINATION AND APPOINTMENT OF ALDERMEN TO COMMITTEES

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

Qualified Person: General Manager (Tony McMullen)

ECM File Reference: 2018 Committees

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 4.1.2 Manage the City's assets soundly for the long term benefit of the community.

Objective 4.3 Build strong relationships to deliver our communities' goals.

Strategy 4.3.1 Foster productive relationships with other levels of government, other councils and peak bodies to achieve community outcomes.

Reporting Brief:

To recommend that Council nominates and appoints Aldermen and the Mayor to Special Committees and Working Groups, and converts two Special Committees to working groups.

Proposal in Detail:

Background

To assist Council to achieve its goals and objectives and comply with its statutory responsibilities, Council has established and maintains representation on a number of internal committees and working groups and other statutory bodies.

Appointments to committees were held at the Special Council meeting on 8 February 2018 and the ordinary Council meeting on 26 February 2018.

This report facilitates the following actions related to committees of Council:

- the nomination and appointment of one (1) Aldermen to the Glenorchy LEARN committee, and the conversion of that committee from a Special Committee of Council to a working group
- the nomination and appointment of two (2) Aldermen, and the confirmation of the appointment of the Mayor, to the Citizen and Young Citizen of the Year Selection Committee, and
- the nomination and appointment one (1) Alderman to replace Alderman Thomas on the Glenorchy City Council Access Committee.

Notice to Aldermen calling for nominations

The nomination and appointment process for Special Committees and other bodies is set out in Council's *Nominations and Appointments to Committees and Other Bodies Policy (the Policy)*.

In accordance with clause 5 of the Policy, a Notice was circulated to Aldermen on 20 April 2018 (**Notice**) calling for nominations to the following committees (**the committees**):

- Glenorchy LEARN
- Citizen and Young Citizen of the Year Selection Committee, and
- Glenorchy City Council Access Committee.

A copy of the Notice is [Attachment 1](#) to this report.

It is anticipated that further nominations for committees will be called at a future Council meeting.

Nominations received

The nominations received for the committees are set out in the following table:

Committee / Body	Positions Available (not inc. Mayor)	No. of nominees	Ballot Required?	Nominees	Automatic Appointments
Glenorchy LEARN	1	2	Y	Ald. Sims Ald. Fraser	n/a
Citizen and Young Citizen of the Year Selection Committee	2	3	Y	Ald. Sims Ald. Dunsby Ald. Bull	Mayor
Glenorchy City Council Access Committee	1	0	N	n/a	n/a

Procedural Requirements

Clause 5(7) of the policy set out the relevant part of the process for appointing nominees for committees, as follows:

“(7) Where the number of nominees for a position does not exceed the number of positions available, the Council will decide the nominees in accordance with its ordinary meeting procedures.”

In accordance with clause 5(7) of the Policy, ballots are required to determine the nominees for Glenorchy LEARN and the Citizen and Young Citizen of the Year Selection Committee.

NOMINATIONS TO COMMITTEES

The following information about each committee is provided below, as required under the Policy:

- the information specified in clause 5(2)(b) of the policy, and
- a list of the nominations received for each committee and the statements provided by the nominees in support of each.

Clause 5(6)(b) requires that “the documentation in support” of each nomination is provided in this report. Council is advised that all information relevant to each candidate’s nomination has been included in this report, in lieu of providing copies of the nomination forms themselves.

1. Glenorchy LEARN

Committee Information

Glenorchy LEARN

Committee type

Special Committee (s. 24, *Local Government Act 1993*)

NOTE: A resolution will be sought at the 30 April 2018 Council meeting that this committee is converted from a Special Committee to a working group.

Committee composition

Core Membership

- State Department of Education
- Glenorchy LINC
- TafeTas
- University of Tasmania
- Skills Tasmania
- Glenorchy City Council

Additional Members

- Federal Government Education Department
- Migrant Resource Centre
- Multicultural Council of Tasmania

Glenorchy LEARN

- Moonah/Glenorchy Business Association / Moonah Business Association
- Local Employers (Nystar / Incat / Bunnings / Cadbury)
- Museum of Old and New Art (MONA)
- Local Neighbourhood Houses
- Catholic Education Office

Membership of the Glenorchy LEARN Leadership Group will also include the Relevant Council Director and officers as appropriate from the Community Development Team.

The membership of the Glenorchy LEARN Leadership Group is to a maximum of ten (10) general members at any time and up to four (4) ex-officio members at any time. Guests may be invited to join the group from time to time, for a defined purpose, for example to share their expertise and/or emerging projects.

No. of Aldermanic positions available

1 Alderman

Meeting frequency

The Glenorchy LEARN Leadership Group will meet a minimum of four times per year during business hours

Ex-officio appointments

None.

Proposed term of appointment

Duration of Council term

Role and purpose of Committee

The purpose of the Glenorchy LEARN Leadership Group is to:

Provide leadership, expertise and a collaborative approach to achieve a shared vision and pathway to building a learning community in Glenorchy.

The LEARN leadership Group hold the values of client centred approach as vital to the success of the purpose of this project.

Nature of duties to be undertaken

The duties of a committee member, including (but not limited to):

- attending meetings of the committee, and
- discharging the roles and functions of the committee.

Extent of delegated authority

None.

Nominations Received

Council has received two (2) nominations for the one (1) position available on the Glenorchy LEARN Committee. The nominees for the position are:

- Alderman Sims
- Alderman Fraser

The statements in support of the nominations are as follows:

Ald. Sims	Past and present roles include: • Published Writer – Education & Editorial • Adult Trainer - RTO Trainer and Assessor, Education and Business Diploma Qualifications (LLN Unit completed). • Early Childhood and Business Process Consultant, Training and PD Facilitator • ECEC Organisation & Business Management • HR Management – Policy Development & Review • Operational Team Leader • NDIS Early Childhood Early Intervention Coordinator • Media and Marketing Production Management • IHNS Animal Advocacy Charity Campaign Founder & Director • Project Officer/Management Supporting all stakeholders pro-actively by having robust experience in: • Sharing information i.e. Evidence based best practice. • Leading and delivering training to large teams of stakeholders i.e. organisations, staff, students, families and children inclusively. • Scoping, developing and facilitating professional development opportunities and resources state-wide. • Service delivery and operational i.e. implementation of processes and supporting staff adherence to governing legislation. • Continuous improvement systems and processes – incorporating services Quality Improvement Plan's into current practice and service delivery.
Ald. Fraser	I've worked as an adult educator for a decade, both in vocational and tertiary education and have a Master's Degree in Training and Development. I currently work as an associate lecturer in the pre-degree program at UTAS which provides an alternative pathway into tertiary education to the formal college/ATAR pathway. WE have a large cohort of students from Glenorchy City. I've been a volunteer for 26Ten for 18 months at Glenorchy LINC and I'm a passionate advocate for education and life long learning.

Other Considerations

The Glenorchy LEARN committee is currently a Special Committee of Council established under section 24 of the Act. It is proposed that the committee be changed to be a working group rather than a special committee.

Further information about Glenorchy LEARN committee can be found in the draft Glenorchy LEARN Leadership Group Terms of Reference which have been included as Attachment 2 to this report.

Recommendations

In accordance with clause 5(8) of the Policy, it is recommended that a ballot is held to select the nominee for the one (1) available positions on Glenorchy LEARN, and that the committee be converted from a Special Committee to a working group.

2. Citizen and Young Citizen of the Year Selection Committee

Committee Information

Citizen and Young Citizen of the Year Selection Committee

Committee type	Special Committee (s. 24, <i>Local Government Act 1993</i>) NOTE: A resolution will be sought at the 30 April 2018 Council meeting that this committee is converted from a Special Committee to a working group.
Committee composition	Mayor (Chair) and 2 Aldermen
No. of Aldermanic positions available	2
Meeting frequency	To be called as required, but would ordinarily only be once or twice per year, close to Australia Day.
Ex-officio appointments	Mayor (Chair)
Proposed term of appointment	Duration of Council term
Role and functions of Committee	To receive nominations and select the Glenorchy Citizen of the Year and Young Citizen of the Year.
Nature of duties to be undertaken	The role of the Working Group is to select winners of the Glenorchy Citizen and Young Citizen of the Year. The role of individual members includes: • review the nominations for the Glenorchy Citizen and Young Citizen of the Year Awards, and • select the winners of the Glenorchy Citizen and Young Citizen of the Year Awards. In practice, this means that committee members will assess each of the nominees against the selection criteria and reach consensus as to the recipients of Citizen of the Year and Young Citizen of the Year awards.
Extent of delegated authority	None.

Nominations Received

Council has received three (3) nominations for the two (2) positions available on the Citizen and Young Citizen of the Year Selection Committee. The nominees for the positions are:

- Alderman Sims
- Alderman Dunsby, and
- Alderman Bull

The statements in support of the nominations are as follows:

Ald. Sims	I have a keen interest in supporting the development and implementation of Youth/Volunteer engagement opportunities. My genuine enthusiasm, experience and educational background (along with my proactive approach qualifications and other committee roles held) are specifically suited and directly link-in with this role. I have over 20 years of experience within the business, early childhood/youth, adult education and community focused sectors and the feedback received to-date, highlight this success as being due to my expertise, creativity, dedication, as well as advanced assessment and interpersonal skills. My demonstrated ability to 'accurately forecast' in the workplace is a direct result of my commitment to detail, enhancing processes and delivering transparency for all stakeholders. I'm extremely passionate about the quality of service provided to the community and was nominated for x2 Southern Cross Tasmanian Community Achievement Awards in 2015 (Sustainability and Environmental award categories), x1 in 2016 & x1 in 2017.
Ald. Dunsby	As the recipient of the Glenorchy Citizen of the Year award in 2005, I know the pride and honour that goes with such a nomination, let alone actually receiving the award. This has provided me with an opportunity to meet with fellow awardees from time to time and be humbled by the contributions these people have made, and continue to make, within our community. It has provided me with a great insight into what qualities should be considered when receiving nominations and short listing individuals to be considered for these awards. To bring this knowledge to the committee would be a commitment to continuing the high standard to volunteer recognition within our city.
Ald. Bull	I have had similar experience when I was a judge for the selection of the Tasmanian Real Estate Agent of the Year.

Recommendations

In accordance with clause 5(8) of the Policy, it is recommended that a ballot is held to select the nominees for the two (2) available positions on the Citizen and Young Citizen of the Year Selection Committee.

It further recommends that the committee be converted from a Special Committee to a working group, given the limited scope of the committee's activities, and that the Mayor's appointment as a member and the Chair is confirmed.

3. Appointment of Aldermen to Glenorchy City Council Access Committee

Committee Information

Glenorchy City Council Access Committee

Committee type	Special Committee (s. 24, <i>Local Government Act 1993</i>)
Committee composition	Up to 8 individual members (people with a disability who reside in Glenorchy) 1 additional individual member who is a parent or carer to one of the other individual members

Glenorchy City Council Access Committee

	5 organisations that work in a specific area of disability (with one representative from each. 2 Aldermen. Council's Access Officer and other key officers (who will provide information and support only)
No. of Aldermanic positions available	1 member positions, to replace Ald. Thomas who has indicated her intention to resign her membership. Aldermen do not have voting rights on this committee.
Meeting frequency	The committee will meet at least 5 times per year.
Ex-officio appointments	None.
Proposed term of appointment	Duration of Council term
Role and functions of committee	The role of the Glenorchy City Council Access Committee is to: <u>Advise and inform:</u> • provide advice to Glenorchy City Council on access issues • assist in the development of access related policies and procedures • raise access concerns related to Council's roles and functions • be a point of consultation on the impact of Council activities and projects on people with disability • provide input into the development of Council's Access Action Plan, and • provide feedback on the implementation of Council's Access Action Plan, and <u>Advocate and promote:</u> • promote to Council the right of people with a disability to be treated in a manner that enhances dignity, independence and equality of service • assist in the provision of Disability Awareness Training to Council Officers and other identified groups • assist in the organisation of events celebrating the achievements of people with disability, and • provide input into planning the International Day of People with Disability events.
Nature of duties to be undertaken	Aldermen will liaise between the Glenorchy City Council Access Committee and the Council. The Aldermen will be invited to all meetings but will not have voting rights. Aldermen appointed to the committee will be considered to be advising Council on the views of the Access Committee only when those views are the views expressed by the majority of committee members.

Glenorchy City Council Access Committee

Extent of delegated authority

The Glenorchy City Council Access Committee has a role to work with Council in the making and influencing of the Council's access related decisions. Council is the statutory decision making body. The Access Committee provides advice to Council to support this decision-making role. Matters raised by the Access Committee will be considered by Council, and subsequently may or may not be accepted.

The Access Advisory Committee does not have the authority to direct Council Officers, Committees, or Aldermen. The Committee does not have the authority to set policy or strategic directions for the Council.

Prior approval of the Council must be obtained before any committee member makes statements on behalf of the Council.

Nominations Received

Council has not received any nominations for the one (1) position available on the Glenorchy City Council Access Committee.

Recommendations

This report recommends that nominations are sought for the one (1) position available on the Glenorchy City Council Access Committee.

Consultations:

Mayor
Aldermen
Executive Leadership Team

Human Resource / Financial and Risk Management Implications:

There are no material human resource or financial implications.

Risk Identification	Consequence	Likelihood	Rating	Risk Mitigation Treatment
If Council does not appoint Aldermen to the various committees and statutory bodies: - Council will be in breach of the Policy and various legislative requirements, and - Governance control will be less effective and Council's ability to discharge its statutory functions will be jeopardised. The above would represent a regulatory and policy breach.	Moderate (C3)	Possible (L2)	Moderate	Council makes considered appointments to the various committees in accordance with the recommendations and procedural requirements set out in this report.

Community Consultation and Public Relations Implications:

The Board of Inquiry process identified a number of critical issues concerning Council's governance practices, some of which were directly related to representation on, and the activities of, committees administered by Council.

Committees play a vital role in Council's ability to discharge its functions and duties to the community, and in ensuring that appropriate oversight of governance and critical Council functions is maintained.

As part of the process of restoring community faith in Council it is essential that the process of nominating and appointing Aldermen to committees is transparent, considered and conducted in accordance with all relevant legislation, policies and procedures.

Recommendation:

That Council:

1. CONFIRM the Mayor's appointment as a member and the Chair of the Citizen and Young Citizen of the Year Selection Committee
2. RESOLVE that Glenorchy LEARN is to become a working group, and will no longer be a Special Committee of Council, and
3. RESOLVE that the Citizen and Young Citizen of the Year Selection Committee is to become a working group, and will no longer be a Special Committee of Council.
4. CONDUCT ballots in accordance with the procedure in Part 4 of the Nominations and Appointments to Committees and Other Bodies Policy to determine the nominees for:
 - (a) the one (1) available position on Glenorchy LEARN, and
 - (b) the two (2) available positions on the Citizen and Young Citizen of the Year Selection Committee
5. CALL for nominations for the one (1) position on the Glenorchy City Council Access Committee, and
6. APPOINT the nominees for the positions on, Glenorchy LEARN, the Citizen and Young Citizen of the Year Selection Committee and the Glenorchy City Council Access Committee to those committees.

Attachments/Annexures

- 1  Notice for Nominations
- 2  Draft Terms of Reference - Glenorchy LEARN

13. CHANGES TO PLANNING DELEGATIONS

Author: Coordinator, Planning Services (Kylie Williams)
Qualified Person: Acting Director, Environment and Planning (Paul Garnsey)
ECM File Reference: GPA (Council Committee)

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:

Making Lives Better

Objective 1.3: Facilitate and/or deliver services to our communities.

Strategy 1.3.1: Directly deliver defined service levels to our communities.

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.

Action 3.1.4.07: Plan for the sustainable development of the City, ensuring compliance with the planning scheme and community involvement in the planning process.

Leading our 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 recommend that Council amends the delegations given to senior planning positions under the *Land Use Planning and Approvals Act 1993* in order to correct a conflict, provide additional delegation to respond to changes in legislation and respond to a current public policy issue.

Proposal in Detail:

Background

Council, as a planning authority, has numerous powers in relation to the determination of land use and planning matters under the *Land Use Planning and Approvals Act 1993* (LUPAA).

Section 6(3) of LUPAA, provides that Council may, by resolution, delegate any of its functions or powers under LUPAA (other than the power of delegation) to a person employed by Council.

Delegating certain powers under LUPAA to staff in Council's planning section is a practical necessity, to ensure that the planning services provided by Council can function effectively by discharging various administrative and lower level discretionary functions, and that the Glenorchy Planning Authority (**GPA**) retains the power to determine other more substantial planning matters.

For the reasons set out in detail in this report, a number of changes are proposed to the delegations to be provided to Council's senior planning staff, being the Coordinator Planning Services, Senior Statutory Planner and Strategic Planner (**Senior Planning Officers**).

The proposed delegations are identified in the Schedule which is Attachment 1 to this report. The background to and rationale for the proposed changes are set out below.

1. Delegation to resolve conflict between two existing delegations

A recent planning application resulted in Council's planning section identifying a conflict between two existing delegations to Council's senior planning staff.

The conflict is as follows:

- Senior Planning Officers currently hold a delegation to approve proposals under delegated authority where the estimated cost of development does not exceed \$500,000 (except where it is for a non-conforming use or there is a dispute in relation to cash in lieu of car parking) (**Approval Delegation**).
- However, the Senior Planning Officers also hold a delegation to approve use and development (where there are no representations) of a heritage place listed in the Historic Heritage Code in the *Glenorchy Interim Planning Scheme 2015* or a place on the Tasmanian Heritage Register (**Heritage Delegation**). This delegation does not place a limit on the value of the development.

Accordingly, the Heritage Delegation has the potential to give Senior Planning Officers the authority to approve certain heritage developments over and above the \$500,000 limit that applies to the Approval Delegation.

It is not intended that the Heritage Delegation 'overrides' the Approval Delegation. Rather, it is considered that large value developments should still be considered by the GPA, given that such proposals are likely to attract public and media attention. It also gives Aldermen information on the status of larger scale economic investment in Glenorchy.

Accordingly, it is recommended that this apparent conflict is removed by imposing the same \$500,000 limit on the Heritage Delegation as the Planning Delegation. Changes to the wording of the Heritage Delegation to this effect are proposed, as set out in Attachment 1.

2. Delegation to enter into agreements to prevent applications lapsing

In recent years, as a part of an ongoing and extensive review of LUPAA, LUPAA was amended to provide that planning permit applications that had been subject to more information requests lapsed where those requests had been longstanding. The relevant provision is section 54(2AA) of LUPA, which currently provides:

“(2AA) If additional information is not provided, in accordance with a request under subsection (1), within 2 years, or a longer period agreed to by the applicant and the planning authority, after the request is made, the application for a permit, to which the request relates, lapses.”

Council’s Planning Services section actively monitors those applications which may be subject to this provision, and informs applicants of the relevant time frames to ensure that they are notified if their application is in danger of lapsing.

However, while the provision also allows for the extension of the time period under which the information can be provided, Senior Planning Officers do not currently hold a delegation to allow them to enter into such an agreement. This requires that any such agreement would need to be approved by the GPA. This is impractical and unnecessary.

Council should note that Senior Planning Officers already hold delegations to enter into types of agreement, such as the delegation to agree to an extension to the period for a representation or to grant an extension of the period during which a use or development must be substantially commenced.

Accordingly, it is proposed that Council delegates its powers under s. 54(2AA) of LUPAA to the Senior Planning Officers to allow them to deal with what is, in effect, a procedural matter.

3. Delegation to public policy and social issue - Planning permit applications involving an affordable housing initiative

Issues around the supply of housing in Tasmania are being discussed at all levels of government. Media reports of families being forced to live in tents and other emergency arrangements are prevalent.

It is generally accepted that all levels of government play a role in the provision of affordable and sustainable housing but in a regulatory sense Local Government is restricted. The current State Government policies with respect to development are predominantly industry-interest driven. In this regard, the move to a State-wide planning scheme and the development of State Planning Provisions gives particular types of development an easier pathway (such as visitor accommodation, subdivision and multiple dwelling development). These are largely private developments that could be encouraged (through policy and incentives) to integrate public accommodation options i.e. crisis housing and a percentage of public housing for each development.

The Mayor recently attended a Housing Summit convened by the Premier. The summit was marketed as:

“an opportunity to work together to identify practical and immediate actions to address housing demand” (taken from the invitation from the Department of Premier and Cabinet March 2018)

The summit was reported to have led to the sharing of views on the current housing shortage, what Tasmania’s housing future should look like, and what immediate actions could be taken.

Following the Summit, it was reported by the ABC that one possible solution the Government was proposing was an audit of planning processes (<http://www.abc.net.au/news/2018-03-15/hobart-housing-summit-government-rules-out-taxes-or-regulation/9550308>).

In the long-term, Council planning staff would welcome the opportunity to participate in such an audit and to provide feedback on how recent statewide changes to planning and building provisions and processes, currently administered by Local Government, could be further improved or changed to facilitate these sorts of outcomes.

In the short-term, however, Council has the ability to implement a procedural change to enable the more efficient processing of applications for a planning permit that incorporate a housing affordability initiative.

It is proposed to introduce a temporary additional delegation to the Senior Planning Officers to enable applications with an affordable housing component in the proposed use to be considered under delegated authority in all cases including where up to three representations have been received. Currently, any proposal where a representation is received in relation to the development is referred to the GPA for a decision (unless timeframes do not permit and officers are required to exercise their emergency delegation powers).

Council is currently assessing six applications (set out below) involving land owned by the Director of Housing (Crown land) and there are likely to be more:

- PLN-18-063 - Multiple dwellings (1 existing and 1 proposed)
- PLN-18-048 - Multiple dwellings (1 existing and 1 proposed)
- PLN-18-059 - Multiple dwellings (1 existing and 1 proposed)
- PLN-18-064 - Multiple dwellings (1 existing and 1 proposed)
- PLN-18-066 - Multiple dwellings (1 existing and 1 proposed), and
- PLN-18-065 - Multiple dwellings (1 existing and 1 proposed).

If any or all of these applications attract representations, they will be required to be referred to GPA and time delays will result. It is considered that a temporary measure is necessary to try to assist in the provision of these housing options for the Glenorchy Community.

Accordingly, it is proposed to provide a delegation to the Senior Planning Officers to determine applications for discretionary permits for residential uses associated with affordable housing initiatives in certain circumstances, provided there are three (3) or less representations received in respect of the application.

If such an application were approved under this delegated authority, a person making representation would still have a right of appeal to the Resource Management and Planning Appeal Tribunal to have any concerns heard.

Any criticism from applicants for other types of development (whose applications are still required to be considered by the GPA) could be addressed by reference to the need for a proactive approach by Council to respond to a wider social need for improved access to housing.

Recommended changes to Senior Planning Officers' Delegations'

As noted above, it is recommended that the delegations given to Council's three Senior Planning Officers are amended to deal the types of applications that are identified above. The proposed changes to the delegations are summarised in the Schedule which forms Attachment 1 to this report.

It is recommended that Council approves the proposed changes to the delegations in the form outlined in Attachment 1.

Consultations:

Acting Director, City Services and Infrastructure
Acting Manager, Environment and Development
Manager, Legal and Property
Acting Manager, Governance and Risk

Human Resource / Financial and Risk Management Implications:

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

Community Consultation and Public Relations Implications:

Advertising of all required applications will continue to be undertaken in accordance with the statutory requirements of the *Land Use Planning and Approvals Act 1993*.

Any proposal where a representation in relation to the development is received will continue to be referred to the GPA for a decision (unless timeframes do not permit and officers are required to exercise their emergency delegation powers).

Recommendation:

That Council:

1. APPROVE the changes to the relevant delegations of functions and powers under section 57(2) and (6) of the *Land Use Planning and Approvals Act 1993* given to the positions of Coordinator, Planning Services, Senior Statutory Planner and Strategic Planner that are identified in Attachment 1 to this report, and
2. NOTE, for the avoidance of any doubt, that the changes to the delegations as a result of the resolution in paragraph 1 do not in any way affect any other delegations currently given to the positions of Co-ordinator, Planning Services, Senior Statutory Planner and Strategic Planner under the *Land Use Planning and Approvals Act 1993* or any other Act.

Attachments/Annexures

- 1 [Schedule - Proposed Changes to Planning Delegations](#)

14. MEDIA POLICY

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

Qualified Person: General Manager (Tony McMullen)

ECM File Reference: Council Policy

Community Plan Reference:

Leading our Community

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

Strategic or Annual Plan Reference:

Leading our Community

Objective 4.1: Govern in the best interests of our community

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

Reporting Brief:

To present a proposed Media Policy to Council for approval.

Proposal in Detail:

Introduction

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

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

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

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

Scope of Policy

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

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

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

The Policy also:

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

Compliance with regulatory requirements

The Ministerial Directions require that the Policy is consistent with:

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

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

Section 27 of the Act relevantly provides:

*“(1) The functions of a mayor are—
...
(e) to act as the spokesperson of the Council.”*

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

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

Compliance with Model Code of Conduct

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

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

Existing Media Policy

Council has an existing policy entitled 'the Media' in its policy register ([Attachment 2](#)) (the former policy). The former policy was last reviewed in March 2013.

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

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

Accordingly, rather than try to amend the former policy, the Policy has been re-written. If adopted, the Policy will supersede the former policy.

Consultations:

Mayor
General Manager

Human Resource / Financial and Risk Management Implications:

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

The risk management implications are as follows:

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

Community Consultation and Public Relations Implications:

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

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

Recommendation:

That Council:

ADOPT the Media Policy in the form contained in Attachment 1.

Attachments/Annexures

- 1  Draft Media Policy
- 2  Former Media Policy

15. MINISTERIAL DIRECTIONS - MONTHLY AND FIRST QUARTERLY REPORT

Author: Acting Director, Corporate Governance (Simon Scott)

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

ECM File Reference: Ministerial Directions

Community Plan Reference:

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

Strategic or Annual Plan Reference:

Leading our Community

Objective 4.1 Govern in the best interests of our community

Strategy 4.1.1 Manage Council for maximum efficiency, accountability and transparency

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

Reporting Brief:

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

Proposal in Detail:

At its meeting of 26 March 2018, Council was informed of the progress of satisfying the Ministerial Directions (as at 16 March 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 completed an additional nine (9) actions (bringing the total of 19 completed actions to date), as follows:

- developing a Statement of Expectations between the General Manager and Aldermen to establish clear and agreed protocols for the fulfilment of their mutual and respective roles and functions
- developing a Statement of Expectations between the General Manager and Mayor to establish clear and agreed protocols for the fulfilment of their mutual and respective roles and functions

- developing a Statement of Expectations between the Mayor and Aldermen to establish clear and agreed protocols for the fulfilment of their mutual and respective roles and functions
- developing a Statement of Expectations between Aldermen to establish clear and agreed protocols for the fulfilment of their mutual obligations roles and functions
- within 2 months, ensuring all Aldermen, the Mayor and General Manager sign the Statement of Expectations they are party to
- publishing the Statement of Expectations on the Council website within 1 month of signing
- publicly committing to engage in ongoing professional development and abide by the principles of good governance, as established in the Good Governance Guide, within a period of three (3) months
- facilitating training within three (3) months for all Aldermen on, though not limited to: financial fundamentals, including understanding of financial statements and budget preparation
- developing a calendar of Council meetings and workshops, including adequate provision for workshops on setting the annual budget and determining the capital works and spending program
- undertaking a review of the approach to managing performance under the General Manager's contract of employment, including: considering the merits of including a provision in the General Manager's contract to clarify who approves any leave (annual or personal), noting the usual practice would be the Mayor on behalf of Council, and
- undertaking a review of the approach to managing performance under the General Manager's contract of employment, including: obtaining independent legal advice to assist in matters pertaining to the General Manager's contract of employment.

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

- | | |
|--|---------|
| • Actions completed | 21 |
| • Actions being actively progressed | 23 |
| • Actions not yet started but within time | 14, and |
| • Actions not yet started and outside due date | 0 |

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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 publically 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

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	Moderate (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 April 2018
2. ACKNOWLEDGE and APPROVE in accordance with Direction 7 of the Ministerial Directions, for the Mayor to forward the first 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 first quarterly report will be made publicly available on Council's website.

Attachments/Annexures

- 1  Ministerial Directions Implementation Progress Report (April 2018)
- 2  Ministerial Directions Implementation Quarterly Progress Report (First Quarter 2018)

16. FINANCIAL PERFORMANCE REPORT TO 28 FEBRUARY 2018

Author: Systems Management Accountant (Mark Patmore)
Finance Reporting Officer (Allan Wise)

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

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:

This report provides the Financial Performance Report to Council for the year-to-date, ending 28 February 2018.

Proposal in Detail:

The Financial Performance Report (**Report**) for the period 1 July 2017 to 28 February 2018 is Attachment 1.

In summary, the Report highlights that at 28 February 2018:

- Operating revenue is \$205k under budget representing a variance of 0.41%
- Operating expenditure is \$1.59m under budget representing a variance of 2.88%

- Capital works are \$4.89m underspent with a forecast underspend of \$2.65m at 30 June

At the meeting of 26 February 2018, Council resolved to adopt a new Monthly Statement of Financial Position report to replace the Monthly Corporate Performance Indicators report. In addition to approving the new format, Council also resolved to:

1. Undertake a review of the General Manager's Overview and Directorate Summaries in October 2018, and
2. Undertake a review the Corporate Reporting Framework in January 2019

The January 2019 review is particularly important to ensure compliance with financial reporting obligations as detailed in the Ministerial Directions. The timing of the review allows Council to become familiar with the Financial Performance Report format across consecutive reporting periods, and for Council to recommend changes that will enhance the qualitative and quantitative content of reporting beyond the review date.

Consultations:

General Manager

Director

Acting Directors

Acting Chief Financial Officer

Capital and Operational Budget Responsibility Officers

Human Resource / Financial and Risk Management Implications:

Any relevant financial risk implications are detailed in the attachment to this report. 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 28 February 2018.

Attachments/Annexures

- 1  Financial Performance Report - Feb 2018

17. PROCUREMENT EXEMPTIONS - MONTHLY REPORT

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

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

ECM File Reference: Procurement

Community Plan Reference:

Leading our Community

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

Strategic or Annual Plan Reference:

Leading our Community

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

Reporting Brief:

To inform Council of exemptions that have been applied to the procurement requirements under Council's Code for Tenders and Contracts for the period 15 March to 19 April 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 March to 19 April 2018**.

Consultations:

Executive Leadership Team
Manager, Business and Finance
Strategic Procurement Coordinator

Human Resource / Financial and Risk Management Implications:

Nil.

Community Consultation and Public Relations Implications:

Nil.

Recommendation:

That Council:

RECEIVE and NOTE the monthly Procurement Exemptions Report for the period 15 March to 19 April 2018.

Attachments/Annexures

- 1  Procurement Exemptions Register

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

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

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

ECM File Reference: Actions List - Council Meetings

Community Plan Reference:

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

Strategic or Annual Plan Reference:

Leading our Community

Objective 4.1 Govern in the best interests of our community

Strategy 4.1.1 Manage Council for maximum efficiency, accountability and transparency

Objective 4.2 Prioritise resources to achieve our communities' goals

Strategy 4.2.1 Deploy Council's resources effectively to deliver value

Reporting Brief:

To provide Council with the Actions List (Open Council Meeting), updated following the Council meeting on 26 March 2018.

Proposal in Detail:

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

The Actions List (Open Council Meeting) reports on the progress of the items on the list following the 26 March 2018 Council meeting.

The Actions List, updated following the Council meeting on 26 March 2018 is Attachment 1 to this report.

Consultations:

Relevant Council officers

Human Resource / Financial and Risk Management Implications:

None.

Community Consultation and Public Relations Implications:

None.

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Recommendation:

That Council:

NOTE the progress of the items on the Actions List (Open Council Meeting) as updated, following the 26 March 2018 Council meeting.

Attachments/Annexures

- 1  Open Outstanding Actions (30 April 2018)

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

CLOSED TO MEMBERS OF THE PUBLIC

20. CONFIRMATION OF MINUTES (CLOSED MEETING)

That the minutes of the (Closed) Council Meeting held on 26 March 2018 be confirmed.

That the minutes of the (Closed) Special Council Meeting held on 16 April 2018 be confirmed.

21. APPLICATIONS FOR LEAVE OF ABSENCE

GOVERNANCE

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

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

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