

**COUNCIL MEETING  
AGENDA  
MONDAY, 25 NOVEMBER 2019**



**GLENORCHY CITY COUNCIL**

**Hour:** 6.00 p.m.

**Present:**

**In attendance:**

**Leave of Absence:**

**Workshops held since  
last Council Meeting**

**Date:** Monday, 4 November 2019

**Purpose:** To discuss:

- Investigation into Land Sales
- Leases and Licencing Policy

**Date:** Monday, 11 November 2019

**Purpose:** To discuss:

- Community Yarns Debrief
- Cyber Security

**Date:** Monday, 18 November 2019

**Purpose:** To discuss:

- Safer Footpath Program
- Budget Process Update

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**1. APOLOGIES**

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**2. CONFIRMATION OF MINUTES (OPEN MEETING)**

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That the minutes of the Council Meeting held on 28 October 2019 be confirmed.

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**3. ANNOUNCEMENTS BY THE CHAIR**

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**4. PECUNIARY INTEREST NOTIFICATION**

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**5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

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Russell Tatlow, 6/124 Mary Hope Road, Rosetta  
(received on 23 October 2019)

1. DHHS has confirmed an extension of the grant and has also indicated further extensions could be applied for to ensure appropriate consultation etc. To what date is the present extension granted, and, will the Council apply for an extension to allow more time to a) ensure appropriate consultation (not a push poll) and b) apply for additional funding to ensure a suitable skate park facility? If so, to what date will Council request an extension?
  - A. Council will not be applying for any further extensions to this grant. Council has undertaken extensive consultation over the last 5 years on suitable locations for a new skate park.
2. Why is the council rushing this after 5 years of no activity?
  - A. There has been work undertaken over the 5 years to consult with the community on several occasions. Our most recent consultation was conducted after previous preferred locations were deemed unsuitable. The latest consultation recently closed and Council officers will now prepare a Skate Action Plan to consolidate the feedback received and identify priority actions.

3. **How does GCC plan to support the growth of Olympic skate park action sports over the next 5 years without relying on the support of sports infrastructure provided by Hobart City Council and Clarence City Council?**
  - A. The standard and type of facilities will be explored through the development of the Skate Action Plan.
4. **Given the number of residents in the Glenorchy and surrounding suburbs, what does GCC recommend as the ideal size (in square metres) for a skate park that would meet the regional needs of its residents?**
  - A. This varies based on the demographics of the municipality. Consideration needs to be given to the projected demographics. Rather than defining a set area now, this will be discussed within the Skate Action Plan to be developed.
5. **What is GCC's 5 year plan to engage, activate and mentally stimulate hundreds if not thousands of non-driving aged young people in Glenorchy who enjoy skate park action sports but do not engage in competitive ball sports?**
  - A. Council has a number of strategies and programs that provide a platform to engage with youth, including the Glenorchy Youth task Force, Glenorchy Children and Families Strategy, Healthy Communities Plan and Community Safety Framework and Action Plan.
6. **Can GCC provide a date contractors were booked to plant the 12 commemorative trees in front of the KGV area, why this area was specifically selected and how was the community consulted?**
  - A. This area was the subject of a planning application several years ago that went through community consultation. There were heritage listed pine trees on the site that had to be removed as they had become unsafe. A condition of the planning permit was that these trees had to be replaced with a conifer species that were in character with the previous trees that were removed.
7. **What are the future plans of the land that runs alongside the 12 commemorative trees?**
  - A. Council needs to prepare a revised Master Plan for the KGV precinct to allow engagement with stakeholders and the community on the future use of this whole area.
8. **Would GCC commit to support the rezoning of a small car park to provide a space dedicated to enriching the lives and engaging thousands of children, families and young people in our community in a healthy outdoor sport that is easy to participate in?**
  - A. There are a number of steps to go through before Council would commit to rezoning any parcel of land. It is also a process that is subject to approval by the Tasmanian Planning Commission. Council will consider the current and future potential of all open space when it undertakes its Open Space Strategy review in 2020.

9. **Will the GCC work with the community to support them in developing a master plan to apply for additional funding for a new public skate park located in Glenorchy CBD to significantly benefit the community, GCC and all businesses in the CBD area?**
- A. Council will use the data and feedback received both formally and informally throughout the consultation on a skate park to prepare a Skate Action Plan for Glenorchy.
10. **Has the Council considered how a suitable skatepark will enhance the council's recently ratified economic strategy?**
- A. Council is currently developing its Economic Development Strategy. A draft of this document is not yet complete.
11. **Has Council made the link between a centrally located skatepark, the Glenorchy mtb Masterplan, the BMX track, existing local sporting facilities such as KGV and the potential economic benefits for Glenorchy?**
- A. Council is currently preparing an Economic Development Strategy for the municipality. The economic benefit of open space, sport and recreation active and passive participation will be considered. The Mountain Bike Master Plan which will include a portion of Tolosa Park and other riding disciplines will be considering the economic benefits of activating these sports.
12. **Has the Council spoken with local business about the benefits of a centrally located skatepark, i.e. Northgate?**
- A. No, as Council does not currently have a CBD location that is not limited by other factors, we have not engaged with the businesses in this area. If and when we locate a suitable site in the CBD, consultation with local businesses would be part of the process. This will be a key action within the Skate Action Plan.
13. **Is Council aware of the South Arm skatepark and the objections that led to RMPAT appeals from residents backing on to the park?**
- A. Yes, and Council has consulted with Clarence City Council.
14. **Is Council aware of the impact wind has on skateparks sports, especially the northerlies and south easterlies frequently experienced at Montrose Bay?**
- A. Council acknowledges that there are many factors at play when looking at the impact of various weather variables and skateboarding. Local topography and climatic factors will be taken into account in the design for whichever site is chosen by the community as the preferred site.

**James Bryan, 14 England Ave, Montrose  
(received 28 October 2019, in writing)**

**The Local Government Act states the following in section 20, Functions and powers,**

- (1) In addition to any functions of a council in this or any other Act, a council has the following functions:**

- (a) to provide for the health, safety and welfare of the community;
- (b) to represent and promote the interests of the community;

I have serious concerns as a ratepayer that decisions regarding the sale of Wilkinsons Point and the D.E.C. may create considerable financial burdens on Glenorchy ratepayers and not be in their best interests, rather than a financial bonanza some are expecting. I have even seen it written on a website that it may lead to a rates remission for residents in the future.

Indeed, an examination of the agenda of the Glenorchy Planning Authority Meeting for last Wednesday, 23 October 2019 raises so many unresolved issues that I am convinced that without thorough due diligence and sound legal advice when entering into a sales agreement the Glenorchy community could face a legal and financial nightmare in the future.

One issue stands out. On page 19 the following is stated:

***“National Environmental Protection Measures***

***National Environment Protection Measures (NEPM) are automatically adopted as State Policies under section 12A of the State Policies and Projects Act 1993 and are administered by the Environment Protection Authority.***

***Principle 5 of the NEPM states that planning authorities 'that consent to developments, or changes in land use, should ensure a site that is being considered for development or a change in land use, and that the authorities ought reasonably know if it has a history of use that is indicative of potential contamination, is suitable for its intended use.'***

***Part of the Wilkinsons Point site (601A Brooker Avenue) is identified as potentially contaminated as is the adjoining land at Dowsing Point. The Assessment of Site Contamination NEPM therefore applies to the proposed amendment.***

***The applicant has not provided in their submission any information or response relating to this potential contamination. The notes on Council GIS system indicates that in this area the property may have soil metal concentrations exceeding residential health investigation levels.***

***Given that the proposed Wilkinsons Point Specific Area Plan includes introducing the Residential use class onto the land, this is a matter that requires further information and resolution - potentially through revisions to the specific area plan – prior to certification.”***

What is not stated here is that it is common knowledge within the Glenorchy community that the site while being reclaimed was like a tip site and that rubble from demolished buildings was dumped there. Whether the Council has records of what was dumped there or not, one can be certain that it can be considered to be contaminated. Contaminants include asbestos and hydrocarbons as well as heavy metals which would be in the original bay sediments underlying the fill. Contamination that originated at industrial sites such as Boyer and Risdon. Contamination of this type has recently prevented residents moving into apartments in NSW.

Any agreement entered into must protect ratepayers from future liabilities that this may cause.

The following is an extract from the Sale Agreement for the Derwent Entertainment Centre between the D E C Management Authority and Glenorchy, dated 30<sup>th</sup> April, 1997.

Page 3

***"13: The Purchaser (GCC) acknowledges that the Purchaser has made its own independent enquiries investigations and inspections regarding the Property and has not relied on any information representation letter document or arrangement or other conduct and that the Purchaser will accept the Property in the form existing as at the date hereof.***

***14: The Purchaser shall not be entitled to make any claim demand or requisition other than those already identified and agreed to against the Vendor its servants or agents in respect of:-***

***(a) The state of repair and condition of the Property; or***

***(b) The water supply electricity lines gas pipes drains or sewers or other services connected to or serving the Property or any adjoining land; or***

***(c) Any encroachment upon the Property by any other property or any encroachments by the Property upon any other property or street or the lack of any easement or other right in relation to such encroachments if any; or***

***(d) Any latent defect which may exist upon or in relation to the Property; whether caused by the Vendor its servants or agents or by previous owners of the Property.***

***15: The Purchaser shall indemnify and keep indemnified the Vendor against any costs with respect to the Property from the date hereof."***

This agreement should provide a starting point for any future negotiations regarding the pending sale.

Does this Council agree that the following are important principles?

**Q1: That the legal doctrine, "*caveat emptor*", meaning "*let the buyer beware*", and/or the clause "*as is where is*" be clearly stated in any sale agreement to protect ratepayers.**

**A. Council will ensure that there are adequate protections for ratepayers incorporated into any sale agreement.**



**Q2: That ratepayers will NOT be financially liable for any repairs or refurbishment to the D.E.C. building, surrounding property and the greater Wilkinsons Point site (Council will be only responsible for the public access to the point, GASP property and the pavilion....)**

A. Council will ensure that there are adequate protections for ratepayers incorporated into any sale agreement.

**Q3: That ratepayers will NOT be financially liable for the excavation and disposal of contaminated soil/rubble that will be required for any future developments, including infrastructure provisions. This would include any remediation works required following such excavation.**

A. Council will ensure that there are adequate protections for ratepayers incorporated into any sale agreement.

**Q4: That ratepayers will NOT be financially liable for the state of repair or provision of any infrastructure such as water supply, electricity lines, gas pipes, drains or sewers, or other services connected to the property now or in the future. This is the developer's responsibility as is the case with subdivisions.**

A. Council generally acquires drainage assets on the registration of subdivisions and takes over responsibility for their ongoing maintenance. Other entities (such as TasWater and TasNetworks) are responsible for the ongoing maintenance of other services after registration. Council will not disclose any details of commercial negotiations with the prospective purchaser of the DEC and Wilkinsons Point.

**Q5: That ratepayers will NOT be financially liable for any future problems caused by sea level rise. The site comprises reclaimed land, is flat and relatively low lying. As this is obvious there can be no expectation that Glenorchy ratepayers will meet the cost of any mitigation solutions if required. There is requirements for building setbacks from high water mark, minimum floor levels and appropriate engineering and construction assessments and techniques and the developer should be aware of these.**

A. Council will ensure that there are adequate protections for ratepayers incorporated into any sale agreement. Any development carried out on the site will be subject to assessment in accordance with the relevant planning instruments.

**Q. Additionally, the following is a clause in the 1997 Sale Agreement:**

**"12: It is hereby acknowledged that the Property is being transferred to the Purchaser so that the Property can be *used for the purpose of an entertainment centre* and that the Purchaser will be required to *seek written permission of the Crown* in Right of the State of Tasmania prior to implementing any proposed change in use of the Property from that of an entertainment centre.**

***The Purchaser shall be required to act in good faith at all times. The provisions of this clause shall not merge on transfer of the Property to the Purchaser."***

The Act of Parliament creating the Derwent Entertainment Management Authority required that the D.E.C. be available for community use, in particular religious, educational and not for profit organisations. For 30 years community use has been probably the main source of patronage and the D E C is the only facility suitable for some of these. Since 1997 this has continued and there have been special community hire costs to support this.

**Q6: Does the Council recognise that the welfare and best interests of the Glenorchy community should be paramount in any agreement and that the availability of the Derwent Entertainment Centre for community groups with not for profit hire rates should continue as it does now? How will that be incorporated in the sale agreement?**

A. Council's decision to sell the DEC and Wilkinsons Point, and all subsequent negotiations around that are being carried out with the best interests of Glenorchy ratepayers in mind. Council will not disclose any details of commercial negotiations with the prospective purchaser of the DEC and Wilkinsons Point.

**Q7: As a promised major development of the site (\$100m to \$200m has been stated) seems to be a major driver for the sale of the property what guarantees will be established in the sale agreement to achieve this?**

**Will there be penalty clauses if major development does not occur in a reasonable time frame, say 10 years?**

A. Council will ensure that there are adequate protections for ratepayers incorporated into any sale agreement, including provisions to encourage development or provide resolutions if the site is not developed.

**Russell Tatlow, 6/124 Mary Hope Road, Rosetta (28 October 2019)**

**Q. What is the Council's position on developer contributions?**

A. Council does not require developers to pay developer contributions in the form of headworks charges and does not have any current plans to implement such a regime.

However, developer contributions are occasionally required by Council in the form of:

- cash in-lieu of car parking spaces. This is provided for under the *Glenorchy Interim Planning Scheme 2015* (Parking and Access Code) and provides (broadly) for Council to require a developer to provide a certain number of car parking spaces for each development, or a cash payment in lieu of this if this is not possible, and

- the provision of public open space to Council as part of new subdivisions. This is provided for under the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

Both types of contributions are assessed on a case-by-case basis depending on the specifics of each development. In the case of public open space contributions, Council is guided by its '*Subdivisions – Public Open Space Acquisitions and Contributions Policy*' (which is available on Council's website).

Council also considers, on a case-by-case basis, the adequacy and capacity of services during the planning assessment process and may require or negotiate with a developer to provide off-site upgrades where these are within its powers.

**Erik Van Beest - 3 Garden Grove, West Moonah (28 October 2019)**

- Q. In relation to the free tip weekend in October (which was postponed due to the weather), would Council instead consider providing free tip entry vouchers to residents that could be used at any time during the year?**
- A. Due to the short timeframes around the preparation of the original report to Council, there was insufficient time to investigate other alternatives to the free weekend. Officers have received valuable feedback since the announcement and will investigate the different options available for next year. When considering the options, Council needs to consider factors such as cost to the community, availability to all residents and operational matters.

**John Davie - 1 Brodie Street, Claremont (28 October 2019)**

- Q. In relation to the proposed disposal of 14a Colston Street, Claremont. Are there other opportunities for open space in the area?**
- A. Through previous consultation with the Education Department, Council is proposing that a pathway be included as part of any development of this land to ensure the public still has access through to the school. Additionally, further open space is located nearby on the other side of Colston Street at Bradfield St Reserve which has linkages through to Poimena Reserve.

## 6. PUBLIC QUESTION TIME (15 MINUTES)

**Please note:**

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

**Questions on Notice - Eddy Steenberg, Marys Hope Road, Rosetta  
(received on 5 November 2019)**

**At the September Open Council, it was noted that Council participates in "the Regional Climate Change Initiative to develop a Climate Change Adaptation Plan". I understand that the Initiative is a project running under the umbrella of the STCA (Southern Tasmanian Council Authority), a body that GCC left earlier this year.**

**Q. Can you indicate what GCC contributes, financial or otherwise, to the initiative (given we no longer pay any STCA membership dues)?**

A. Council pays approximately \$2,000 per year to stay in the Regional Climate Change Initiative even though we are no longer a member of STCA. The Initiative is also being funded from past contributions to the STCA.

**Q. Can you provide a progress report for the project?**

A. The following progress report has been provided by the City of Hobart, which is secretariat for the STCA.

REGIONAL COASTAL STRATEGY	
Completed:	
<ul style="list-style-type: none"> <li>• Regional Climate Change Initiative (RCCI) project working group: reps from Hobart, Clarence, Kingborough, Glamorgan Spring Bay, Tasmanian Climate Change Office (TCCO), CLS &amp; Local Government Association of Tasmania (LGAT)</li> <li>• Consultants appointed: Chris Rees Impact Solutions and David Rissik from BMT</li> <li>• Letter/flier sent out to councils</li> <li>• Experts meetings with representatives from: Office Security and Emergency Management; State Emergency Service; Planning Policy Unit; Crown Land Services, Tasmanian Climate Change Office, LGAT and City of Hobart and Clarence City Council</li> </ul>	
Underway:	
<ul style="list-style-type: none"> <li>• Regional Coastal Strategy Officer Workshops to be held on 6 – 7 November</li> </ul>	

Pending:
<ul style="list-style-type: none"> <li>• Meetings with Councillors and Senior Management to identify local coastal issues and values: November 2019 – February 2020</li> <li>• Drafting of Regional Coastal Strategy: November 2019 – March 2020</li> <li>• Coastal Climate Summit: April 2020</li> <li>• Consultation and finalisation of Strategy: April - May 2020</li> <li>• Project close: June 2020</li> </ul>
<b>REGIONAL CLIMATE CHANGE STRATEGY</b>
Completed:
<ul style="list-style-type: none"> <li>• RCCI project working group: reps from Hobart, Clarence, Glenorchy, Tasman, Huon Valley, Derwent Valley, TCCO &amp; LGAT</li> <li>• Project brief for collaboration between STCA / RCCI and UTAS to deliver the project through an Australian Council Research grant</li> <li>• Conditional Funding Deed signed by STCA &amp; UTAS to hold funds until ARC outcome known</li> <li>• Huon Valley Council confirmed as rural pilot council partner.</li> </ul>
Underway:
<ul style="list-style-type: none"> <li>• Appointment of pilot metropolitan council partner to be confirmed</li> <li>• 2 Masters students undertaking national and international review of Climate Action Plan best practice</li> <li>• Appointment of PhD to undertake analysis of systems approaches to climate governance by Tasmanian councils</li> <li>• Media event with STCA and UTAS for signing of Conditional Deed</li> <li>• Preparation of ARC funding application and supporting statements from project partners to ARC submission</li> <li>• Preparation of 'interim' Council Climate Action Plan' that can be adopted by councils whilst formal plans are being prepared</li> </ul>
Pending:
<ul style="list-style-type: none"> <li>• Submission of ARC grant: – January 2020</li> <li>• Project delivery: March – June 2021</li> </ul>
<b>COUNCIL CLIMATE PROFILES</b>
Completed:
<ul style="list-style-type: none"> <li>• UTAS ACE CRC, Dr Tom Remenyi engaged to deliver project.</li> </ul>
Underway:
<ul style="list-style-type: none"> <li>• Workshops 12 – 14 November, with officers across core Council isas to identify climate information required for decision making</li> <li>• Draft profiles for councils being prepared for consultation</li> </ul>

Pending:
<ul style="list-style-type: none"> <li>Workshops, delivered by Dr Remenyi, with councillors and senior management on climate profiles for their municipal area – January to March 2020.</li> <li>Supporting policy and documentation for the application of the climate profiles across councils strategies, policies, programs and operations</li> </ul>
<b>ENERGY AND GREENHOUSE GAS EMISSIONS MUNICIPAL PROFILES</b>
Completed:
<ul style="list-style-type: none"> <li>Copies of Energy and Greenhouse Gas Emissions Regional and Municipal profiles provided to councils and made available on STCA website</li> </ul>

**Q. When does Council expect to receive a draft plan?**

A. Regional Coastal Strategy – February 2020

Regional Climate Change Strategy and Council Climate Action Plan – draft June 2020 and finalised plans 2022

**Q. Will Council release a draft plan for public consultation?**

A. Council has not yet determined whether it will release any draft plans for consultation.

**Q. When does Council expect to receive the final plan?**

A. Regional Coastal Strategy – June 2020

Regional Climate Change Strategy and Council Climate Action Plan – interim plan - June 2020 and finalised plans 2022

**Q. I believe the Quarterly Report is an excellent and clearly written summary of all major activities of Council. I'd recommend it to any resident who wants an overview of Council activities. Will Council consider making all Quarterly Reports available to the public in the Council website?**

A. Council's Quarterly Reports were made available on our website in early November 2019. They can be accessed at:

[Home > Your Council > Council Documents](#)

**Q. At the beginning of the September Council the Mayor made a statement about the FOGO project. In that statement she said that the "*Jackson Street landfill site is filling up, fast. We are currently looking at ways to expand the site to extend its life, but regardless of our efforts we need to face reality. If we continue along like this our landfill will be at capacity by 2022 with no viable alternative.*" I thought that Council had decided in May that the "*landfill [would] be extended into the unused quarry adjacent to the current landfill to accept waste up to 2038.*" They appear to contradict each other. Can you please clarify the current situation?**

A. The Mayor's statement was conveying that if the current situation was left unaddressed (i.e. the landfill not extended and current volumes of general waste continuing to go to the landfill) the landfill would reach capacity.

Council resolved in March 2019 to introduce the FOGO service to reduce general waste (among other reasons) and in May 2019 to progress the landfill extension. That position has not changed.

Questions on Notice – Janiece Bryan, 14 England Avenue, Montrose  
(received 18 November 2019)

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**PLANNING SCHEME AMENDMENT REQUEST – PLAM/01**  
**ADDRESS: DERWENT ENTERTAINMENT CENTRE 601, 601A & 601B**  
**BROOKER HIGHWAY, GLENORCHY**

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Above is the heading for the GLENORCHY PLANNING AUTHORITY MEETING 23<sup>RD</sup> OCTOBER 2019. The addresses of the additional Property Titles contained in the request have not been included e.g. 825 Brooker Highway, 849 and 849B Brooker Highway etc. in the heading.

1. Could you please advise why the Council has listed five (5) additional titles on their letter in regard to the Planning Amendment Request on behalf of LK Property Group Pty Ltd?
  - A. The *Land Use Planning and Approvals Act 1993* requires that all properties which would be affected by the proposed planning scheme amendment are included in the relevant application. In this case, the PIDs listed are all those included within the Wilkinsons Point Specific Area Plan.
2. Why are these Property Titles included in the Application on behalf of this company when they have not been approved for disposal by Council?  
(Please refer to Page 419 of attachments to Glenorchy Planning Authority Meeting 23<sup>rd</sup> October 2019)

The address of eight (8) Property Titles included in the Application from LK Property Group Pty Ltd are:

- PID 7597188, 601 Brooker Highway (Derwent Entertainment Centre)
- PID 2984111, 601B Brooker Highway (Wilkinson's Point) Title 157350 Folio 1
- PID 2984138, 601A Brooker Highway (Wilkinson's Point) Title 157350 Folio 2

The additional five (5) PID's and Titles that the community is unaware of below:

- PID 2060744, THE GROVE RESERVE Brooker Highway Glenorchy, Title 135852 Folio 4
- PID 2060752, MONTROSE BAY COMMUNITY PARK, 825 Brooker Highway Montrose Title 135852 Folio 5

The following three (3) listed properties are not included in the Scheme Amendment description.

- PID 2060760 Brooker Highway Glenorchy (2603 Square Metres acquired by the Crown) Title 135852 Folio 3
- PID 1473731 GLENORCHY ROWING CLUB 849B Brooker Highway Montrose Title 126136 Folio 1
- PID 5358765 MONTROSE BAY YACHT CLUB 849 Brooker Highway Montrose

A. Council is not disposing of these properties. Their inclusion in the Planning Scheme Amendment Request is a statutory requirement. It does not indicate that Council intends to dispose of them.

**3. Why is there no description of these on the Planning Amendment Request letters by the GCC and the Minister of the State Government Department but the Properties are included in this process with the LK Property Group Pty Ltd? (Please refer to Pages 417-420 of Attachments to Glenorchy Planning Authority Meeting 23<sup>rd</sup> October 2019)**

A. The PIDs of those properties are listed in Council's letter. The letter from the Secretary of DPIPWE at (page 417 of the attachments) provides crown consent for the proposal "*as detailed in the enclosed application and supporting documents*". The non-inclusion of specific references to the actual addresses of those properties in the letters is therefore immaterial.

**In addition to the above questions could you please answer the following in regard the sale of a very substantial Community Asset.**

**4. How can Council breach the binding Sale Agreement signed by Council in July 1997 under the common seal of the GCC and the DECMA Act 1988?**

**The binding Sale Agreement with the Glenorchy City Council stated the Centre was to remain an entertainment centre pursuant to the functions and intent of the DECMA Act 1988. The Council signed the agreement under the Common Seal of the Authority and was to act in good faith at all times. Most weekends will be scheduled for basketball which will take precedence over community and entertainment events in the scheduling.**

A. Council sought the approval of the State Government to sell the DEC prior to commencing the statutory process under section 178 of the *Local Government Act 1993* to investigate its disposal.

**5. Why isn't the identity of the Purchasers involved in the DEC deal being revealed? Are they the shareholders of the LK Property Group Pty Ltd as listed on the GPA Agenda and documents?**

**Of latest concern is the Government and the Glenorchy City Council appears to be negotiating with the LK Group representing a private company. The LK Group (stated on the website to be a family of private companies) fronting the unsolicited bid is a philanthropic representative for a private company.**



The organisational structure appears to obscure the entity seeking to purchase Wilkinson's Point and DEC. Why don't we know the details of the company? The Section 33 Planning Scheme Amendment Request states LK Property Group Pty Ltd. There is no ACN number quoted on the document.

There are 10 company name variations of the LK Property Group Pty Ltd listed on the ASIC register:

- LK PROPERTY GROUP
- LK PROPERTY GROUP PTY. LTD.
- LK PROPERTY PTY LTD
- LK PROPERTY GROUP HOLDINGS PTY LTD
- L&K PROPERTY GROUP PTY LTD
- LKA PROPERTIES PTY LTD
- LKS PROPERTIES PTY LTD
- LAKES PROPERTY GROUP PTY LTD
- LOOK PROPERTY GROUP PTY LIMITED
- THE LUIK PROPERTY GROUP

In addition, there are 14 company name variations under the LK Group listed on the ASIC register:

- L K GROUP PTY. LIMITED
- LES K GROUP PTY LTD
- LKS GROUP PTY LTD
- LK GROUP SERVICES PTY LTD
- LK GROUP HOLDINGS PTY LTD
- LK GROUP INVESTMENTS PTY LTD
- MR & LK GROUP PTY LTD
- LK GROUP LEGAL SERVICES PTY LTD
- LK GROUP INVESTMENTS (ECAL) PTY LTD
- LK GROUP INVESTMENTS (ETASKR) PTY LTD
- LK GROUP INVESTMENTS (PORTFOLIO) PTY LTD
- L & K GROUP PTY LTD
- L AND K GROUP PTY LTD
- L&K GROUP PTY. LTD.

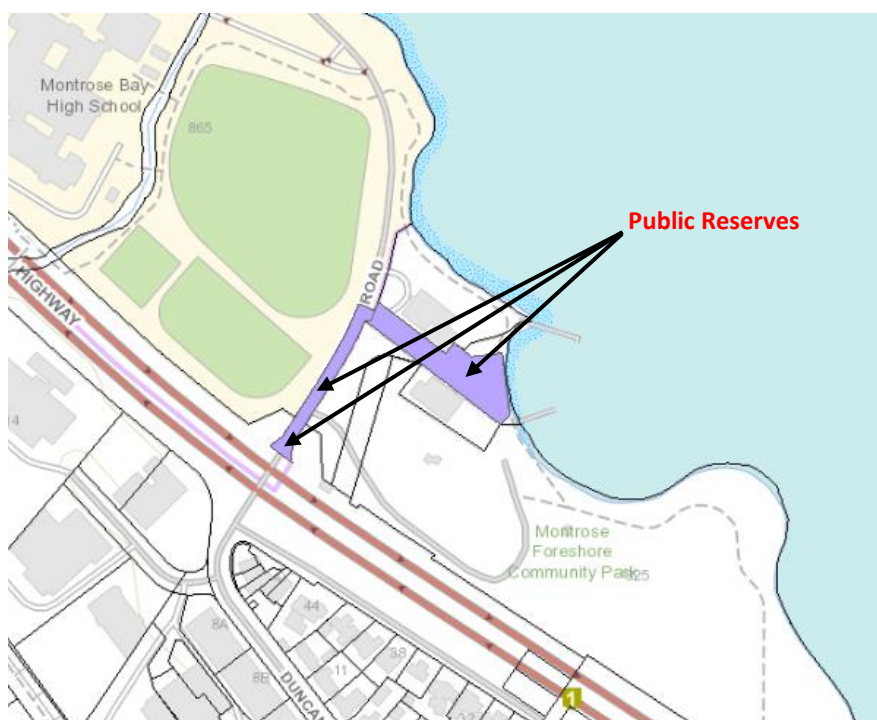
Under Section 178 of the Local Government Act 1993 the land at Wilkinson's Point was advertised for disposal and described as Council Land - PID 298411 Volume Title 157350 Folio 1 PID 2984138 Volume 157350 Folio 2.

- A. Council has consistently disclosed that it has been exclusively dealing with Larry Kestelman and LK Group as the potential purchaser of the site. Council understands that the application has been made by LK Property Group Pty. Ltd. and that the full-stops after 'Pty' and 'Ltd' have been omitted the Council report. This is immaterial.
6. **Can you explain why references to Public Reserve are on the Titles in the Glenorchy Planning Authority Agenda for 23rd October Pages 6 & 7 and was approved by Council?**

**Public Reserve is Crown Land not Council Land, and previously the Glenorchy City Council following questions regarding this denied the "existence" of such Public Reserve on the land in question. Refer to correspondence from Mr Michael Giudici, Surveyor-General, Acting General Manager on 10<sup>th</sup> October 2018.**

**Point 4 states: *"There appears to be no Public Reserve status conferred on the land at any point, although portions were acquired for 'Recreation and Amusement' purposes."***

- A. There are 3 areas of Public Reserve within the area covered by the Wilkinsons Point Specific Area Plan, which the application is seeking to amend. These are located in and around the Montrose Foreshore Park. They do not form part of the land which Council has approved for disposal, which is located over a kilometre away. The Public Reserves parcels are the shaded areas marked on the following map (which has been obtained from the publicly available State Government LIST Map):



7. **What land within the boundaries of the land advertised for disposal is Crown Land, Public Reserve?**
- A. There is no Crown land or Public Reserves within the area advertised for disposal (the three parcels comprising the DEC and Wilkinsons Point).
8. **Can the General Manager explain the requirement stated in the correspondence from the Secretary of Department of Primary Industries, Parks, Water & Environment for Crown consent to the proposal and the requirement for the applicant to obtain separate and distinct consent from the Crown before commencing any works on Crown land? (Refer Page 417-418 Attachments to GPA Agenda 23rd October 2019) Isn't this Council land? What land is being referred to in this correspondence? Is it part of the Property Title Volumes 110871/1, 157350/1 and 157350/2 described in the Council advertising under Section 178 of the *Local Government Act 1993*?**
- A. The letter from the Secretary references the title of proposal being considered (which refers to the Council land) and gives consent to that proposal "*as detailed in the enclosed application and supporting documents*". The letter therefore provides the Crown's consent to making the application in respect of any crown land that is included within the total area that would be subject to the planning scheme amendment (which is all the land contained within the Wilkinsons Point Special Area Plan).

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## **7. PETITIONS/DEPUTATIONS**

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## **COMMUNITY**

***Community Goal: “Making Lives Better”***

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## 8. ANNOUNCEMENTS BY THE MAYOR

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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:**

Objective 4.1 Govern in the best interests of the community  
Strategy 4.1.1 Manage Council for maximum efficiency, accountability and transparency.

**Reporting Brief:**

To receive the announcement of events and engagements attended by the Mayor for the period from 22 October to 18 November 2019.

**Proposal in Detail:**

The following is a list of events and external meetings the Mayor has attended during the period from Tuesday 22 October 2019 to Monday 18 November 2019.

**Tuesday, 22 October 2019**

- Hosted the Safer Communities Young Persons Awards

**Wednesday, 23 October 2019**

- Attended a meeting with representatives of the Energizer Church
- Chaired a special Glenorchy Planning Authority meeting

**Thursday, 24 October 2019**

- Participated in the BBX Royal Hobart Show Celebrity ‘Ice-off’ and ‘Saw-off’ competitions

**Saturday, 26 October 2019**

- Attended the Glenorchy Junior District Club Trophy Presentations

**Monday, 28 October 2019**

- Chaired the Council meeting

**Tuesday, 29 October 2019**

- Attended the Levelling the Playing Field grant announcement
- Attended a meeting with a media representative

**Wednesday, 30 October 2019**

- Attended a meeting of the LGAT Charitable Rates Exemption Steering Committee

**Thursday, 31 October 2019**

- Attended an Emergency Management Committee briefing
- Attended the EPIC afternoon forum
- Attended the EPIC evening forum

**Friday, 1 November 2019**

- Attended the opening of the Royal Tasmanian Regiment Association's Koepang Lines Exhibition
- Attended a meeting with St Virgil's College
- Attended the graduation parade for Claremont College ADF VET students

**Sunday, 3 November 2019**

- Attended the Collinsvale Fire Brigade Open Day

**Monday, 4 November 2019**

- Attended the 1<sup>st</sup> Community Yarn at the Claremont Memorial Hall
- Chaired a General Manager's Performance Review Committee meeting

**Tuesday, 5 November 2019**

- Attended a meeting with Senator Eric Abetz
- Hosted and presided at a Glenorchy Citizenship Ceremony

**Wednesday, 6 November 2019**

- Attended Ogilvie High School's Old Scholars Annual Luncheon
- Attended a meeting with the Lord Mayor and Steven Burgess

**Thursday, 7 November 2019**

- Attended a meeting with the Tasmanian Transport Museum and Minister Michael Ferguson
- Attended a meeting with a representative of the Moonah and Glenorchy Business Association

**Friday, 8 November 2019**

- Attended a meeting with representatives of JAC Group
- Attended a meeting with Steven Burgess
- Attended a meeting of KGV Football (soccer) stakeholders
- Hosted a civic reception for the 40<sup>th</sup> Lions Club Convention
- Guest Speaker at the Opening Ceremony for the 40<sup>th</sup> Lions Club Convention

**Saturday, 9 November 2019**

- Attended the launch of the ABC's Giving Tree Appeal
- Attended the 40<sup>th</sup> Lions Club Convention Dinner

**Monday, 11 November 2019**

- Attended a meeting with a business representative
- Chaired a Council Workshop
- Chaired the Glenorchy Planning Authority meeting

**Tuesday, 12 November 2019**

- Attended the Public Hearing of the Legislative Council Select Committee into Greater Hobart Traffic Congestion with the Lord Mayor of Hobart and Mayor of Kingborough

**Wednesday, 13 November 2019**

- Attended the TasWater Owners' Representatives General Meeting in Launceston
- Attended a phone meeting with the Premier and Treasurer of Tasmania
- Attended Moonah Primary School's Eat Wild, Eat Well Twilight Garden Party

**Thursday, 14 November 2019**

- Attended a meeting with a business representative
- Attended a meeting with the Treasurer of Tasmania

**Friday, 15 November 2019**

- Attended the St Therese's Primary School Handmade Market

**Saturday, 16 November 2019**

- Attended the Dragon and Lion Eye-Dotting Ceremony for the Hobart Christmas Pageant

**Sunday, 17 November 2019**

- Attended the monthly Clean Up Glenorchy Taskforce activity

**Monday, 18 November 2019**

- Hosted a morning tea for residents
- Chaired a Council Workshop

A significant number of other 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 during the period from 22 October to 18 November 2019.

**Attachments/Annexures**



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## 9. APPOINTMENT OF COMMUNITY REPRESENTATIVES TO THE SAFER COMMUNITIES ADVISORY COMMITTEE

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Author: Community Development Coordinator (Jill Sleiters)  
Qualified Person: Director Community and Customer Service (David Ronaldson)  
ECM File Reference: Safer Communities Advisory Committee (Special Committee)

### Community Plan Reference:

#### Making Lives Better

We continue to be a safe, inclusive, active, healthy and vibrant community.

### Strategic or Annual Plan Reference:

#### Leading Our 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 advise Council on the outcome of the recent recruitment process to fill vacant committee positions on the Safer Communities Advisory Committee.

### Proposal in Detail:

Council's Safer Communities Advisory Committee (**the Committee**) is a special committee of Council, established in July 2003 under section 24 of the *Local Government Act 1993*. Mayor Kristie Johnston and Alderman Jan Dunsby are the appointed Aldermanic representatives on the Committee.

The previous committee reviewed the Terms of Reference (**ToR**) and agreed their membership should cease in November 2019 in preparation for the newly developed selection process. The revised ToR was adopted by Council in March 2019 and expressions of interest for the new committee were sought between May and June 2019.

The Committee is comprised of the two Aldermanic representatives, and seven (7) community representatives, as well as Council officers. The Terms of Reference for the Committee set out the following selection process of the community representatives:

*"Community members will be appointed by Aldermen and the nominated Officer following advertisement for nominations in the local newspaper, on Council's website and via relevant networks."*

Following the placement of advertisements, seven (7) expressions of interest were received. A selection panel comprised of Mayor Johnston, Alderman Dunsby, Council's Manager Community and Community Development Officer Safer Communities met on 30 September 2019 to review the applications for the positions.

The selection process looked at each applicant's demonstrated ability to provide advice and feedback to Council on matters that relate to the implementation of Council's *Safer Communities Framework 2019-2029*, and particularly the ability to address the five key elements of the framework:

- 1) creating connected communities
- 2) community cultural development
- 3) building a welcoming city
- 4) local area renewal, and
- 5) addressing social injustice.

The committee approved the appointment of the following members which were subsequently endorsed by the General Manager:

- Dr Mahammad Amin Shoustari – Community member
- Captain Jeff Milkins – Salvation Army Glenorchy
- Edward Gearman - Community member
- Don McCrae - JusTas and Salvation Army
- Jeff Bendall - Bethlehem House, and
- M'Lynda Stubbs/Kylie Murphy (proxy) - Child and Family Centre Chigwell

The selection process also identified that representation from Tasmania Police is vital to this committee. As a result, further expressions of interest from Tasmania Police Officers based at the Glenorchy Police Station were sought. This resulted in the selection and appointment of Inspector Peter Harris from Tasmania Police to the committee.

Under Council's Committee Nominations and Appointments Policy, the appointment of the new committee members does not require the approval of Council, however is being reported to Council for Council's information.

**Consultations:**

Mayor Johnston  
Alderman Dunsby  
Director Community and Customer Services  
Manager Community  
Coordinator Community Development  
Community Development Officer Safer Communities

**Human Resource / Financial and Risk Management Implications:**

There are no material financial, risk management or human resources implications.

**Community Consultation and Public Relations Implications:**

Community consultation

Representatives to the Safer Communities Committee were sought through an open public advertisement process.

Public relations

The community representatives selected will aid in the successful implementation of the Safer Communities Framework.

**Recommendation:**

That Council:

1. RECEIVE and NOTE this report on the selection of the following community members to the Safer Communities Advisory Committee:
  - (a) Dr Mahammad Amin Shoustari – Community member
  - (b) Captain Jeff Milkins – Salvation Army Glenorchy
  - (c) Edward Gearman - Community member
  - (d) Don McCrae - JusTas and Salvation Army
  - (e) Jeff Bendall - Bethlehem House
  - (f) M'Lynda Stubbs/Kylie Murphy (proxy) - Child and Family Centre Chigwell
  - (g) Inspector Peter Harris (Tasmania Police, Glenorchy)
2. THANK all applicants who submitted expressions of interest to join the committee.

**Attachments/Annexures**

Nil.

# **ENVIRONMENT**

***Community Goal: “Valuing our Environment”***

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## 10. OPTIONS TO REDUCE USAGE OF SINGLE-USE PLASTICS

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Author: Director Infrastructure and Works (Ted Ross)  
 Project Manager (Ross Frankcombe)  
 Executive Officer (Bryn Hannan)

Qualified Person: Director Infrastructure and Works (Ted Ross)

ECM File Reference: Motions on Notice

### Community Plan Reference:

#### Building image and pride

Our streets are clean and attractive.

#### Making Lives Better

Young people and their families will be encouraged to play an active part in their education and their community. Community facilities and services are important to us.

#### Open for Business

We will encourage business diversity, innovation and new technologies to stimulate jobs, creativity and collaboration.

#### Valuing our Environment

We will value and enhance our natural and built environment.

#### Leading Our Community

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

Community and business leaders will be a key part of decision making, enabling the vision to become a reality. The community will be strongly engaged to play an active part in designing our future.

### Strategic and Annual Plan Reference:

#### Making Lives Better

Objective 1.1 Know our communities and what they value

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

#### Valuing Our Environment

Objective 3.2 Manage our natural environments now and for the future

Strategy 3.2.3 Enhance, protect and celebrate the Derwent Foreshore

Leading our Community

- Objective 4.1      Govern in the best interests of our community
- Strategy 4.1.2    Maximise regulatory compliance in Council and the community through our systems and processes
- Objective 4.2      Prioritise resources to achieve our communities' goals
- Strategy 4.2.1    Deploy the Council's resources effectively to deliver value
- 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

**Waste Management Strategy:**

The 2013-2023 Glenorchy City Council Waste Management Strategy adopted by Council contains a vision *"Glenorchy is a clean, safe and vibrant city that makes us proud. Together, we minimise waste and conserve resources for the future."*

- Goal 1              To promote the sustainable management of resources
- Objective 1.1      Support and educate the community in separation, recovery and reuse, and lead by example
- Objective 1.2      Collaborate with others regionally and nationally to improve effectiveness and sustainability
- Objective 1.3      Ensure the appropriate use of Jackson St landfill and maximise its life
- Goal 3              To minimise negative impacts of waste on the natural and built environments
- Objective 3.1      Minimise environmental impacts of Council-controlled landfill
- Objective 3.3      Reduce litter and dumped rubbish in public places

**Reporting Brief:**

To respond to a notice of motion considering options to reduce the use of single-use plastics. Officers recommend that Council continues to monitor regional and national initiatives while supporting local businesses in improving the reduction, reuse, and recycling of waste.

**Proposal in Detail:****Background**

At its meeting on 25 March 2019, Council considered a motion without notice moved by Alderman Thomas in relation to single-use plastics and resolved as follows:

*"That Council receives a report on the options for and impacts of reducing the use of single-use plastics in our community, including a staged approach."*

This report is presented in accordance with that motion, however does not recommend immediate action to ban single use plastics as taken by the City of Hobart. Officers recommend a more incremental approach in continuing to work with local businesses and within our region to establish longer term sustainable initiatives.

Officers have conducted a desktop assessment of potential options and recommend that if Council wishes to investigate the regulation of plastics further, that a business case be prepared.

### **Impacts of Single-use Plastics**

Takeaway packaging is a major contributor to the litter stream in Tasmania. Data from the Environmental Protection Authority Tasmania indicates that up to 50% of the litter stream is comprised of paper and plastic takeaway rubbish.

There is also a considerable body of evidence and understanding of the impacts of waste and plastic pollution on the environment. Key considerations include:

- the time it takes for plastic to break-down
- plastic pollution in waterways and oceans
- effects on marine ecology
- urban litter

The Federal Senate conducted an inquiry into the threat of marine plastic pollution in Australia in 2015 and 2016. The report of the inquiry is available at the following link and provides a comprehensive summary of the threat posed by single-use plastics on the marine environment, and more generally:

[https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Environment\\_and\\_Communications/Marine\\_plastics/Report/c02](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications/Marine_plastics/Report/c02)

### **Relevant Considerations**

Any investigation of the impacts of introducing any sort of restriction on single-use plastics requires consideration of some of the measures that are already in place or proposed to reduce the use of these products. Some of these are summarised below:

#### City of Hobart's proposed plastics ban

A motion was brought to the City of Hobart on 21 November 2016 in relation to plastic pollution. The resolution from that meeting was to the effect that Council sought a timeline for implementing appropriate measures to ban the use of non-compostable packaging for takeaway food by 2020.

In March 2019, the Council voted to make the draft Single-use Plastics By-law, which is currently undergoing community consultation and regulatory impact assessment. If it is implemented, the draft by-law would make Hobart the first local government in Australia to ban single-use plastics.

The by-law would apply to businesses that provide or sell food in packaging that can be taken from the premises and consumed. The by-law would encourage retailers to replace current single-use plastic containers which are smaller than one litre (1L) in volume or an area equivalent to A4 (210 mm by 297 mm) in size.

Packaging larger than these dimensions would not be affected.

The by-law would not apply where the food would be consumed at the retailer's premises, where food packaging is not taken from the retailer's premises, where a retailer provides or sells food packaging supplied by the customer (e.g. coffee cups or Tupperware containers) or where food has been pre-packaged by someone else (e.g. bottles of soft drink). It would also not apply to compostable or bioplastic, or plastic shopping bags.

While the City of Hobart's action has been welcomed by some, it has also resulted in considerable backlash from parts of the business community, which has expressed concern about the additional cost of complying with the new regulations and questioned whether regulating the use of single-use plastics is within the remit of local government or is more appropriately addressed by State or Federal governments.

#### Australian Packaging Covenant and 2025 National Packaging Targets

The Australian Packaging Covenant (**Covenant**) is an agreement between the Australian, state and territory governments and the packaging industry. The Australian Packaging Covenant Organisation Ltd (**APCO**) is an independent, not-for-profit company established to administer the Covenant on behalf of government and Covenant's signatories.

The Covenant applies to businesses in a supply chain that produce packaging or packaged products and have an annual turnover of \$5 million or more. These businesses are required to choose between becoming a signatory to the Covenant or meeting equivalent individual compliance obligations under the *National Environment Protection (Used Packaging Materials) Measure 2011 (NEPM)*. As a signatory, businesses agree to work collaboratively to achieve sustainable national packaging outcomes.

In 2018, government and industry collaborated to establish the 2025 National Packaging Targets. The targets are intended to create a new sustainable pathway for the that packaging is managed in Australia. The 2025 National Packaging Targets are:

- 100% reusable, recyclable or compostable packaging
- 70% of plastic packaging being recycled or composted
- 30% of average recycled content included in packaging, and
- The phase-out of problematic and unnecessary single-use plastics packaging.

APCO's strategic plan 2017-2022 prioritises the delivery of the targets and puts in place an implementation plan. The strategic plan is available here:

<https://www.environment.gov.au/system/files/resources/e2f0f12e-fa6e-4a4b-94e3-1268d9cd1360/files/australian-packaging-covenant-strategic-plan-2017-2022.pdf>



The implementation plan envisages that local governments will contribute to achieving the 2025 targets through a range of measures, including:

- providing packaging recovery advice
- education programs and reviewing kerbside collection
- investment in infrastructure and innovation, and
- implementing procurement standards requiring the use of recycled products and building these into waste management contracts.

Any further investigation into single-use plastic restrictions should prudently consider the national-scale measures proposed by APCO under its strategic plan and whether the interests of Council and its ratepayers are better served through participation in programs related to achieving the 2025 targets, as opposed to pursuing measures such as those proposed by Hobart.

### **Further Investigation / Business Case**

Officers do not recommend that Council moves to introduce any process or measures to reduce the use of single-use plastic in our municipality now.

If Council wishes to investigate any such measures further, officers recommend that a business case is developed which examines the four options set out below in the context of various considerations, which would include (but would not necessarily be limited to):

- the Glenorchy community's appetite for Council to expend resources on investigating restrictions on single-use plastics
- the positive impacts on the environment and particularly in relation to urban litter and the impact of waterways in and surrounding the municipality
- the potential financial impacts on small businesses in Glenorchy
- the potential economic benefits for Glenorchy
- alignment with Council's strategic goals, as set out in our Community, Strategic and Annual Plans and Council's Waste Management Strategy
- the role of Council (and local government generally) in regulating plastic use
- the role of State and Federal governments in regulating plastic use
- measures already in place or being progressed by Council to reduce general waste and plastic usage and encourage responsible waste management or environmental practices.

### **Options for Examination in Business Case**

If Council does opt to carry out further investigations, it is recommended that it prepares a business case, which examines the following options.

Option 1: Continue in accordance with our current Waste Management Strategy

This is the business as usual option that includes actions to work with businesses to help them manage their waste. Officers would propose to develop programs over the coming years (for example, once FOGO is rolled out to residential customers we would do more work with our business operators).

It also involves Council working within our region and participating in national initiatives including the APCO and 2025 National Packaging Targets. If these targets are to be met there will need to be a compulsory introduction (most likely regulated by Federal and/or State legislation) of compostable packaging for takeaway food.

This would not result in any additional costs for Council and may result in the same outcome, albeit that Council would be relying on the actions of others.

It is possible that the global environmental trend towards sustainable living will lead to the State Government, at some point, imposing a ban on non-compostable packaging for takeaway food.

However, the State Government does not currently have any plans to implement a ban or restrictions on non-compostable packaging for takeaway food other than to support the goals of the National Waste Policy, which align with the 2025 targets.

Council is already implementing option 1, meaning that it is feasible to adopt it without a business case being prepared (which is the recommendation in this report).

Option 2: Deploy a voluntary ban of non-compostable packaging for takeaway food

Introduce an accreditation system that acknowledges and promotes food outlets that adopt compostable food packaging, the framework for such a system would likely need to be established and administered by Council.

Option 3: Implement a by-law and enforce a ban of non-compostable packaging for takeaway food

This is the option adopted by Hobart City Council based on broader issue analysis and the development of a Cost Benefit Analysis (**CBA**) as a part of the by-law's Regulatory Impact Statement.

Although this was the preferred option for Hobart City Council the outcome may be quite different for Glenorchy City Council based on the following 3 points:

- implementation of such a scheme in Glenorchy would be cheaper, given that we could leverage off some of the work performed, and learnings achieved, by the City of Hobart. However, the timeframe for implementation is still likely to be around 2-years, based on experiences at Hobart City Council
- If the 2025 targets are achieved then the 'benefit' period for Glenorchy would be likely to be less than the City of Hobart, given the time it would take to implement the restrictions

- while some work performed by the City of Hobart would assist us, the business landscape and demographics of Glenorchy City are different to those of Hobart City, meaning that Cost Benefit Analysis and Regulatory Impact Statements would need to be carried out. This would result in some time and cost penalties.

### **Indicative Costs of each option**

While a detailed costing of each of the above options would be part of the work undertaken in a business case, the following information can be gained through calculations based on the results of the CBA conducted by the City of Hobart.

There are 1,083 affected retailers in Hobart verses an estimated 196 affected retailers in Glenorchy, or 18%. Assuming any by-law enforcement would not occur until 2022 the following estimates have been determined for the three years from 2022-2025 (based on 18% of the costs and benefits identified Hobart).

Option	Total additional cost to the community from 2022-2025	Total Benefit
1	\$ 0	\$ 0
2	\$238,967	\$39,199
3	\$319,926	\$57,121

However, Council should note that this information is not definitive and that a full CBA would need to be carried out to accurately determine the costs and benefits.

### **Conclusion**

A detailed assessment of the above options has not been possible, given that the officer time and cost that would be required has not been endorsed by Council.

The above report is effectively a desktop assessment of some of the options and is intended to provide Council with additional information to allow it to determine whether to proceed further.

Determining whether to continue investigations on this issue is a policy consideration for Council. However, given the expected cost of developing a business case it recommends that we continue with Option 1, as described above, for the time being.

### **Consultations:**

Senior Environmental Health Officer

### **Human Resource / Financial and Risk Management Implications:**

#### Financial

While the exact cost of preparing a business case as envisaged above is not clear, it would be expected to be in the order of approximately \$50,000, and would include costs associated with:

- employing an additional staff member or external consultancy firm to prepare or assist with preparing the business case

- carrying out extensive stakeholder engagement with businesses, community groups, and the wider community to properly understand the ramifications of each option, and
- incidental administrative costs such as postage, advertising etc.

A proper assessment of the costs of each option is not feasible, however the cost of developing and implementing a new by-law would be expected to be in the order of approximately \$100,000 and would take 1.5 to 2 years. There would be significant and ongoing costs involved in implementing and enforcing any by-law.

### Risk management

Risk Identification	Consequence	Likelihood	Rating	Risk Mitigation Treatment
<b>Adopt the recommendation</b>	Minor (C2)	Unlikely (L2)	Low	Highlight other measures that Council is implementing or has implemented to reduce the impact of waste on the environment and continue to consult with the community about whether the regulation of single use plastics is a priority.
Widespread concern from some community members about a lack of action by Council on an important issue, leading to reputational damage.				
<b>Do not adopt the recommendation (proceed with business case)</b>	Moderate (C3)	Possible (L3)	Moderate	Ensure that adequate community consultation is conducted and terms of reference for business case are clear to facilitate informed decision making and better outcomes.
Expenditure of Council funds and resources without proper understanding of community appetite for investigations, leading to concern from the community and reputational damage.				

### **Community Consultation and Public Relations Implications:**

#### Community consultation

Council has not undertaken any specific community consultation in respect to this issue as-yet. If further investigations are to proceed it is strongly recommended that extensive and thorough community consultation is undertaken before deciding on any specific measures.

#### Public relations

Depending on the resolution made by Council, the report is likely to generate some media interest.

**Recommendation:**

That Council:

1. RECEIVE and NOTE this report on the potential options for regulating single-use plastics in Glenorchy City
2. ENDORSE the recommendation that Council continue in accordance with our Waste Management Strategy including action to work with our business community to assist in the reduction, reuse, and recycling of waste.

**Attachments/Annexures**

Nil.

Chair's statement: Council intends to act as a Planning Authority under the *Land Use Planning and Approvals Act 1993* for the following item:

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## **11. DRAFT GLENORCHY LOCAL PROVISIONS SCHEDULE - REVISED FLOOD PRONE AREA MAPS (TASMANIAN PLANNING SCHEME)**

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Author: Strategic Planner (Lyndal Byrne)  
Qualified Person: Director Strategy and Development (Sam Fox)  
ECM File Reference: Planning Scheme Review

### **Community Plan Reference:**

#### Making Lives Better

We continue to be a safe, inclusive, active, healthy and vibrant community.

#### Open for business

We will create a strong economy and jobs for the future. We will encourage business diversity, innovation and new technologies to stimulate jobs, creativity and collaboration. We will be a place where business can establish, continue and flourish.

#### Valuing our environment

We will value and enhance our natural and built environment.

### **Strategic or Annual Plan Reference:**

#### Making Lives Better

Objective 2.1 Know our communities and what they value.

Strategy 2.1.1 Guide decision making through continued community engagement based on our Community Plan.

#### Open for business

Objective 2.1 Stimulate a prosperous economy.

Strategy 2.1.1 Foster an environment that encourages investment and jobs.

#### 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.

#### Annual Plan Action

Strategy 2.1.1 Supporting Actions for 2019-23: Consult on and finalise the Glenorchy Local Provisions Schedule.

**Reporting Brief:**

To seek Council's endorsement of the inclusion of the revised Flood Prone Area Overlay maps within the Draft Glenorchy Local Provisions Schedule and approval to submit the maps to the Tasmanian Planning Commission.

**Proposal in Detail:**

Background

The Draft Glenorchy Local Provisions Schedule (**the Draft Glenorchy LPS**) is the spatial application of the Tasmanian Planning Scheme zones and codes to the Glenorchy municipality, along with local provisions. The Draft Glenorchy LPS consists of:

- Maps: the maps show where and how the state-wide zones and codes have been applied in Glenorchy and the locations of Local Area Objectives, Specific Area Plans and Site-Specific Qualifications, and
- Ordinance: these are site specific controls for Glenorchy, such as Particular Purpose Zones, Specific Area Plans, Site Specific Qualifications and Code Lists (such as heritage places and management objectives for scenic areas).

At its meeting on 26 November 2018, Council endorsed the Draft Glenorchy LPS and resolved to send it to the Tasmanian Planning Commission (**the TPC**) to seek exhibition of the document. The Draft Glenorchy LPS documents were forwarded to the TPC on 19 December 2018.

The TPC is currently assessing the Draft Glenorchy LPS on its suitability for exhibition.

Flood maps for the CBD

In 2018, Council engaged a leading global engineering consultancy, Snowy Mountain Engineering Consultancy Australia (**SMEC Australia**) to undertake a detailed flood study of the Glenorchy Central Business District and the area surrounding it. SMEC Australia provided Council with a report named the Glenorchy CBD Stormwater System Management Plan (**the Study**) which was peer reviewed by industry experts from WMA Water.

The Study used Australian best-practice hydrologic and hydraulic methodology (Australian Rainfall and Runoff 2016) and modelling techniques (two-dimensional computer modelling). Several flood maps showing flood extent, depths, velocity and hazard levels were produced as part of the Study and presented in the report (Attachment 1).

Council's infrastructure department has made the Study available to property owners who are within the flood prone area and has shared all the technical information with engineering consultants who are engaged to develop flood mitigation measures for those areas.

To further improve awareness of flood-affected areas, key information was published on Council's website:

(<https://www.gcc.tas.gov.au/residents/living-in-glenorchy/glenorchy-cbd-flood-study.aspx>).

As part of the public engagement program, over 260 letters containing key information extracted from the Study and a frequently asked questions sheet were mailed to residents living within the medium and high flood risk areas identified in the Study. Only a few responses and enquiries were received as a result of the informal consultation.

The Study represents the latest information regarding flooding through Glenorchy CBD and surrounding areas. It is therefore prudent that Study is used for land use planning advice and decision making, given that it:

- guides future development, and
- determines the minimum floor height for development in flood prone areas.

The Flood Prone Areas overlay mapping submitted to the TPC last year was prepared before the finalisation of the Study. Given that the Study has since been finalised and publicly released (with no concerns raised regarding its credibility), it is recommended that the previous flood prone areas overlay be replaced by the mapping presented in the Study.

#### Flood Prone Areas overlay under the Draft Glenorchy LPS

To satisfy the *Land Use Planning and Approvals Act 1993 (LUPAA)*, a Draft LPS must:

- contain all the provisions specified by the SPPs
- be in accordance with section 32 of LUPAA (which outlines how the LPS is constructed)
- further the objectives set out in Schedule 1 of LUPAA
- be consistent with each State policy
- be consistent with the relevant Land Use Strategy
- be consistent with Council's strategic plan
- be consistent with, as far as practicable, the LPS provisions of neighbouring Councils, and
- have regard to the safety requirements set out in the standards prescribed under the *Gas Pipelines Act 2000*.

*Guideline No 1 Local Provisions Schedule: zone and code application, June 2018 (S8A Guidelines)* was prepared by the TPC under S8A of LUPAA and sets out the rules for application of zones and codes and associated mapping. The S8A Guidelines provide that *the flood-prone hazard area overlay should be applied to areas known to be prone to flooding, particularly areas known to be within the 1 per cent annual exceedance probability (AEP) level*. The term Annual Exceedance Probability (**AEP**) is used to describe the intensity of a storm event and the associated flood that it causes. The AEP is the probability or likelihood of a storm event occurring in any given year. For example, a 1% AEP storm event has a 1% chance of occurring in any given year and their probabilities in consecutive years are not correlated.



Essentially, in respect to the application of the Flood Prone Areas overlay maps, satisfaction of the LUPAA requirements requires the mapping of areas known to be prone to flooding.

The new mapping by SMEC Australia provides the most up-to-date information on what land in the Study area is subject to a 1% AEP and is considered to satisfy the LUPAA requirements.

Following the completion of the Study, the current maps (which have been submitted to the TPC) are now considered out-of-date and may subsequently place unnecessary burden on developers within the catchment. It is therefore appropriate that they are replaced.

A set of Flood Prone Area overlay maps fulfilling the mapping requirements for inclusion in the Draft Glenorchy LPS mapping and based on the SMEC Australia 1% AEP information is Attachment 2.

To facilitate the inclusion of the updated mapping a modification to the Draft Glenorchy LPS Supporting Report, which sets out how the Draft Glenorchy LPS meets the LUPAA requirements, to reference the Study would need to be produced.

The TPC has advised Council officers that provided any revised maps are endorsed by Council, these could replace the Flood Prone Area overlay maps previously sent to the TPC. The revised maps would go on public exhibition as part of the Draft Glenorchy LPS. Any person will be able to make a representation on these maps during the exhibition process of the Draft Glenorchy LPS.

The TPC is still assessing the Draft Glenorchy LPS and is yet to advise when it will be released for public exhibition.

Council staff are working on producing flood risk studies for other catchments in the Glenorchy Municipality as required under the *Urban Drainage Act 2013*. As more information on flood prone areas becomes available, Council will need to undertake a planning scheme amendment to further update the mapping approved under the Glenorchy LPS.

**Consultations:**

Manager Infrastructure Engineering and Design  
Senior Civil Engineer

**Human Resource / Financial and Risk Management Implications:**

Financial

The Planning Scheme Review Project is managed within the Planning Services budget. The updated plans would replace the plans previously endorsed by Council and sent to the TPC. There will no additional expenditure as a result of this addition.

Risk management

The information in the mapping prepared by SMEC Australia supersedes the mapping sent to the TPC. The Draft Glenorchy LPS should include the most up-to-date mapping that Council has available.

Replacing the maps will ensure that those properties that, according to the most up to date information, may be impacted by flooding are identified under the planning scheme.

Risk Identification	Consequence	Likelihood	Rating	Risk Mitigation Treatment
<b>Adopt the recommendation</b>	Minor (C2)	Possible (L3)	Moderate	Property owners can comment on the Draft Glenorchy LPS when it is on exhibition. The updated flood maps have already been presented to the public during the community consultation phase for the CBD Flood Study.
Concern from property owners that the revised maps show their property as subject to flooding.				
<b>Do not adopt the recommendation</b>	Moderate (L3)	Likely (L4)	Notable	Without an approved Overlay, all applications would need to be assessed for impacts of potential flooding. This would place an unnecessary financial burden on developers to undertake their flood impact assessment when lodging applications.
The Planning Authority risks not being able to defend the application of the Flood Prone Areas overlay to community and TPC as the information is out of date. The TPC may not approve the Overlay.				
Should the Draft LPS be approved in its current form, some properties in the CBD Study area may not be aware of flood risks when they seek a permit for development.	Moderate (c3)	Likely (L4)	Notable	Council could undertake an engagement strategy to advise owners not in the mapped areas of the potential flood risks.

### Community Consultation and Public Relations Implications:

#### Community consultation

The following engagement actions were undertaken to raise the public awareness and to invite public feedback:

- the flood extent which is going to be included in the revised flood prone areas overlay has been made publicly available since May 2019
- Council foyer display and Facebook posts were used to inform the community
- all residents living within the medium to high flood risks areas were notified via mail, and
- Council has shared the Study and its associated computer models with engineering consultants who are engaged to design flood mitigation measures within the flood prone areas upon request.

If the new mapping is accepted by the TPC and exhibited with the Draft Glenorchy LPS, it will be subject to the public consultation process under LUPAA. LUPAA sets out the minimum requirements for public exhibition of a Draft LPS (an advertisement in the Mercury, 60 days public exhibition and the opportunity for members of the public to make written representations and attend hearings). Council will also undertake its own engagement to ensure the community is aware of the exhibition.

Public relations

All efforts will be made to ensure members of the public, property owners and occupiers are informed of the Flood Prone Areas mapping (which will form part of the Draft Glenorchy LPS) and have the opportunity to make a representation.

Affected property owners may express concern about the implications of mapping under the Draft Glenorchy LPS on future use and development of their properties. All efforts will be made to explain the proposed changes, potential impacts and encourage them to make representations if they are dissatisfied with the proposed provisions.

**Recommendation:**

That Council, acting as Planning Authority:

1. CONFIRM its satisfaction that the revised Flood Prone Areas mapping (Attachment 2) meets the Local Provisions Schedule criteria prescribed in Section 34 of the *Land Use Planning and Approvals Act 1993* and *Guideline No 1 Local Provisions Schedule: zone and code application, June 2018 (S8A Guidelines)*.
2. ENDORSE the Flood Prone Areas mapping (Attachment 2) and request the Tasmanian Planning Commission substitute these maps for the Flood Prone Areas mapping endorsed by Council on 26 November 2018
3. DELEGATE, under Section 6 of the *Land Use Planning and Approvals Act 1993 (LUPAA)* the following power and function to the General Manager, Co-ordinator Planning Services and Strategic Planner:
  - (a) to amend the current version of the Draft Glenorchy Local Provisions Schedule Supporting Report to include the SMEC Australia report (Attachment 1) and the updated Flood Prone Areas mapping, and
  - (b) to submit the updated report and mapping in described in paragraph (a) (above) to the Tasmanian Planning Commission under Section 35(1) of LUPAA.
4. STATE that the reasons for this decision are the satisfaction of statutory requirements set in Item 1 above and the incorporation of revised, contemporary flood prone areas mapping within the draft Local Provisions Schedule.

**Attachments/Annexures**

- 1 Glenorchy CBD Stormwater System Management Plan



- 2 Flood Prone Area Overlay maps





# **GOVERNANCE**

***Community Goal: “Leading our Community”***

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## 12. PETITION - SALE OF DERWENT ENTERTAINMENT CENTRE AND WILKINSONS POINT

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Author: Executive Officer (Bryn Hannan)  
Qualified Person: Director Corporate Services (Jenny Self)  
ECM File Reference: DEC Disposal

### Community Plan Reference:

#### Leading Our Community

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

### Strategic or Annual Plan Reference:

#### Leading our community

Objective 4.1 Govern in the best interests of our community.

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

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

### Reporting Brief:

To consider a petition presented to the General Manager and tabled at the Council meeting on 28 October 2019 relating to the potential sale of the Derwent Entertainment Centre and the development of adjacent land, in accordance with the requirements of Part 6, Division 1 of the *Local Government Act 1993*.

### Proposal in Detail:

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

The Petition was tabled at the Council meeting on 28 October 2019. It was accompanied by a covering letter signed by Mrs Bryan (**Covering Letter**). The Petition and Covering Letter are Attachment 1 to this report.

The Covering Letter states that the petition contains 369 signatures. Officers agree with that assessment. Of those 369 signatures, 229 are from residents who are able to be identified as living in the Glenorchy municipality. Officers have not conducted an assessment whether any signatories have signed any of the previous petitions that have been tabled by Mrs Bryan (discussed below).

## The Petition

The subject of the Petition is as follows:

*“Stop selling our public Assets and Land*

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

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

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

## Previous Petitions

The petition is in the same terms as four previous petitions in the same form which have been presented to Council. Details of the four previous petitions are as follows:

Considered at Council meeting on:	Total Signatures
20 August 2018	<b>418</b>
29 October 2018	<b>758</b>
29 January 2019	<b>842</b>
29 April 2019	<b>594</b>

All five Petitions (including the current one) are in the same, or substantially the same, form, meaning that the issue raised in them has received 2,981 signatures in total, although some of these are likely to be duplicate signatures.

Having said that, Council is required to treat each petition as a separate petition. It has done this with each previous petition and recommends that the same is done for the current Petition.

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

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

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

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

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

### Recommended Action on Petition

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

While the number of signatures on the Petition indicates that a portion of the community is opposed to the prospective sale, this should not, alone, form the basis of any decision by Council as to whether the DEC is to be sold. The action proposed by the Petition is therefore not practical, despite the fact that Council is still in negotiations with LK Group around the potential sale of the DEC and has not made a final decision on whether to sell it to LK Group.

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

### Consultations:

Aldermen  
General Manager  
Director Strategy and Development

### Human Resource / Financial and Risk Management Implications:

#### Financial

There are no material financial implications.

#### Human resources

There are no material human resources implications.

#### Risk management

Risk Identification	Consequence	Likelihood	Rating	Risk Mitigation Treatment
<b>Do not adopt the recommendation</b>  Council would be in breach of its obligations under Part 6, Division 1 of the <i>Local Government Act 1993</i> .	Major (C4)	Unlikely (L2)	Moderate	Council adopts the recommendations of receiving and noting the tabled Petition.



**Community Consultation and Public Relations Implications:**

Community consultation

Mrs Bryan has been informed that the petition will be considered at the current meeting.

Public relations

There are no material public relations implications.

**Recommendation:**

That Council:

1. RECEIVE and NOTE the petition titled *Proposed Sale of the Derwent Entertainment Centre and Development of Adjacent Land* lodged by Janiece Bryan of 14 England Avenue, Montrose (**the Petition**)
2. NOTE the concerns of the 369 signatories to the Petition in relation to the proposed sale of the Derwent Entertainment Centre (**DEC**) and the potential loan from the State Government to assist with the development of Wilkinson's Point, and
3. RESOLVE to take the concerns of the 369 signatories to the Petition into account in any future consideration by Council of sale of the DEC or the acceptance of assistance from the State Government in relation to the development of Wilkinson's Point.

**Attachments/Annexures**

- 1 Petition



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### 13. 2018-19 ANNUAL REPORT

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Author: Executive Officer (Bryn Hannan)

Qualified Person: Director Corporate Services (Jenny Self)

ECM File Reference: Annual Report 2018-19

#### **Community Plan Reference:**

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

#### **Strategic or Annual Plan Reference:**

Objective 4.1 Govern in the best interests of the community

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

#### **Reporting Brief:**

To present the *Glenorchy City Council Annual Report 2018-19* to Council.

#### **Proposal in Detail:**

The *Glenorchy City Council Annual Report 2018-19 (Annual Report)* is Attachment 1 to this report.

The Annual Report has been prepared in accordance with section 72 of the *Local Government Act 1993 (the Act)* which sets out the information that the annual report must include (sections 72(1)(a) to (e)).

The Annual Report will be presented at Council’s Annual General Meeting which will be held on 2 December 2019 at 2:30 pm. Its availability was advertised in Council’s Notice of Annual General Meeting which was published in The Mercury on 15 November 2019 and on Council’s website, as required under the Act. It was released for public comment on Friday, 15 November 2019 on Council’s website and in hard-copy at Council’s chambers from Monday, 18 November 2019. A revised version (1.1) of the Annual Report containing minor corrections was made available from 19 November 2019.

#### **Consultations:**

Mayor

All Aldermen (Council workshop)

General Manager

All Directors

Various staff from across Council

**Human Resource / Financial and Risk Management Implications:**Financial

There are not material financial implications. Council's audited financial statements are contained within the Annual Report however these were endorsed at Council's meeting on 28 October 2019.

Human resources

Officers prepared the Annual Report as part of their ordinary duties.

Risk management

Risk Identification	Consequence	Likelihood	Rating	Risk Mitigation Treatment
<b>Adopt the recommendation</b>	Minor (C2)	Rare (L1)	Low	The Annual Report and its content has gone through extensive checking by all staff involved in its preparation. Any mis-reporting is likely to be of a minor nature and can be corrected publicly.
Non-compliance with statutory requirements for the Annual Report, leading to a minor regulatory breach.				
<b>Do not adopt the recommendation</b>	Moderate (C3)	Likely (L4)	Notable	Council articulates clear reasons for its dissatisfaction with the Annual Report and provides an alternative recommendation addressing any deficiencies.
Council is not being asked to adopt the Annual Report, however a failure to adopt the recommendation would indicate Aldermanic concerns about the Annual Report which have not previously been disclosed, leading to reputational damage to Council.				

**Community Consultation and Public Relations Implications:**Community consultation

The Annual Report has been released and is currently available for public consultation. The public is invited to make written submissions about the Annual Report for discussion at Council's Annual General Meeting until midnight on 27 November 2019.

Public relations

There is the potential for some media interest in the content of the Annual Report, particularly around financial statements.

**Recommendation:**

That Council:

RECEIVE AND NOTE the *Glenorchy City Council Annual Report 2018-19* in the form of Attachment 1.

**Attachments/Annexures**

- 1 Glenorchy City Council Annual Report 2018-19



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## 14. PROCUREMENT AND CONTRACTS - MONTHLY REPORT

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Author: Manager Corporate Governance (Tracey Ehrlich)

Qualified Person: Director, Corporate Services (Jenny Self)

ECM File Reference: Procurement

### Community Plan Reference:

#### Leading our Community

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

### Strategic or Annual Plan Reference:

#### Leading our Community

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

### Reporting Brief:

To inform Council of exemptions that have been applied to procurements under Council's Code for Tenders and Contracts for the period 18 October 2019 to 13 November 2019 and provide updates on other relevant procurement matters.

### Proposal in Detail:

#### Exemption Report

Council's Code for Tenders and Contracts (**the 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 18 October 2019 to 13 November 2019. There has been one (1) exemption approved for the period, accounting for \$8,800.00 in budgeted operational expenditure. The departure of Council's Communications and Marketing Advisor in March has required the assistance of Timmins Ray to provide strategic communications advice and assistance. Services under this agreement ceased as of 31 October 2019. This exemption is for the final invoice. The above amount was accounted for in Council's current 2019-20 budget.

Additionally, an audit of Infrastructure Works as discussed in the October 2019 report to Council has identified a number of direct engagements which were required for the CBD refurbishment project. These are now included on the Attachment to this report.

#### **Expenditure on external Legal Services**

For the month of October 2019, the total amount spent on external legal services for all of Council was \$2,587.00.

#### **Consultations:**

Executive Leadership Team  
Accounts Payable Supervisor

#### **Human Resource / Financial and Risk Management Implications:**

##### Human resources

There are no material human resources implications.

##### Financial

The report identifies the following budgeted operational expenditure that has been approved during the reporting period:

- \$8,800 in budgeted operational expenditure, and
- \$2,587 on external legal services.

Risk management

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

**Community Consultation and Public Relations Implications:**

Community consultation was not required or undertaken.

There is unlikely to be any material public relations impact.

**Recommendation:**

That Council:

RECEIVE and NOTE the Procurement and Contracts Monthly Report for the period from 18 October 2019 to 13 November 2019.

**Attachments/Annexures****1** Procurement Exemptions November 2019

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**15. FINANCIAL PERFORMANCE REPORT TO 31 OCTOBER 2019**

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Author: Manager Finance and ICT (Tina House)

Qualified Person: Director Corporate Services (Jenny Self)

ECM File Reference: Corporate and Financial Reporting

**Community Plan Reference:**Leading Our Community

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

**Strategic or Annual Plan Reference:**Leading Our Community

- |                 |   |
|-----------------|---|
| Objective 4.1   | Govern in the best interests of our community   |
| Strategy 4.1.1  | Manage Council for maximum efficiency, accountability and transparency                        |
| Action 4.1.1.01 | Monitor Council expenditure and drive efficiency across the organisation                      |
| Action 4.1.1.02 | Develop and monitor Council's Budget, Long Term Financial Plan, Annual Plan and Annual Report |

**Reporting Brief:**

To provide the monthly Financial Performance Report to Council for the period ending 31 October 2019.

**Proposal in Detail:**

The Financial Performance Report (**Report**) for the period 1 July 2019 to 31 October 2019 is Attachment 1.

The Report highlights that at 31 October 2019 the operating result is \$975k better than the budgeted position.

A summary of the key indicators is as follows:

**Revenue**

Revenue is \$200k or 0.4% above budget representing an increase to last month's result of \$31k or 0.1% above budget. Council has received unbudgeted contributions from developers to perform future capital works. In addition, higher utilisation of the child care services operated by Council has resulted in additional Government funding.

### **Expenditure**

Expenditure is \$775k or 3.9% below budget, representing a similar financial position than last month's result of \$781k or 5.6% below budget. There continues to be reduced employee costs due to the number of current position vacancies. Since the start of the financial year on there have been fifty-one positions advertised, of which thirty-three have been filled but eighteen remain unfilled. The period of time the positions have remained vacant combined with the position types and associated salaries and benefits has directly contributed to the \$659k reduction in salaries and on-costs to the end of October 2019.

### **Capital Works**

Capital works expenditure is \$2.855m against an annual budget of \$14.009m. Program managers are actively monitoring projects to identify opportunities for reallocation of budgets, changes to scope and bringing forward / moving back particular projects.

More detailed information on noteworthy variances can be found in the Explanatory Notes in [Attachment 1](#).

### **Consultations:**

General Manager  
Executive Leadership Team  
Officers responsible for Capital and Operational Budget reporting

### **Human Resource / Financial and Risk Management Implications:**

There are no material risk management or human resources implications.

### **Community Consultation and Public Relations Implications:**

There are no material public relations implications. Community consultation was not required due to the regular and operational nature of this report.

### **Recommendation:**

That Council:

RECEIVE and NOTE the Financial Performance Report for the year-to-date ending 31 October 2019 in the form of [Attachment 1](#).

### **Attachments/Annexures**

**1** Attachment 1 - Financial Performance Report to 31 October 2019







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**16. NOTICES OF MOTIONS – QUESTIONS ON NOTICE / WITHOUT NOTICE**

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## **CLOSED TO MEMBERS OF THE PUBLIC**

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**17. CONFIRMATION OF MINUTES (CLOSED MEETING)**

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That the minutes of the Council Meeting(Closed Meeting) held on 28 October 2019 be confirmed.

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**18. APPLICATIONS FOR LEAVE OF ABSENCE**

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## **ENVIRONMENT**

### ***Community Goal: “Valuing our Environment”***

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**19. TOLOSA DAM DECOMMISSIONING AND REMEDIATION  
STATUS UPDATE**

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*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)(c) (Commercial information of a confidential nature that, if disclosed, is likely to: prejudice the commercial position of the person who supplied it; confer a commercial advantage on a competitor of the Council; or reveal a trade secret).*

## GOVERNANCE

### ***Community Goal: “Leading our Community”***

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#### **20. AUDIT PANEL - SELECTION OF AUDIT PANEL MEMBER**

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

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#### **21. GENERAL MANAGER'S 6-MONTHLY PERFORMANCE REVIEW 2019**

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

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#### **22. NOTICES OF MOTIONS – QUESTIONS ON NOTICE / WITHOUT NOTICE (CLOSED)**

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