

**Minutes of the Meeting
of the Glenorchy City Council
held at the Council Chambers
on Monday, 29 March 2021 at 6.00pm**



NOTE: Due to social distancing restrictions around COVID-19 members of the public were not permitted to attend the meeting. The meeting was live-streamed for members of the public on Council's Facebook page.

Present (in Chambers): Alderman Kristie Johnston (Mayor), Aldermen Bec Thomas, Melissa Carlton, Simon Fraser, Steven King, Gaye Richardson, Angela Ryan and Peter Bull

Present (by video link): Alderman Jan Dunsby

In attendance (in Chambers): Tony McMullen (General Manager), Jenny Richardson (Director Corporate Services), David Ronaldson (Director Community and Customer Services), Sam Fox (Director Strategy and Development), Frank Chen (Acting Director Infrastructure and Works), Bryn Hannan (Executive Officer), Tina House (Chief Financial Officer), Marina Campbell (Manager Community), Marian Maclachlan (Executive Assistant to the General Manager)

In attendance (by video link):

Leave of Absence:

Workshops held since last Council Meeting

Date: Monday, 22 February 2021

Purpose: To discuss:

- Sport and Recreation Strategy
- Community Development Strategy

Date: Monday, 1 March 2021

Purpose: To discuss:

- CityScape Phase 1 – Concept designs
- Draft Southern Cat Management Strategy
- Budget Workshop No. 4 – Capital Budget Review/Briefings

Date: Tuesday, 9 March 2021

Purpose: To discuss:

- Budget Workshop No. 5 – Budget Points of Entry
- LGAT Motion – Planning Authority / Independent Development Assessment Panels

Date: Monday, 15 March 2021

Purpose: To discuss:

- Road Condition Assessment

Date: Monday, 22 March 2021

Purpose: To discuss:

- Sport and Recreation Strategy
- Showcase Moonah
- Multicultural Hub

The peak number of viewers watching the live stream of the meeting on Facebook was 28 viewers.

The Chair opened the meeting at 6.12 pm.

The Chair acknowledged and paid respect to the Tasmanian Aboriginal Community as the original and traditional owners and continuing custodians of the land and their elders, past, present and emerging.

1. APOLOGIES

Alderman Sims

2. CONFIRMATION OF MINUTES

Resolution:

RICHARDSON/CARLTON

That the minutes of the Council meeting held on Monday, 22 February 2021 be confirmed.

That the minutes of the Special Council meeting held on Tuesday, 9 March 2021 be confirmed.

The motion was put.

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

AGAINST:

The motion was CARRIED.

3. ANNOUNCEMENTS BY THE CHAIR

Mayor Johnston made the following announcement:

It is an honour and a privilege to serve this community as Mayor since 2014. My time as Mayor has seen the uncovering of maladministration and injustice through a Board of Inquiry, Integrity Commission investigation, and an Auditor-General's investigation.

This term of council, since 2018, has been all about rebuilding the foundations of Council. We are now a council who has ticked off every one of our Ministerial Directions and which now leads the sector in good governance. We have worked hard to regain the trust and confidence of our community, and advocated strongly on behalf of our community attracting a \$1.9 billion development pipeline. I am incredibly proud of how far we have come and excited about where we are going.

As many of you would be aware on 27 February this year, I announced that I intended to stand as an independent candidate for Clark. I came to this decision to stand after listening to the frustrations within the community about poor party politics serving us and my frustrations that many of the issues I deal with daily as Mayor fall squarely within the remit of State Government and are being ignored. I feel very privileged to serve the Glenorchy community as Mayor but I firmly believe that it's time to fight the good fight at a State level on behalf of the community.

The Premier has called an election for the State on Saturday, 1 May 2021, almost an entire year before it is due and while I can continue in my position as Mayor during the campaign and election period, I will be asking the Council tonight for a leave of absence effective from Friday, 2 April to Saturday, 1 May. I believe this is the appropriate thing to do in the best interest of the council. I will forego my Aldermanic and mayoral allowances during this time.

If the leave of absence is granted by Council, this would mean the Deputy Mayor would take on the position of Acting Mayor during my absence.

I don't think anyone can predict what will happen on 1 May – if I am successful, then this will be my last Council meeting. I am really proud of the Council that we have become and want to acknowledge the hard work of everyone – my aldermanic colleagues, the General Manager and executive team, and Council staff, and most importantly the community who have been so supportive.

4. PECUNIARY INTEREST NOTIFICATION

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

- Alderman Carlton declared an interest in Item 12 (Memorandum of Understanding with Wellington Park Management Trust)
- Alderman Richardson declared an interest in Item 15 (Petition – Aveo Waters Residents, 57 Cadbury Road, Claremont)
- Mayor Johnston declared an interest in Item 20 (Applications for Leave of Absence)

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Questions on Notice – Janine Foley, Chigwell
(received Tuesday, 19 January 2021)

Q1. Please identify the risk appetite setting, in matrix, that has been identified relating to the [procedural] way in which Glenorchy City Council currently conducts workshop 'activities'? Can specific comment relating to the 'risks' associated with the public withhold of all data relating to all aspects of workshop 'activities' be addressed - specifically in relation to the historic fact that remediation and remedy relating to organisational dysfunction has been consistently and systematically met by significant on-costing to a ratepayer base that is denied all information about the spectrum of decision making that has repeatedly lead to such disastrous outcomes.

A: Council does not have a risk appetite matrix relating to its procedures for holding workshop activities. Council's risk appetite was approved by Council at its meeting of 26 October 2020 and is available via Council's website under Council meetings.

Q1a. Workshops. What are the actual risks that have been identified in the way in which current organisational practice withholds all data regarding activities, attendees, duration, location, resources, communication, information, conflicts, identification - management - recording - communicating conflicts, all other organisational cultural settings that remain unknown - undisclosed and kept secret from the general public?

A: Council is not subject to an obligation to record or publish its workshop activities and therefore, does not register this as a corporate risk to be managed.

Q1b. Which stream of organisation is responsible for recording [minuting proceedings] workshop 'activities'? Who has overall accountability for this data?

A. Workshop proceedings are not minuted.

Q1c. Are there organisational protocols in place that cover workshop 'activities' that protect the integrity of information that can be regarded as 'attributable knowledge'?

A. Workshops are attended only by the General Managers, Directors, Executive Support staff and any officers who are presenting on or engaged with the subject matter being presented to Aldermen. Access to information presented at workshops is restricted and is only available to people who attended the workshop and executive support staff.

Q1d. How are conflicts managed? That is in what capacity [definitional] do members of council [appointed and elected] attend workshop 'activities' in?

A. Aldermen are required to manage any conflicts of interest in accordance with Part 2 of Council's Aldermanic Code of Conduct (which adopts the Model Code of Conduct) whenever carrying out their public duties. Accordingly, an Alderman would not participate in a workshop in which they had an actual or perceived conflict of interest.

All Council staff are required to follow Council procedures and policies for managing conflicts of interest.

**Questions on notice – J. Foley, Chigwell
(received 17 February 2021)**

Q.1 What is 'Program 400'?

A: It is not clear what 'Program 400' is being referred to?

Q.2 Please identify the risk appetite setting, in matrix, that have been identified relating to the [procedural] way in which Glenorchy City Council currently conducts 'relationships with developers'?

A: Council's risk appetite does not deal specifically with "relationships with developers". It does refer to Governance and compliance with the law and Council's policies. Council has a low tolerance for non-compliance.

2a. Can specific comment relating to the 'risks' associated with the public withhold of all data relating to all aspects relating to 'relationships with developers'?

A: Council is subject to the requirements of the *Right to Information Act 2009*. Council releases information in accordance with the intent and obligations contained within this Act.

2b. Have the risks associated with 'approaches from developers' been mapped?

A: Yes.

2bb. How, where and who is responsible [GCC] for recording and managing these 'approaches'?

A: All Council staff are required to follow Council procedures and policy for managing conflicts of interest.

2c. Have the risks associated with 'approaches to developers' been mapped?

A: Yes.

2cc. How, where and who is responsible [GCC] for recording and managing these 'approaches'?

A: All Council staff are required to follow Council procedures and policy for managing conflicts of interest.

2d. Does Glenorchy City Council currently have a policy relating to the management of all identified and mapped risks relating to 'approaches' and 'developers', including the use of third-party intermediaries?

A: Please see the answers provided above.

Q.3 Have all elected members of council been provided with briefing materials relating to relevant processes and outcomes from relevant anti-corruption investigations involving state entities within the Australian local government sector and issues around what may broadly be described as issues involving 'relationships between local government and developers'? Do current risk managers understand that in compliance-oriented organisations this is the element of continuous improvement that drives effective, efficient, compliance oriented organisational settings? See various Australian anti-corruption agencies investigations including but not limited to - Op. Belcarra – Op Dasha - Op. Eclipse – Op. Keppel.

A: Council has its own Code of Conduct, Gifts and Benefits and Conflicts of Interest policies which reflect local government best practice.

Q.4 If appointed [responsible for managing risk] members of Glenorchy City Council have failed to provide relevant information and elected members of Glenorchy City Council have failed to request provision of this material, in light of recent 'occurrences' in the Australian corporate governance landscape have the settings around 'negligence' and 'known risk' been mapped?

A: Yes.

Q.5 In relation to risk mapping has the process of remediation and the potential funding source of rate payer been mapped around potential linkages?

A: Yes.

**Questions on notice – Shane Alderton
(received 19 February 2021)**

Q.1 Does Council have a Policy and Procedures for the Management and Delivery of this funding?

A: Yes, Council has agreements and procedures in place for managing each of the items listed on page 63 of the Annual Report.

Q.2 What is Councils process for Applicants to apply for this funding?

A: There are a number of different opportunities listed of page 63 of the Annual Report (that the question relates to) (e.g: State Sporting Representatives are detailed on Council's Website). Others, (e.g: Glenorchy Community Fund) have an agreement in place in regarding to that funding. This was established via an officers report to Council.

Q.3 By what process are the recipients of this funding decided?

A: For some funds (e.g State Sporting Representatives), the funds are allocated as the request comes until the allocation is expended. This process is facilitated by an officer in the Community Department, in consultation with the Mayor of the day. For other funds (e.g Glenorchy Community Funds) the recipients are decided by Council for a period of time administered by officers.

**Q.4 Who is involved in the decision-making process of successful applications ?
(If this answer is not provided in question 1 or question 3)?**

A: Council has approved the arrangements in place with a number of those listed on page 63 of the Annual Report (e.g GASP, GCF and the Glenorchy City Concert Band) officers monitor the agreements in place. Others (e.g the Claremont College Bursaries) are allocated to the School in question to make the final decision on recipient.

Q.5 Does Council have a process by which the Recipient must provide evidence that the funding was used for its intended purpose?

A: Yes. Funding agreements are in place for recipients (e.g. Glenorchy Community Fund). Where individuals receive funds (e.g. the Eric Reese Scholarship), the recipient reports back annually on their progress at University. There are times when the amounts granted are so small that the administrative burden would be too great to warrant reporting.

Q.6 Does Council have a timeline as to when approved funding must be used?

A: Yes. This varies dependant on which item on page 63 is referred to (e.g. the GASP Funding was concluded in the 19 /20 financial year. The Glenorchy Community Fund agreement concludes in 2022-23.

Q.7 Does Council have a process in place for the recovery of any funding that has not been used for purpose for which it was granted ? (If this answer is not provided in question 1)?

A: Yes. This is detailed in the related funding agreements.

Q.8 Does Council have a process by which you can recover any unused funding if a Group or Organisation cease to exist ? (If this answer is not provided in question 1)?

A: Yes. This is detailed in each funding agreement.

6. PUBLIC QUESTION TIME (15 MINUTES)

**Questions on notice – Eddy Steenbergen
(received 23 February 2021)**

Minister for Housing Jaensch issued "Interim Planning Directive No. 4 – Exemptions, Application Requirements, Special Provisions and Zone Provisions" a couple of weeks ago and it came into effect yesterday Feb 22. I have a couple of questions relating to it.

Q.1 The directive contained a section specifically addressing the Glenorchy planning scheme. Were those changes incorporated at the request of Council?

A: On 10 February 2021, the Minister for Planning wrote to the Mayor to advise that changes under Interim Planning Directive No 4 (IPD4) to the Glenorchy interim Planning Scheme 2015 (the GIPS 2015) would come into effect on 22 February 2021. This was not at the request of Council. There was no local government sector consultation on the introduction of IPD4 or timing of when these changes would occur.

Q.2 From a Council perspective, can you explain the purpose of each of those changes?

A: According to the Department of Justice Fact Sheet <https://planningreform.tas.gov.au/updates/interim-planning-directive-no.-4-exemptions,-application-requirements,-speical-provisions-and-zone-provisions>, changes into the GIPS 2015 brings part of the State Planning Provisions (SPPs) into effect earlier than waiting for Council's Draft Local Provisions Schedule to be approved. The Fact Sheet indicates that the intent of IPD4 is to enable better consistency for planning provisions throughout the State as some councils, who have had their Local Provisions Schedule approved, use the SPP provisions, while other councils operate under interim planning scheme provisions. IPD4 seeks to achieve consistency in these provisions. The changes under IPD4 relate to exemptions, application

requirements, special provisions (such as demolition or change or use) and some standards to assess use and development under the General Residential Zone and the Inner Residential Zone. IPD4 does not impact on change the zoning of land or impact on where codes are applied.

Q.3 Will the provisions of the directive be included in the assessment of DAs currently being processed or only when assessment of new DAs begins?

A: Under the former provisions of 17(1) of the *Land Use Planning and Approvals Act 1993*, the changes only apply to applications lodged after IPD4 came into effect. Applications lodged prior to 22 February 2021 are assessed under the GIPS 2015 provisions that applied prior to IPD4. These provisions can be accessed in the archive version of the GIPS 2015 on iplan.

**Questions on notice – Eddy Steenbergen
(received 23 March 2021)**

I was very interested to read that at a recent meeting LGAT rejected a motion to investigate removing planning decisions from Local Councils. I'm interested in Council's position on the subject.

Q 1. Can you tell me how Council representatives voted on that motion?

A: Council's representative (the Mayor) voted in favour of the motion.

Q 2. I couldn't find any formal references to this topic anywhere in Council policies or meeting documents. Has Council arrived at a consensus policy on the topic and if so can you summarise it for me?

A: The motion put to the LGAT General Meeting on 12 March 2021 was:

That LGAT investigate the level of support among Tasmanian councils and identify the relevant considerations and options to propose an amendment of the Land Use Planning and Approvals Act 1993 to:

- (A) Delete the mandatory requirement for a council to act as a planning authority for purposes of determining an application for a permit to use or develop land within its municipal area, and*
- (B) Provide as an alternative, the establishment of an independent development assessment panel to determine a permit application.*

Council does not have a formal position or consensus policy on this issue, however voted in support the motion on the basis that it proposed only to investigate the level of support for this initiative among Tasmanian Councils.

The Mayor is Council's representative at LGAT General Meetings and is authorised to vote on motions at LGAT General Meetings on behalf of Council. While this does not require a formal resolution of Council or policy position,

the Mayor, as a courtesy, discussed her intention to vote in support of the motion with Aldermen at a workshop prior to the General Meeting.

Had the motion been passed by LGAT (which it was not), further investigations and would have been carried out and, potentially, a motion put before Council seeking a formal consensus on the issue.

7. PETITIONS/DEPUTATIONS

A petition received by Janiece Bryan of Montrose titled 'Petition re: Proposal to sell Public Land – Mill Lane – Existing Regina / Barry Street Car Park', with 864 signatories, received on 23 March 2021, was tabled.

The petition will be dealt with at the next ordinary Council meeting, as required under Part 6 of the *Local Government Act 1993*.

COMMUNITY

Community Goal: “Making Lives Better”

8. ANNOUNCEMENTS BY THE MAYOR

File Reference: Mayoral Announcements

Reporting Brief:

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

Resolution:

FRASER/RICHARDSON

That Council:

RECEIVE the announcements about the activities of the Mayor during the period from Tuesday, 16 February to Monday, 22 March 2021.

The motion was put.

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

AGAINST:

The motion was CARRIED.

9. INVESTIGATION INTO THE DISPOSAL (LONG-TERM LEASE) OF PART OF PUBLIC LAND AT 210 TOLOSA STREET, GLENORCHY (MITCHELL RANGE)

File Reference: Council Land - Disposal and Sale

Reporting Brief:

To report back to Council on the outcomes of the community engagement process around the potential disposal (long term lease) of part of 210 Tolosa Street, Glenorchy, in accordance with Council's resolution of 30 November 2020 and recommend that Council proceeds with the public land disposal process under section 178 of the *Local Government Act 1993* (**the Act**).

Resolution:

KING/BULL

That Council:

1. FORM an intention under section 178 of the *Local Government Act 1993* to dispose of public land contained in title references 226221/1 and 172728/1, also known as 210 Tolosa Street, Glenorchy (Mitchell Range) (**the Land**)
2. AUTHORISE the General Manager to take all actions necessary to complete public notification of Council's intent to dispose the land in accordance with section 178 of the Act and Council's *Disposal of Council Land Policy*, and
3. AUTHORISE the General Manager to consider and acknowledge any objection received pursuant to section 178(6) of the Act and report to a future Council meeting.

The motion was put.

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

AGAINST:

The motion was CARRIED.

10. CAN DO COMMUNITY GRANTS

File Reference: Grant Applications

Reporting Brief:

To present a report to Council on the grants provided to community groups in response to COVID-19 – the Can Do Community Grants.

Resolution:

RICHARDSON/KING

That Council:

RECEIVE and NOTE the report on the Can Do Community grants program 2019/2020

The motion was put.

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

AGAINST:

The motion was CARRIED.

ECONOMIC

Community Goal: “Open for Business”

11. ECONOMIC DEVELOPMENT STRATEGY - YEAR ONE UPDATE

File Reference: Economic Development Strategy 2020 - 2025

Reporting Brief:

To update Council on the status of implementation of the *Glenorchy Economic Development Strategy 2020-2025*.

Resolution:

THOMAS/FRASER

That Council:

1. RECEIVE and NOTE the attached Glenorchy Economic Development Strategy 2020-2025 Implementation Report – March 2020 to March 2021.

The motion was put.

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

AGAINST:

The motion was CARRIED.

ENVIRONMENT

Community Goal: “Valuing our Environment”

Having declared an interest in Item 12 earlier in the meeting, Alderman Carlton left the meeting at 6:23 pm.

12. MEMORANDUM OF UNDERSTANDING WITH WELLINGTON PARK MANAGEMENT TRUST

File Reference: Wellington Park Management Trust

Reporting Brief:

To seek Council’s approval of a new Memorandum of Understanding with the Wellington Park Management Trust and to adopt a Council position in relation to the review of the terms of reference of the Management Advisory Committee.

Resolution:

FRASER/KING

That Council:

1. APPROVE the Memorandum of Understanding between Glenorchy City Council and the Wellington Park Management Trust in the form of Attachment 1.
2. Through the Mayor, WRITE to the Chairperson of the Trust expressing Council’s view that a formal mechanism be provided in the Terms of Reference for the Management Advisory Committee for a Management Advisory Committee agency member to bring matters of concern directly to the Trust for consideration (noting that Council considers that from a governance perspective, the current model creates a single point dependency which could serve to obscure line of sight for the Trust as to the views of agency representatives on the MAC, leaving the Trust vulnerable to blindsiding).

The motion was put

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

AGAINST:

The motion was CARRIED.

Alderman Carlton returned to the meeting at 6.29 pm

GOVERNANCE

Community Goal: “Leading our Community”

13. NOMINATIONS FOR GENERAL MANAGEMENT COMMITTEE OF LOCAL GOVERNMENT ASSOCIATION OF TASMANIA (LGAT)

File Reference: LGAT

Reporting Brief:

To seek Council’s nomination of an eligible Alderman to a position on the General Management Committee of the Local Government Association of Tasmania (**LGAT**) and Council’s consideration of whether to make a nomination for position of President of LGAT.

Resolution:

FRASER/KING

That Council:

1. NOMINATE Mayor Dean Winter, Kingborough Council, to a position on the General Management Committee of the Local Government Association of Tasmania (**LGAT**)
2. NOMINATE Mayor Dean Winter, Kingborough Council, for President of LGAT.

The motion was put.

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

AGAINST:

The motion was CARRIED.

14. UPDATED OPEN DATA POLICY

File Reference: Council Policies

Reporting Brief:

To present the reviewed and updated Open Data Policy to Council for adoption.

Resolution:

RYAN/RICHARDSON

That Council:

ADOPT the updated Open Data Policy in the form of Attachment 2.

The motion was put.

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

AGAINST:

The motion was CARRIED.

Having declared an interest in Item 15 earlier in the meeting, Alderman Richardson left the meeting at 6:37 pm.

15. PETITION - AVEO WATERS RESIDENTS, 57 CADBURY ROAD, CLAREMONT

File Reference: Council Administration

Reporting Brief:

To consider a petition presented to the General Manager and tabled at the 22 February 2021 Council Meeting by the residents of Aveo Waters, 57 Cadbury Road, Claremont in relation to the proposed development at the former Claremont Primary School site.

Resolution:

KING/FRASER

That Council:

1. RECEIVE and NOTE the petition received from the Residents Committee of Aveo Waters, Claremont, relating to the proposed development of the former Claremont Primary School site at 26, 36 and 55 Cadbury Road, Claremont (**proposed development**) containing 51 signatures (**the petition**).
2. NOTE that the petition was included in the statutory representations for the proposed development.
3. NOTE that the proposed development is currently within the statutory appeal period and that it is inappropriate for the full Council to express any view in relation to the matters raised in the petition.

The motion was put.

FOR: Aldermen Bull, Ryan, King, Thomas, Johnston, Fraser and Carlton

AGAINST:

ABSTAINED: Alderman Dunsby

The motion was CARRIED.

Alderman Richardson returned to the meeting at 6:37 pm.

16. FINANCIAL PERFORMANCE REPORT TO 28 FEBRUARY 2021

File Reference: Corporate and Financial Reporting

Reporting Brief:

To provide the monthly Financial Performance Report to Council for the period ending 28 February 2021 and recommend that Council varies its budget estimates for 2020-21 by moving \$90k from estimated expenditure into estimated capital works.

Resolution:

THOMAS/BULL

That Council:

1. RECEIVE and NOTE the Financial Performance Report for the year-to-date ending 28 February 2021 in the form of Attachment 1, and
2. APPROVE (by absolute majority) the following variations to Council's 2020-21 Budget estimates:
 - (a) a decrease in Council's estimated expenditure of \$90,000 to \$63,909,643, and
 - (b) an increase in Council's estimated capital works by \$90,000 to \$17,659,447.

The motion was put.

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

AGAINST:

The motion was CARRIED by absolute majority.

17. PROCUREMENT AND CONTRACTS - MONTHLY REPORT

File Reference: Procurement

Reporting Brief:

To inform Council of exemptions that have been applied to procurements under Council's Code for Tenders and Contracts for the period 10 February to 15 March 2021 and provide updates on other relevant procurement matters.

Resolution:

RICHARDSON/DUNSBY

That Council:

RECEIVE and NOTE the Procurement and Contracts Monthly Report for the period from 10 February to 15 March 2021.

The motion was put.

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

AGAINST:

The motion was CARRIED.

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

**Answer to previous question taken on notice – Alderman Fraser - Investigation of Barking Complaints
(22 February 2021)**

Q. Some residents in my local area have had issues with barking dogs. They have been going through the proper channels, but the feedback I've been getting suggests it's a very onerous process to gather the evidence necessary to prove that a person's dog is barking excessively.

Can officers please explain what the process is and whether there is any opportunity to make it more straightforward?

A: Council's approach to addressing barking complaints is to initially attempt to resolve them by providing advice and assistance to the owner and complainant and not to proceed down the path of a formal investigation unless necessary. This is consistent with the principles in Council's Enforcement Policy and means that most complaints are resolved quickly and before a formal notice of complaint is received.

The process of investigating a complaint is quite arduous, as it involves setting up sound recording equipment, reviewing the sound recording and writing a report, issuing notices and allowing for statutory time periods. This is required because if Council issues a formal Abatement Notice which is not complied with, Council may be required to commence a prosecution in the Magistrates Court, meaning that Council has to have appropriate evidence (which is admissible in court proceedings) to support its case and also demonstrate procedural fairness to all parties.

Council's Dog Management Policy 2017 sets out the process generally, and provides that following the receipt of an initial customer request about nuisance barking, officers will visit the property and speak with the dog owner with the intention to:

- inform the owner/s of the nature of the complaint
- assess the validity of the complaint
- determine an extent of any potential nuisance
- advise the owner/s of their legal responsibilities
- provide recommendations and advice to modify or prevent any nuisance barking, and
- advise the owner/s of subsequent action should a nuisance be formally determined.

By using this approach, most complaints are dealt with quickly and satisfactorily without the need to begin a formal investigation process.

If the initial visit to the dog owner does not resolve the issue and further complaints are received, Animal Management officers will deal with each complaint on a case by case basis, but will again attempt to resolve the issue without resorting to investigation where possible.

If no progress is made by the owners, the complainant is then required to lodge a formal Notice of Complaint under the Dog Control Act 2000.

After the formal complaint is received, Council officers will set up sound monitoring equipment that records the number of barks over an approximately 120-hour period.

The Dog Control Act (section 46) provides that a dog is a nuisance if it:

“creates a noise, by barking or otherwise, that persistently occurs or continues to such an extent that it unreasonably interferes with the peace, comfort or convenience of any person in any premises or public place”

Officers will therefore review the entire recording and document the statistics about the frequency of barking (including number of barks per hour, times of day that barking is occurring etc.) to determine whether a ‘nuisance’ exists that meets the requirements of section 46.

If the investigation substantiates that the barking is causing a nuisance, the dog’s owner will be issued with a formal Abatement Notice requiring them to take action to abate the nuisance (i.e. stop the barking). Council’s abatement notices for barking complaints typically provide 7 days to fully prevent the barking from reoccurring.

If the dog owner fails to comply with the abatement notice, the next course of action is to begin legal proceedings to force the owner to take action. This requires a second sound recording to substantiate that the nuisance was not abated in accordance with the notice. While barking nuisance complaints rarely get to the stage of prosecution, it is imperative that Council officers demonstrate procedural fairness and have appropriate evidence, so that any potential prosecution has the best chance of success.

**Answer to previous question taken on notice - Alderman Richardson - Glenorchy Mountain Bike Park
(22 February 2021)**

Q1. Is there any funding on the horizon for the \$3.8m needed to develop the Glenorchy Mountain Bike Park?

- A. Council is currently implementing the North-South track upgrade as a priority identified in the Glenorchy Mountain Bike Park Master Plan (the Master Plan). The upgrade work is funded from the Community Sport and Recreation grant. The Cycling Hub within the Master Plan is being progressed as part of the \$500,000 economic stimulus loan that Council took out in 2020. An additional

\$250,000 CSR funding has been received to facilitate the BMX track's relocation from Berriedale Reserve to Tolosa Park. A prospectus is being prepared to promote the investment potential to the Federal and State government and to attract the further funding required to implement the plan.

Q2. Will the requirement for certain Federal Government grants that 1/3 of the cost must be paid up-front before any reimbursement can be provided, restrict our ability to apply for grants for the Mountain Bike Park?

A. Potentially, however, as the elections approach, having the prospectus allows us to have upfront conversations with the Federal and State governments about the project and outcomes for the community if funding were to be provided.

Answer to previous question taken on notice - Ald Fraser - Recycling Initiatives (22 February 2021)

Q1. The former Director Infrastructure and Works had previously advised that he would upload information received from Cleanaway about what happens to recycled waste to Council's website. Can we please have an update on this?

A: The information provided by Cleanaway about what happens to our recycled waste was added to Council's 'Waste Starts With U' website on 9 March 2021, with a link added from the Waste Services page on Council's main website on 29 March 2021.

Link to article:

<https://wastestartswithu.com.au/blog/9-3-21-what-happens-to-our-kerbside-recycling>

Waste Services Page containing link:

<https://www.gcc.tas.gov.au/services/waste/>

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 Carlton

AGAINST:

The motion was CARRIED.

The meeting was closed to the public and the live stream on Facebook ceased at 6.40pm.

CLOSED TO MEMBERS OF THE PUBLIC

The meeting resumed at 6.41 pm.

19. CONFIRMATION OF MINUTES (CLOSED MEETING)

Resolution:

FRASER/THOMAS

That the minutes of the Council meeting (closed meeting) held on Monday, 22 February 2021 be confirmed.

That the minutes of the Special Council meeting (closed Meeting) held on Tuesday, 9 March 2021 be confirmed.

The motion was put.

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

AGAINST:

The motion was CARRIED.

Having declared an interest in Item 20 earlier in the meeting, Mayor Johnston left the meeting at 6:41 pm. Deputy Mayor Thomas took the Chair.

20. APPLICATIONS FOR LEAVE OF ABSENCE

KING/FRASER

That the Mayor be granted a leave of absence from Friday, 2 April 2021 until 1 May 2021.

The motion was put.

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

AGAINST:

The motion was CARRIED.

Mayor Johnston returned to the meeting at 6:43 pm and resumed the Chair.

ENVIRONMENT

Community Goal: “Valuing our Environment”

18. CONTRACT NO. 0806 - DESIGN AND CONSTRUCTION OF JACKSON STREET LANDFILL EXTENSION

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

GOVERNANCE

Community Goal: “Leading our Community”

22. AUDIT PANEL MINUTES

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

Resolution:

KING/THOMAS

That Council move back into open Council.

The motion was put.

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

AGAINST:

The motion was CARRIED.

OPEN TO MEMBERS OF THE PUBLIC

LEAVE OF ABSENCE – MAYOR JOHNSTON

Mayor Johnston applied for and was granted a formal leave of absence at item 20 the closed portion of the meeting.

Council further resolved that the decision to grant Mayor Johnston a Leave of Absence from Friday, 2 April 2021 until 1 May 2021 be recorded in the minutes of the open Council meeting.

The minuted proceedings of item 20 from the closed part of the meeting are extracted below in accordance with that resolution.

----- *Extract Start* -----

Having declared an interest in Item 20 earlier in the meeting, Mayor Johnston left the meeting at 6:41 pm. Deputy Mayor Thomas took the Chair.

20. APPLICATIONS FOR LEAVE OF ABSENCE

KING/FRASER

That the Mayor be granted a leave of absence from Friday, 2 April 2021 until 1 May 2021.

The motion was put.

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

AGAINST:

The motion was CARRIED.

Mayor Johnston returned to the meeting at 6:43 pm and resumed the Chair.

----- Extract End -----

The Chair closed the meeting at 7:03 pm.

Confirmed,

CHAIR