

# **Minutes of the Meeting of the Glenorchy City Council held at the Council Chambers on Monday, 27 April 2020 at 6.00 p.m.**



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

**Present (in Chambers):** Alderman Kristie Johnston (Mayor)

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

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

**In attendance  
(by video link):** General Manager (Tony McMullen), Director Corporate Services (Jenny Richardson), Director Community and Customer Services (David Ronaldson), Director Strategy and Development (Sam Fox), Director Infrastructure and Works (Ted Ross), Manager Property Environment and Waste (Alex Woodward).

**Leave of Absence:**

**Workshops held since  
last Council Meeting**

**Date:** Monday, 6 April 2020

**Purpose:** To discuss:

- 2020/21 Capital Works Program
- Economic Development Stimulus Measures

**Date:** Monday, 20 April 2020

**Purpose:** To discuss:

- Write-off of doubtful debts: Unpaid infringements
- Budget Workshop 2

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## 1. APOLOGIES

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Alderman Melissa Carlton

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## 2. CONFIRMATION OF MINUTES

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### **Resolution:**

BULL/KING

That Council defer the confirmation of Council minutes for Monday, 30 March 2020 until the next ordinary Council meeting.

The motion was put.

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

### **AGAINST:**

The motion was CARRIED.

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### **3. ANNOUNCEMENTS BY THE CHAIR**

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The Mayor gave a brief update on Councils response to the COVID-19 situation and extended her thanks to the Glenorchy community for staying at home over Easter.

The Mayor also acknowledged in how difficult it would have been for some members of the community not to have commemorated Anzac Day in the usual way, but reiterated the importance of the community following the COVID-19 restrictions to keep everyone safe.

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### **4. PECUNIARY INTEREST NOTIFICATION**

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

Alderman Fraser advised that he had a non-pecuniary conflict of interest in Item 10 (Disposal of Council Land: Part of 671 Main Road, Berriedale) and would abstain from the debate and would not vote on that item.

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

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None.

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## 6. PUBLIC QUESTION TIME (15 MINUTES)

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Shane Alderton – 296 Main Road, Austins Ferry  
(received by email, 21 April 2020)

**Q. My first question is a response to an email I sent to the Mayor and Alderman. While the reasons around the 30 March online Council meeting was clearly explained, the following was not answered satisfactorily. As Council held their online meeting on 30 March 2020 and legislation to my understanding to hold this type of meeting was not passed and gazette to 3 April 2020, under the Act did Council conduct a legal meeting?**

A. Council's answer to your question was set out in the Mayor's email of 9 April 2020 which has been posted in-full on Facebook (with the Mayor's consent). Council is comfortable that as a result of our direct liaison with the officer of the Premier and the Minister for Local Government prior to the meeting, the decisions taken at that meeting have legal effect.

**Q. The State Government recently announced the Wilkinson Point/DEC development proposed agreement between LK group and the State Government is non-binding. Is the agreement between LK Group and Glenorchy City Council including the cost of providing any supporting infrastructure for this proposed project also non-binding?**

A. At its Special Council meeting on 28 February 2020, Council completed the regulatory process required for it to sell the DEC to the State Government and agreed to the key terms of the deal reached.

Council's resolution made in Item 4 in the open part of that meeting ([available on this link](#) or at <http://glenorchy.infocouncil.biz/>), provided that the sale was subject to:

- The General Manager agreeing with the Tasmanian Government the terms of an agreement for the sale, which are to be generally in accordance with the key terms, and
- Council reaching a satisfactory agreement with LK Group for the transfer of the business of the Derwent Entertainment Centre.

Contracts between the three parties have not yet been exchanged and the commitments given are not binding until this occurs.

**Q. As Council approved the development of a Skate Park at Montrose Bay and the overall plan is to integrate this area with the proposed Wilkinson Point/DEC development, will Council be working with other relevant organisations/State departments to provide safer access and exiting from this area across the Brooker Highway intersection at Foreshore Road and Duncan street?**

A. Council continues to work with all stakeholders in relation to pedestrian crossings and ensuring safe and appropriate access to and amenity of the area.

**Stephen and Meredith Curtis – Bournville Crescent, Claremont****(Received by email, 24 April 2020)**

- Q. The Council has stated that the sale of Lot 2 Bournville Crescent Claremont was triggered by the approach from the Claremont Bowls Club to rezone and sell a portion of their land.**

**Does the Council acknowledge that the sale of Lot 2 and the Bowls Club land together is more attractive than separate sales to developers looking to build numbers of units?**

- A. While Council has discussed the potential to jointly rezone Lot 2 with the Claremont Bowls Club, no application has been lodged. Our discussions with the Bowls Club have been focused on improving the alignment of the public open space to provide for a better link to the foreshore, so that it would be wider and safer. If the two parcels of land were rezoned and offered for sale at the same time there is the potential that a developer could look to purchase all lots, however that is not Council's intention for progressing the disposal. This parcel of land has been strategically identified as not meeting Council's fit for purpose requirements.**

- Q. Will the Council therefore assure concerned residents that these 2 lots will be sold separately and not together as a single project? That is, not sold at the same time or using the same agent?**

- A. Council has a strict independent procurement process that would be applied to appoint any future agent to dispose of this property and any others identified in tonight's Council report.**

**Cartia and Scott Leeson, and Eve Mills – Bournville Crescent, Claremont****(Received by email, 24 April 2020)**

- Q. According to the Agreement of Sale of the initial lot in January 1986, the sale was conditional and restricted to 'private open space' (4a). Is Council aware that many residents purchased homes surrounding the Claremont Bowling Club and foreshore based on the premise that the only development that would take place was a third bowling green?**

- A. There is no covenant on the title that restricts the use of the land.**

- Q. What is Council's response to the following: Under the 'Special Area Plan', in S11.10.1 under Local Area Objective, the purpose of the plan is to:**

- (a) accommodate the outdoor bowling greens and not impact on the amenity of neighbouring residential areas; and**
- (b) protect the foreshore area from use or development which would impact upon its character. As Lots #2 and #1 are inextricably linked due to the nature of past and present transactions between the GCC and CBC, how will Council address the above issues as a result of the sale of Lot #2 ultimately leading to the sale of Lot#1 by the CBC?**

- A. The Special Area Plan does not apply to the parcel of land that is being considered for disposal.
- Q. What are the conditions of the original sale and what are the covenants on the title with regards to the provision of public access to the jetty and foreshore area?**
- A. There are no recorded conditions of the sale. The land was transferred to the Glenorchy City Council in 1998. The title contains a drainage easement to the foreshore and a right of carriage way and fencing covenant. However, these do not impact on the proposed area for disposal.
- Q. Council must be aware that provisions to make the Bournville Crescent road safe due to the numerous apartments sold by the Claremont Golf Course have not been met. How does the Council plan to meet further safety measurements once the road to Lot #1 and #2 creates additional traffic due to an added T-junction on a steep gradient?**
- A. Traffic assessments and road design would be assessed at the rezoning and planning application stage under the *Land Use Planning and Approvals Act 1993*.
- Q. How will the road to Lots #2 and #1 (between #11 and #13 Bournville Crescent) impact on residents with disabilities having access to their front doors?**
- A. Traffic assessments and road design would be assessed at the rezoning and planning application stage under the *Land Use Planning and Approvals Act 1993*.
- Q. Is Council aware that the grassy areas of Lots #1 and #2 are a haven for bird life; some of which are vulnerable such as the black cockatoos, sea eagles and rainbow lorikeets?**
- A. Yes, several open grassy areas throughout Glenorchy are used as feeding sites for birds. There are no habitat trees on this land and any future rezone application would need to refer to this matter in accordance with the requirements under the *Land Use Planning and Approvals Act 1993*.
- Q. Is Council aware that the Bournville Heritage Walk is a thoroughfare for hundreds of walkers (higher numbers due to Coronavirus) that access areas within Lots #1 and #2? How will the subdivisions impact on the original 'model village' concept of the necessity for recreational spaces on Cadbury Estate?**
- A. Yes, and part of the disposal and future rezone application would be to improve this area to make it more accessible and connected to the foreshore and surrounding streets.
- Q. Is Council aware that with the potential sale of Lots#2 and #1, there are fewer green/recreation areas left on the estate for ratepayers/residents to access – which was a major reason for purchasing homes on the Estate.**
- A. This area does not meet the fit for purpose requirements for open space. There will still be a public linkway to the foreshore and up to Bournville Crescent. The Cadbury Sports Ground is less than 500m away, which is in-line with best practice for the provision of open space in local communities.

**Q. The land on which the Claremont Golf Course and Claremont Bowling Club are based was a gift to the residents of the Estate by Cadburys. The Schedule of Easements (1980, Plan No. S.P.4077), states: *no profits a prendre are created to benefit or burden any of the lots shown on the plan*. How does Council expect to meet this demand with regards to the potential development of Lots #1 and #2 Bournville?**

**A.** The schedule of easements for this property are SP134788 and while it does not include the statement you have listed above, income received from the disposal of this property will go back into improving open spaces.

**James Bryan – England Avenue, Montrose  
(received by email, 23 March 2020)**

**In reference to the addition of Hotel Industry Use as discretionary for Precinct C (DEC):**

**Q. In not excluding the use of gaming machines for Precinct C (DEC) as is the case for Precinct A (Sport and Entertainment Precinct) does this mean it will be possible for an application to be made for gaming machines to be installed at the DEC?**

**A.** On 20 April 2020, the Glenorchy Planning Authority considered the certified amendment to the Wilkinsons Point Specific Area Plan (PLAM-19/01) and the representations received during the public exhibition period. The Authority agreed to report to the Tasmanian Planning Commission about the draft amendment application to the Wilkinsons Point Specific Area Plan. Further, the Authority recommended that further modification be made to the certified draft amendment to prohibit Gaming Machines within Precinct C (the Derwent Entertainment Centre).

**Q. Why was the use of gaming machines NOT excluded for this precinct as was the case for the Sport and Entertainment Precinct?**

**A.** See above. A prohibition on gaming machines has now been included in Precinct C.

**Q. Will this Council state that gaming machines are not an acceptable addition to what should continue as a community and family entertainment facility, the DEC?**

**A.** See above. A prohibition on gaming machines has now been included in Precinct C which includes the DEC. Council has a strong stance against gaming machines and agrees that they are not an acceptable addition to the DEC.

**The following are statements from the Agenda of the Special Council Meeting held on Friday, 28 February 2020. (Page 11)**

***“Recent (unverified) investigations undertaken by LK Group suggest that a major upgrade of the DEC would trigger a requirement for an estimated \$5 million in investment to bring the facility into compliance with contemporary building codes and work health and safety regulations.”***

**Q. Who will be responsible for ensuring this compliance and the associated costs estimated at \$5 million are completed?**

A. This will be a matter for the purchaser of the Derwent Entertainment Centre.

**Q. Is the estimated amount of \$5 million in addition to the proposed \$40 million to bring the DEC up to the required standard for NBL games?**

A. Council did not commission or undertake these investigations and does not have detail of the works proposed.

***“The sale of the DEC would provide a significant return to Council. This would be offset by costs associated with the sale, an in-kind contribution to roading at Wilkinsons Point and costs associated with mitigating any risks associated with any potentially contaminated land.”***

**Q. What is the estimated cost to Glenorchy ratepayers for the in-kind contribution to roading at Wilkinsons Point? Exactly what does this entail? Is it a new road?**

A. To ensure ongoing public access to Wilkinsons Point, Council has agreed to make an in-kind contribution towards the upgrade and maintenance of Loyd Road. Costs associated with this have not yet been quantified but are expected to be modest.

**Q. What is the estimated cost to Glenorchy ratepayers to mitigate risks associated with contaminated land?**

A. Further testing on potential contamination at Wilkinsons Point is underway. Once this is completed, measures associated with mitigating the risks associated with any contamination present will be considered by Council.

**NOTE: At the Council meeting held on Monday, 28 October 2019, I outlined my concerns regarding the sale of Wilkinsons Point and the DEC, in particular risks to Glenorchy ratepayers for possible future legal and financial liabilities. (Refer to pages 13 – 16 of the Council Minutes).**

**The following was important:**

***Does this Council agree that the following are important principles?***

**Q. *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.***

***The response was:***

**A. *Council will ensure that there are adequate protections for ratepayers incorporated into any sale agreement. (Refer to page 9 Monday 25 November 2019 Council Meeting Agenda)***

**Q. In light of that response, how is GCC accepting unknown costs associated with mitigating any risks associated with any potentially contaminated land providing adequate protections for ratepayers?**



- A. The costs of mitigating any contaminated land will be known prior to signing the sale agreement. Council will ensure that there are adequate provisions incorporated into the sale agreement.

***“If the development of Wilkinsons Point were to proceed as envisaged, Council would also receive rates revenue in the medium to long term as follows:***

***DEC - based on current value, plus additional investment of \$45 million (AAV of \$2.2 million), estimated rates would be around \$185,000 per annum.***

***Wilkinsons Point - based on \$145 million commercial development (AAV of \$5.8 million), estimated rates revenue would be around \$485,000 per annum.”***

Following this meeting there was a press conference at the DEC where the Mayor, Ald. Johnston, made the following statement as a response to the following question from a reporter:

***“Will the Council give a rates exemption for this other development?” (Wilkinsons Point)***

***(Mayor) “This is something that is contemplated by Council in terms of a facilitated development. We are mindful that the key objective we are trying to achieve is a world class quality development here. We have made commitments around with the State Government and agreement will be with the State Government around rates remission.” (Reference: The Premier’s Face Book Page)***

- Q. As the DEC is being sold to the State Government, who will in turn lease it to Mr Kestleman, will the State Government be responsible to actually pay any rates to the GCC?**

- A. This is a matter to be resolved between the State Government and LK Group.**

- Q. Has the proposed rates exemption for the Wilkinsons Point development been discussed in Council and voted on, or accepted, by aldermen? Will an exemption for rates be made?**

- A. Council has discussed the potential for short-term rates relief to be provided during the redevelopment of the Derwent Entertainment Centre to facilitate that development occurring. The provision of short-term rates relief is a matter to be resolved in final negotiation of the sale agreement with the Tasmanian Government. Council has not agreed to provide an ongoing rates exemption for the Derwent Entertainment Centre or Wilkinsons Point.**

**On page 11 of the Special Council Meeting it is stated:**

***“DEC - based on current value, plus additional investment of \$45 million (AAV of \$2.2 million), estimated rates would be around \$185,000 per annum.***

***Wilkinsons Point - based on \$145 million commercial development (AAV of \$5.8 million), estimated rates revenue would be around \$485,000 per annum.”***

**This would mean a total return of \$670,000.**

- Q. Considering the above points and the proposed exemption for rates, is it not true that Glenorchy ratepayers will receive far less than the amount announced to ratepayers in the Special Council Meeting Agenda? Indeed, there may be no return at all in rates!**

- A. Council has not agreed to provide an ongoing rates exemption for the Derwent Entertainment Centre or Wilkinsons Point.

**Simon Vout – Bournville Crescent, Claremont**  
(Received via email, 24 April 2020)

- Q. Traffic congestion from the Claremont Golf and Bowls Club, due in no small part to the access to the new housing development, has caused a marked increase in parking along Bournville Crescent of vehicles, often towing electric golf carts. In previous meetings with the Glenorchy City Council (GCC) the residents of the area were assured that the only development relating to the block in question would be as a 'over-flow' car park to accommodate bowlers' and golfers' vehicles. Has the proposal of an over-flow car park for golfers and bowlers been discarded?**
- A. Any future development of the land would be required to undertake traffic assessments and road design would be assessed at the rezoning and planning application stage under the *Land Use Planning and Approvals Act 1993*.
- Q. As residents' visitors are also currently required to park along the strip adjacent to Bournville Crescent, has the GCC further considered to develop this block as further parking for their vehicles?**
- A. There is no consideration for Public Open Space in this location to be retained for parking for nearby residents.
- Q. In earlier correspondence, under the heading, 'Why is the land being proposed for disposal?' the GCC stated that Council has already been approached by the Bowls Club who are proposing to rezone a portion of their land adjacent to the lot in question. It is further stated that the sale of the lot will allow Council to work with the Bowls Club on a joint rezoning application and reconfiguration of the foreshore. What is this proposal?**
- A. While Council has discussed the potential to jointly rezone Lot 2 with the Claremont Bowls Club, no application has been lodged. Our discussions with the Bowls Club have been focused on improving the alignment of the public open space to provide for a better link to the foreshore, so that it would be wider and safer. If the two parcels of land were rezoned and offered for sale at the same time there is the potential that a developer could look to purchase all lots, however that is not Council's intention for progressing the disposal. This parcel of land has been strategically identified as not meeting Council's fit for purpose requirements.
- Q. In addition are we to believe that the sale of the plot of land stated is essential for further development to take place?**
- A. The disposal of the part of Council land is independent from any future proposal the Bowls Club may have.
- Q. As we have had no public notification from the Claremont Bowls Club or GCC in relation to plans that you stated were already in place, will the GCC make public the current proposed deal with the Bowls Club?**

- A. Council has not made any deals or agreement with the Claremont Bowls Club. Council officers have, however, discussed a joint interest in rezoning the adjacent land in the area. Council's interest is focused on improved public access to and from the foreshore and Bournville Crescent.
- Q. My understanding was that we were to be informed of Council's decision. We were informed that it would be deferred and later discussed in January 2020 and then February 2020. Can this decision wait until the Covid 19 restrictions are raised? This would allow for further possible discussion involving the affected rate payers.**
- A. The decision to defer this item earlier the year was made as a result of not having all the information to complete the report. All the information is now available, and the objectors have been informed of the process and provided opportunity to voice any concerns.

**Aaron De La Torre, Australian Services Union – Macquarie Street, Hobart  
(Received via email, 21 April 2020)**

- Q. I refer to a letter which was sent by Premier Peter Gutwein and Local Government Minister Mark Shelton to all Tasmanian Council Mayors and General Managers, dated 16 April 2020. In this letter the Premier states:**

***"It is our expectation that councils should endeavour to retain as many employees as possible during this challenging period and that to do this councils will need to adopt different budget and financial positioning strategies than have traditionally been required. Where appropriate, councils should also redirect staff to support their COVID-19 response measures and community relief and recovery initiatives".***

**Can the General Manager provide assurances to Glenorchy City Council's employees that no employees will have their employment terminated as a result of COVID-19 and that Council will prioritise the maintenance of employment of each of their employees in any budgetary decisions moving forward?**

- Q. Clause 7.2 of Council's enterprise agreement, the *Glenorchy City Council Enterprise Agreement 2016*, and the *Fair Work Act 2009* both provide requirements for consultation in relation to major workplace changes including the need to relocate employees, the alternation of hours of work or regular rosters, or in the extreme the potential termination of employment, amongst others.**

**The Australian Services Union and our members seek to enter into collaborative consultation in relation to any potential changes in the workplace as a result of COVID-19.**

**Can the General Manager assure employees of Glenorchy City Council that the management team will enter into consultation before any major changes are implemented in the workplace?**

- Q. Given that Local Government is not eligible for the federal government's JobKeeper program, the changes which were made to the *Fair Work Act 2009* in**

relation to COVID-19 stand downs and alternation of an employee's regular hours do not apply to Glenorchy City Council.

Section 524 of the Act (*Employer may stand down employees in certain circumstances*) requires that an employee only be stood down where they "*cannot usefully be employed*", that is to say that there is no useful work for employees to undertake.

Can the General Manager provide a guarantee that all possible alternate duties will be explored before considering standing employees down, including things that are usually outside of Council's core business but which assist the community with getting through, and recovering from, COVID-19?

- A. The questions were taken on notice and answers will be provided at a later date.

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## 7. PETITIONS/DEPUTATIONS

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None.

## COMMUNITY

### *Community Goal: "Making Lives Better"*

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#### **8. RECREATION AND PLAY INFRASTRUCTURE PROJECTS UPDATE**

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File Reference: Major Projects

##### **Reporting Brief:**

To brief Council on the progress of the recreation and play projects for which Council has received Australian and Tasmanian Government funding.

##### **Resolution:**

THOMAS/RICHARDSON

That Council:

RECEIVE and NOTE the report on the progress of the recreation and play projects for which Council has received Australian and State Government funding.

The motion was put.

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

**AGAINST:**

The motion was CARRIED.

## ENVIRONMENT

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

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#### 9. DISPOSAL OF COUNCIL LAND

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File Reference: Disposal Council Land

##### **Reporting Brief:**

To brief Council on the results of the community consultation on the potential disposal of Council land, and recommend that Council, after considering all representations, resolve to dispose of land at five locations.

##### **Resolution:**

THOMAS/SIMS

That Council:

1. RECEIVE and NOTE the responses received during the respective processes conducted under section 178 of the *Local Government Act 1993* for the following properties (**the Public Land**):
  - 1 Bournville Crescent, Claremont (Certificate of Title 134788 Folio 1)
  - 14a Colston Street, Claremont (Certificate of Title 135712 Folio 1)
  - 3 Edgar Street, Claremont (Certificate of Title 9041 Folio 2)
  - 345 Main Road, Glenorchy (Certificate of Title 64613 Folio 9, Certificate of Title 64613 Folio 7 and Certificate of Title 77918 Folio 2), and
  - 5a Taree Street, Chigwell (Certificate of Title 43591 Folio 1)
2. Having considered all the submissions and objections received APPROVE the Disposal of the Public Land by way of exchange, sale or lease, in whole or in part, and
3. AUTHORISE the General Manager to take any actions necessary to give effect to the disposal of the Public Land.

The motion was put.

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

**AGAINST:**

The motion was CARRIED.

Alderman Fraser declared a non-pecuniary conflict of interest in the following item and did not participate in the debate.

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## **10. DISPOSAL OF COUNCIL LAND: PART OF 671 MAIN ROAD, BERRIEDALE**

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File Reference: Disposal Council Land

### **Reporting Brief:**

To brief Council on the results of the community consultation on the disposal of Council land at 671 Main Road Berriedale (part of the Berriedale Foreshore Reserve) and recommend that Council, after considering all objections, resolve to dispose of part of the that parcel of land.

### **Resolution:**

THOMAS/BULL

That Council:

1. RECEIVE and NOTE the responses received during the process conducted under section 178 of the *Local Government Act 1993* to dispose of part of 671 Main Road, Glenorchy (Certificate of Title 139511 Folio 1)
2. Having considered all the submissions and objections received, APPROVE the disposal of the part of 671 Main Road, Glenorchy by way of, sale or lease, in whole or in part
3. AUTHORISE the General Manager to take any actions necessary to give effect to the disposal of the public land, except as provided in clause 5 below.
4. AUTHORISE the General Manager to enter into exclusive negotiation with MONA on the sale and/or lease of the property for a period of 120 days, and

5. REQUIRE that any proposed agreement on the sale and/or lease of part of 671 Main Road, Glenorchy is brought back to Council for final approval.

The motion was put.

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

**ABSTAINED:** Alderman Fraser

The motion was CARRIED.



## GOVERNANCE

### *Community Goal: "Leading our Community"*

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#### 11. COVID-19 RESPONSE STATUS REPORT APRIL 2020

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File Reference: Business Continuity COVID-19 2020

##### **Reporting Brief:**

To provide an update on Council's response to the COVID-19 pandemic during April 2020.

##### **Resolution:**

DUNSBY/BULL

That Council:

1. NOTE the COVID-19 Response Status Report for April 2020
2. AMEND the Remission or Rebate of Fees and Charges Policy to add an additional criteria under clause 1 as follows:
  - d) *due to a person suffering from genuine financial hardship as a result of the COVID-19 crisis.*
3. AUTHORISE the General Manager to exercise his delegated power under section 207 of the *Local Government Act 1993* (to remit all or part of any fee or charge paid or payable under Part 12, Division 7 (Fees and charges) of the Act) where a person is suffering from genuine financial hardship as a result of the COVID-19 crisis.

The motion was put.

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

**AGAINST:**

The motion was CARRIED.

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## 12. TREATMENT OF HISTORICAL UNPAID INFRINGEMENTS

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File Reference: Centralised Debtors Project

### Reporting Brief:

To brief Council on the current status of unpaid infringements dating back to 1996 and recommend that remedial action be taken to either write-off or pursue those amounts and improve processes around future infringement recovery.

### Resolution:

RICHARDSON/ DUNSBY

That Council:

1. APPROVE the write-off of infringements that were issued in the period 1996 to 2007 prior to the commencement of MPES, totalling \$231,216.12, as detailed in Attachment 1
2. APPROVE the exclusion from the write-off of any infringement issued in the period 1996 to 2020 that has been subject to a Court judgement and is recorded by MPES, as detailed in Attachment 2
3. APPROVE adjustments resulting from the reconciliation of infringements recorded as owing in Council's database to the MPES database, totalling \$105,239.57, as detailed in Attachment 3
4. APPROVE the initiation of collection processes for unpaid infringements in the period 2008 to 2019 that have not been lodged with MPES, as detailed in Attachment 4
5. ENDORSE the investigation of an alternative collection process that engages an external debt collection agent prior to lodgement with MPES and request a future report detailing the feasibility of such an arrangement.

The motion was put.

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

**AGAINST:**

The motion was CARRIED.

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### 13. QUARTERLY REPORT - Q3 2019/20

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File Reference: Corporate Reporting

**Reporting Brief:**

To provide Council with the Quarterly Report for the quarter ending 31 March 2020.

**Resolution:**

RICHARDSON/THOMAS

That Council:

RECEIVE and NOTE Council's Quarterly Report and the Quarterly Annual Plan Progress Report for the quarter ending 31 March 2020.

The motion was put.

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

**AGAINST:**

The motion was CARRIED

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## 14. PROCUREMENT AND CONTRACTS - MONTHLY REPORT

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File Reference: Procurement

### Reporting Brief:

To inform Council of exemptions that have been applied to procurements under Council's Code for Tenders and Contracts for the period 12 March 2020 to 15 April 2020 and provide updates on other relevant procurement matters.

### Resolution:

DUNSBY/THOMAS

That Council:

1. RECEIVE and NOTE the Procurement and Contracts Monthly Report for the period from 12 March 2020 to 15 April 2020, and
2. REMOVE the requirement for monthly reporting of Sugden & Gee expenditure, noting the project is substantially completed and further significant expenditure unlikely.

The motion was put.

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

**AGAINST:**

The motion was CARRIED.

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

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File Reference:

Question without Notice

### Question without Notice - Alderman Dunsby

- Q. People who apply for FOGO exemption are generally those who already undertake extensive environmental processes on their property to minimise waste, or who create very little waste of this kind.**

**A resident who applies and is granted FOGO exemption may be subjected to random bin audits. A cursory check of the bin contents via the on-truck camera would reveal any significant contravention to the exemption criteria, such as pruning/leaf litter contained in the general waste. I find that acceptable.**

**However, more extensive audits that may involve the opening of bagged waste, that is easily identifiable by the name and address supplied as part of the exemption process, are, in my opinion, an extreme invasion of the privacy of that householder.**

**Any FOGO contained in a bagged situation is going to be extremely minimal. In contrast, people who have not applied for FOGO exemption and continue to place food organics in their general waste are not put in this same discriminatory situation.**

**Could members of the community please be assured that this level of bin audit will NOT be undertaken and the appropriate policy and procedures implemented.**

- A. The question was taken on notice.**

**Resolution:**

KING/BULL

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

The motion was put.

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

**AGAINST:**

The motion was CARRIED.

# CLOSED TO MEMBERS OF THE PUBLIC

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## 16. CONFIRMATION OF MINUTES (CLOSED MEETING)

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### **Resolution:**

RICHARDSON/DUNSBY

That Council defer the confirmation of Council minutes (closed meeting) for Monday, 30 March 2020 until the next Council meeting.

The motion was put.

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

### **AGAINST:**

The motion was CARRIED.

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## 17. APPLICATIONS FOR LEAVE OF ABSENCE

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### **Resolution:**

FRASER/BULL

That Council:

That Council extend Alderman Carlton's Leave of Absence until the 25 May 2020 Council meeting unless terminated by Alderman Carlton sooner.

The motion was put.

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

### **AGAINST:**

The motion was CARRIED.

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

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### **Resolution:**

BULL/SIMS

That the Council meeting be re-opened to the public.

The motion was put.

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

### **AGAINST:**

The motion was CARRIED.

The meeting closed at 7:42 p.m.

Confirmed,

**CHAIR**