

**Minutes of the Meeting  
of the Glenorchy City Council  
held at the Council Chambers  
on Monday, 25 January 2021 at 6:00 pm**



**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 (Deputy Mayor), Melissa Carlton, Simon Fraser, Steven King, Gaye Richardson, Angela Ryan and Kelly Sims.

**Present (by video link):** Alderman Jan Dunsby

**In attendance (in Chambers):** Tony McMullen (General Manager), Jenny Richardson (Director Corporate Services), Robbie Shafe (Acting Director Community and Customer Services), Erin McGoldrick (Acting Director Strategy and Development), Alex Woodward (Acting Director Infrastructure and Works), Tina House (Chief Financial Officer), Bryn Hannan (Executive Officer), Marina Campbell (Manager Community), Andrea Marquardt (Coordinator Community Planning and Inclusion), Marian Maclachlan (Executive Assistant to the General Manager)

**In attendance (by video link):**

**Leave of Absence:**

**Workshops held since last Council Meeting**

**Date:** Monday, 11 January 2021

**Purpose:** To discuss:

- Lease/Licence Directive
- LGAT Motion – Gambling statement

**Date:** Monday, 18 January 2021

**Purpose:** To discuss:

- Mid-year Budget review

The peak number of viewers watching the live stream of the meeting on Facebook was 31 viewers.

The Chair opened the meeting at 6.04 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.

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## **1. APOLOGIES**

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Alderman Bull

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## **2. CONFIRMATION OF MINUTES**

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**Resolution:**

RICHARDSON/CARLTON

That the minutes of the Council Meeting held on Monday, 21 December 2020 be confirmed.

The motion was put.

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

**AGAINST:**

The motion was CARRIED.

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### 3. ANNOUNCEMENTS BY THE CHAIR

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The Chair advised that it had been announced that prominent Hobart developer Ali Sultan had sadly passed away. The Chair paid tribute to Mr. Sultan and the significant contribution he had made to the economic development in Southern Tasmania. The Chair passed on Council's sincere condolences to Mr. Sultan's family, loved ones and friends during this very sad and difficult time.

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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 or a conflict of interest in any items on the Agenda.

No interests were declared.

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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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Questions on Notice – Eddy Steenberg, Rosetta  
(received Monday, 4 January 2021)

Q. In a reply to a previous query, the Council's Coordinator Planning Services wrote to me -

*"... as there is no legislative requirement to do so, Council does not provide public notice of applications that have been determined under delegation nor does it maintain a public register of applications determined under delegation. "*

Although, as he said, there is no legal requirement to share any data regarding applications determined under delegation, I've since learnt that at least four other Tasmanian councils (Hobart, Meander Valley, Dorset and Devonport) publish basic details. Devonport City Council goes further, providing in the agenda for each Planning Authority Committee meeting a list of all approvals since the previous meeting.

1. **Can I be provided a list of the following data in the shown format (used by Devonport) for all applications determined under delegation in the calendar year 2020?**

Application No.	Location	Development	Approval Date
PA2020.0108	45 Valley Road, Devonport	Residential (multiple dwellings x 2)	18/09/2020

2. **In the interests of transparency, will Council consider incorporating this data in the agenda for each Planning Authority meeting as Devonport does?**
3. **Council makes limited information in its website about applications currently open for public consultation. Is Council aware of any legal impediment to sharing that same information for applications determined under delegation?**

- A. There are provisions in State legislation for making the public aware of applications for discretionary planning permits by requiring that applications are publicly advertised. Provisions also allow representations to be made on these applications to facilitate public participation in the assessment process. Notification of the granting of a planning permit is only required to be given to persons who made a representation during the advertising period. This is to enable those persons to consider whether they wish to appeal the granting of the permit.

State legislation does not require Councils to publish lists of permits that have been granted on their websites or in meeting agendas. While some Tasmanian Councils do choose to provide information on permits approved under delegation on their websites and/or in Council or committee agendas, the potential benefit that arises from increasing community awareness of what permits have been granted must be weighed against the fact that, aside from persons who made a representation during the advertising period, the public have no ability to challenge or seek changes to a permit once it has been granted. Publishing a list of planning permits that have been granted would potentially raise unrealistic expectations on the part of some members of the public that they could initiate changes to a permit. It would also make public information about properties that is currently known only to the landowner, their representatives and Council, without the consent of the landowner.

Council currently meets all legislative requirements related to the advertising of applications for discretionary planning permits and, in addition, provides copies of these applications on its website for the duration of the advertising period. Further, Council will, on request and subject to receiving the consent of the owner of a property to do so, provide details or copies of a planning permit on a particular property to members of the public. Should State legislation change in the future to require Councils to publish information on permits that have been granted, Council will of course comply with that requirement.

In response to the three questions:

1. Council does not intend to provide a list of permits granted under delegation for the 2020 calendar year, as it is not the practice of Council to provide members of the public with information about private properties that is not required to be made public.
2. Council does not intend to publish a list of permits granted under delegation in the agenda of the Glenorchy Planning Authority as there is no statutory requirement to do so and doing so would make public information about properties that is currently known only to the landowner, their representatives and Council.
3. Council is unaware of any specific legal impediment to publishing a list of permits granted under delegation, although any release of such information is subject to the provisions of the *Right to Information Act 2009* and applicable privacy legislation. In providing copies of advertised applications on its website, Council is merely facilitating public access to information that is already required by legislation to be made available to the public.

**Questions on notice – Janiece Bryan, Montrose  
(received 19 January 2021)**

**Q1. Can you confirm that the sale of all publicly owned properties is recorded on “The List”?**

***“The List” - Properties and Titles including Property Sales The List is a Government online search facility that enables you to find and obtain a range of property and title information, including documents such as Folio Text, Folio Plans, Schedule of Easements, Survey Notes, Property Information Reports and Property Sales.***

A: Yes. The sale of all real property in Tasmania, including publicly owned properties sold by Council, is recorded on the Register of Title which is maintained by the Tasmanian Land Titles Office under the *Land Titles Act 1980*. Under the ‘torrens’ system of property title used in Tasmania (which is also used in all other Australian states and territories), the transfer of property to a new owner only takes place only when the transfer is registered on the Register of Titles.

“The List” is the online search facility operated by the Tasmanian Government through which members of the public can request copies of the information that is recorded in the Register of Titles.

**Q2. If this is not the case can you explain how and where the transactions around their disposal are recorded?**

A: Not applicable.

**Q3. How do members of the public access this information?**

A: Information and reports about specific properties can be obtained by contacting The List and requesting a property report (for which a fee is payable).

Alternatively, if information is sought about which properties Council has sold over a particular time period, you can submit a Right to Information request to Council requesting that Council provides that information (information about this process can be found on Council's website at:

[www.gcc.tas.gov.au/council/governance-and-operations/privacy-and-rti/](http://www.gcc.tas.gov.au/council/governance-and-operations/privacy-and-rti/))

**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.**

**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?**

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

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

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

A. The questions have been taken on notice. Answers will be provided to Ms. Foley in writing and published in the agenda for the February Council meeting.

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## **7. PETITIONS/DEPUTATIONS**

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A petition submitted by Janiece Bryan of Montrose titled "Petition re: Proposal to sell Public Land – Mill Lane – Existing Regina/ Barry Street Car Park", received on 19 January 2021 was tabled.

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

# COMMUNITY

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

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### 8. ANNOUNCEMENTS BY THE MAYOR

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File Reference: Mayoral Announcements

#### **Reporting Brief:**

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

#### **Resolution:**

FRASER/THOMAS

That Council:

RECEIVE the announcements about the activities of the Mayor during the period from Tuesday, 15 December 2020 to Monday, 18 January 2021.

The motion was put.

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

**AGAINST:**

The motion was CARRIED.



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## 9. GAMBLING MOTIONS TO THE LOCAL GOVERNMENT ASSOCIATION OF TASMANIA

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File Reference: Gambling

### Reporting Brief:

To recommend that Council supports two proposed motions to General Meeting of the Local Government Association (**LGAT**) on 12 March 2021 in relation to gambling.

### Resolution:

KING/RICHARDSON

That Council:

1. ENDORSE the following motion being put to the LGAT General Meeting in March 2021:
  1. *That local government calls on the Tasmanian Government to honour the commitment (given at the Premier's Local Government Council on 6 November 2019) for a five-week consultation period on the draft legislation to amend the Gaming Control Act 1993 to give effect to the Future Gaming Market Policy, when released, and*
  2. *That the Tasmanian Government defers the release of the legislation to amend the Gaming Control Act 1993 to give effect to the Future Gaming Market Policy for consultation until the latest information relating to gambling in Tasmania is made available, including:*
    - (a) *the release of the fifth Social and Economic Impact Study; and*
    - (b) *social and economic modelling used to develop the Future of Gaming in Tasmania policy.*

The motion was put.

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

**AGAINST:**

The motion was CARRIED.

# GOVERNANCE

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

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### 10. REVISED OPERATIONAL AND CAPITAL BUDGET 2020/21

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File Reference: Annual Budget 2020/2021

#### **Reporting Brief:**

To recommend Council approves alterations to the current 2020/21 Budget estimates to include the revised Operational Revenue and Expenditure and Capital Expenditure budget amounts detailed in this report.

#### **Resolution:**

KING/FRASER

That Council:

APPROVE the alterations to Council’s 2020/21 Budget estimates set out in Attachment 1, and specifically:

- (a) an increase in Council’s estimated revenue of \$1.34m to \$56.32m
- (b) an increase in Council’s estimated expenditure of \$0.29m to \$63.99m, and
- (c) a decrease in Council’s estimate capital works of \$4.147m to \$17.569m.

The motion was put.

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

**AGAINST:**

The motion was CARRIED.

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## 11. PETITION - MILL LANE CAR PARK

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File Reference:                      Petitions

### Reporting Brief:

To consider a petition presented to the General Manager and tabled at the Council meeting on 21 December 2020 relating to the potential sale of Council-owned land, being the Mill Lane Car Park in the Glenorchy CBD.

### Resolution:

RYAN/THOMAS

That Council:

1. RECEIVE and NOTE the petition received on 14 December 2020 titled 'Stop Selling our Car Park' in relation to investigations by Council into the proposed sale of land at Mill Lane, Glenorchy (**the Petition**)
2. NOTE the concerns of the signatories to the Petition and consider those concerns in in any future consideration by Council of potential disposal of the land the subject of the petition.

The motion was put.

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

**AGAINST:**

The motion was CARRIED.

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## 12. FINANCIAL PERFORMANCE REPORT TO 31 DECEMBER 2020

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File Reference: Corporate and Financial Reporting

### Reporting Brief:

To provide the monthly Financial Performance Report to Council for the period ending 31 December 2020.

### Resolution:

RICHARDSON/KING

That Council:

RECEIVE and NOTE the Financial Performance Report for the year-to-date ending 31 December 2020 in the form of Attachment 1.

The motion was put.

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

**AGAINST:**

The motion was CARRIED.

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## 13. 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 11 December 2020 to 12 January 2021 and to provide updates on other relevant procurement matters.

### Resolution:

KING/RICHARDSON

That Council:

RECEIVE and NOTE the Procurement and Contracts Monthly Report for the period from 11 December 2020 to 12 January 2021.

The motion was put.

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

**AGAINST:**

The motion was CARRIED.

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

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Consideration of the following item was deferred from the 21 December 2020 Council meeting.

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### 14.1. NOTICE OF MOTION - ALDERMAN DUNSBY: DISABILITY-INDICATED PARKING IN GLENORCHY CBD

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File Reference: Notices of Motion

#### **Resolution:**

DUNSBY/KING

That the time allocated for parking on disability-indicated spaces in the Glenorchy Central Business District be increased to a minimum of one hour.

That the times that the limitation applies on disability-indicated spaces mirrors that of regular parking in the area.

#### **Procedural motion:**

The following procedural motion was moved under regulation 1(b) of the *Local Government (Meeting Procedures) Regulations 2015*.

CARLTON/SIMS

That the matter be deferred to the Council meeting being held on Monday, 22 February 2021.

The motion was put.

**FOR:** Aldermen Simsl, Ryan, King, Thomas, Johnston, Richardson, Fraser and Carlton

**AGAINST:** Alderman Dunbsy

The motion was CARRIED.

**Resolution:**

KING/FRASER

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 meeting was closed to the public and the live stream on Facebook ceased at 6.55pm.

The Chair adjourned the meeting for a short break at 6.55pm.

# CLOSED TO MEMBERS OF THE PUBLIC

The meeting resumed at 6.56 pm.

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## 15. CONFIRMATION OF MINUTES (CLOSED MEETING)

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### **Resolution:**

RICHARDSON/RYAN

That the minutes of the Council Meeting (closed meeting) held on Monday, 21 December 2020 be confirmed.

The motion was put.

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

**AGAINST:**

The motion was CARRIED.

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## 16. APPLICATIONS FOR LEAVE OF ABSENCE

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None.

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

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**Resolution:**

KING/FRASER

That Council move back into open Council.

The motion was put.

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

**AGAINST:**

The motion was CARRIED.

The Chair closed the meeting at 7.07 pm

Confirmed,

**CHAIR**