

**Minutes of the Meeting  
of the Glenorchy City Council  
held at the Council Chambers  
on Monday, 25 September 2023 at 3.30pm**



**Present (in Chambers):** Alderman Bec Thomas (Mayor), Alderman Sue Hickey (Deputy Mayor), Aldermen Shane Alderton, Josh Cockshutt, Jan Dunsby, Steven King, Stuart Slade and Russell Yaxley, Councillors Molly Kendall and Harry Quick.

**In attendance (in Chambers):** Tony McMullen (General Manager), Jenny Richardson (Director Community and Corporate Services), Emilo Reale (Director Infrastructure and Development), David Ronaldson (Executive Manager Stakeholder Engagement), Paul Garnsey (Manager Development) and Allan Wise (Manager Finance).

**In attendance (by video link):** Marian Maclachlan (Executive Assistant to the General Manager). Mandy Henderson (Executive Assistant to the General Manager), Andy Watson (Executive Assistant to the Mayor)

**Leave of Absence:**

**Workshops held since last Council Meeting**

**Date:** Monday, 4 September 2023

**Purpose:** To discuss:

- Bridgewater Bridge update
- AFL High Performance Centre briefing
- Ice Sports Tasmania

**Date:** Monday, 11 September 2023

**Purpose:** To discuss:

- New Council Policy
- Bushfire Risk Management report
- Flood and Storm Ready program
- Sparking Conversations Igniting Action

**Date:** Monday, 18 September 2023

**Purpose:** To discuss:

- Wellington Park Trust status update and Management Plan Review briefing
- Strategic Land Use Planning updates
- Council Reference Groups and Committees

The Council meeting was live streamed on Council's website, Facebook page and YouTube channel. The peak number of viewers watching the live stream was 27 viewers and 17 members of the public attended in person.

The Chair opened the meeting at 3.33pm.

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.

The Chair read a statement noting that the meeting would be recorded and live streamed to members of the public, and about work health and safety at the Council meeting.

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## 1. APOLOGIES

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None.

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## 2. CONFIRMATION OF MINUTES

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### **Resolution:**

ALDERTON/KING

That the minutes of the Council meeting held on Monday, 28 August 2023 be confirmed.

The motion was put.

**FOR:** Aldermen Dunsby, King, Thomas, Hickey, Alderton, Cockshutt, Yaxley, Slade, Councillors Quick and Kendall.

### **AGAINST:**

The motion was CARRIED.

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## 3. ANNOUNCEMENTS BY THE CHAIR

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None.

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## 4. PECUNIARY INTEREST NOTIFICATION

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

No declarations of pecuniary interest were made.

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

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### Question taken on notice – Neale Hall, Claremont

**Q1: Did the owners sign the DA application as required under 40T (6) of LUPAA, where it states the DA must:-**

- (a) Be signed by each owner of the land; or**
- (b) Be accompanied by the written permission of each owner of the land to the making of the request.**

**Response provided:**

Form No 1 – Owners Consent, the form approved by the Tasmanian Planning Commission, has been signed by Nickolas Lambrakis, Director and Peter Barrett, Director regarding CTs 213250/1 and 64165/1 and Tony McMullen, General Manager regarding CT 136272/1.

**Q2: Were the signatories the Directors, Nicholas Lambrakis and Peter James Barrett or the owners NHJ Enterprises Pty Ltd and Sheila Barrett?**

**Response provided:**

The signatories for CTs 213250/1 and 64165/1 were Nickolas Lambrakis and Peter Barrett, who are directors of 8MLC Pty Ltd the owner of the land.

### Question taken on notice – Paul Campton, Claremont

**Q1: In terms of the zoning amendment request for 8 to 10 Main Road, what additional information was required by the planning scheme applying to the land was sought by the developers by the Council. Specifically what further information was requested?**

**A:** [General Manager] We did receive an earlier enquiry about this and one of the things we need to establish is whether we have reached a point in the process where this is a public part of the planning process. We will seek advice on that, but clearly if we can release this information, then we are happy to release it.

**Response provided:**

The response previously provided to this question on notice from the 31 July 2023 Council meeting was:

*Our planning area does not provide documents for review by the community until all the necessary information has been provided and the*

*documentation is ready to go on public exhibition. This ensures that people are looking at the application that is being considered and assessed rather than reviewing something that may still be missing information.*

**Q2: LUUPA section 4T, subsection 6 states a valid application is an application that contains all relevant information required by the Planning scheme applying to the land. Will Council now exercise its power to refuse the amendment, for it was an invalid application, you have the power under 42 and if it was a valid application, it must have contained all relevant information in accordance with the Tasmanian Planning Scheme, clause 612, and you have the power under LUUPA at 42 to refuse that without seeking further information. Will you exercise your power?**

**Response provided:**

Under section 6 of the State Planning Provisions, it states:

*an application must be made for any use or development for which a permit is required under this planning scheme.*

*To be a valid application must include:*

- (a) A signed application form*
- (b) Any written permission and declaration of notification of s52 of the Act and, if any document is signed by the delegate, a copy of the delegation*
- (c) Details of the location of the proposed use or development*
- (d) A copy of the current certificate of title for all land to which the permit sought is to relate, including the title plan, and*
- (e) A full description of the proposed use or development.*

A valid application has been received by Council.

The State Planning Provisions also states:

In addition to the information that is required under this clause:

*a planning authority may, in order to enable it to consider an application, require such further or additional information as the planning authority considers necessary to satisfy it that the proposed use or development will comply with any relevant standards and purpose statements in the zone, codes or a specific area plan, applicable to the use or development.*

**Question taken on notice – Leeanne Rose, Glenorchy**

**Q1:** I have contacted the Tasmanian Heritage Register, John Stevenson kindly informed me the Council responsibility in regard to identifying places of local heritage value through your local planning scheme process. I ask the Council to come together as a community as it did in the 1960's and identify this War Memorial facility as a place of significant local heritage, in accordance with your local planning scheme process.

**Q2:** I request that the reasonable finance requests be made to State and Federal governments and special conditions be attached to the heritage value listing to allow for the demolition if necessary or rebuild to appropriate standard, upgrading is necessary. Maintenance and compliance with ever changing pool registrations as and when required on a regular basis for years to come. I ask that the pool remains at its current location in the centre of Glenorchy as a memorial to our fallen soldiers, as was the pool's original intention and purpose.

**A:** [Mayor] Council is commissioning a heritage assessment on the Glenorchy Memorial pool.

**Response provided:**

The heritage assessment is intended to inform a heritage amendment project aimed at addressing matters identified during the preparation of Council's Local Provisions Schedule/s and includes consideration of Council-owned properties that have been previously flagged as potentially suitable for heritage listing (one being the Glenorchy War Memorial Pool).

Its purpose is twofold:

1. To understand through a combination of historical research and site inspection, the heritage significance of the Pool complex, and;
2. To establish whether any of the values identified meet the threshold-level that would justify any further consideration of the Pool complex for entry via planning scheme amendment in the Local Historic Heritage Code Lists - GLE-Table 6.1 Heritage Places, TPS-Glenorchy.

It is expected that information from the heritage study will be available for consideration as options for the future of the facility that are being canvassed and evaluated.

## Question without notice – Pauline Elliott, Claremont

**Q1:** Did the Director of Infrastructure say on 26 June in regards to the Country Music Club carparking for 12 Main Road it ‘not over the whole council plan’ and’ I don’t believe it is parcel/block of land’?

**Q2:** The minutes for June meeting state ‘without looking up the records for the exact size, I do believe that is correct in relation to that area of land”. Given the minutes are meant to be a true and accurate, but recognising the difficulty of transcription, then can you please adjust the minutes to reflect what was said, ‘not over the whole council plan’ and ‘I don’t believe’?”

### Response provided:

A check of the Minutes from the 26 June Council meeting and the video recording, confirmed that there was an error in the written minutes, that did not match the audio of the meeting. There will be a correction to the minutes so it does reflect the answer provided at the Council meeting.

The recorded minute says:

**Q:** *The land size is quite large, I understand it is 741 square metres?*

**A:** *[Director Infrastructure and Works] Without looking up the records for the exact size, I **do** believe that is correct in relation to that area of land.*

It should say:

I don’t believe that is correct in relation to the land area.

The following response was provided to Ms Elliott after the 26 June meeting.

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Thank you for your email expressing your concerns over the answers to your question at the recent Council Meeting. You mentioned that both Emilio Reale and I showed a lack of knowledge about the facts surrounding 12 Main Road, Landowners Consent. This was in relation to as stated; *apparently the council officers were unaware of the size of the block of land involved and the scope of the lease they had entered into with the County Music Association for the use of said land.*

Whilst Council officers did not have the land area with them at the time of the question, Council does have accurate land mapping system which does provide detail of land size and area by individual title. Council officers and the General Manager were aware of the licence agreement on this land between Glenorchy City Council and the Country Music Club of Southern

Tasmania Inc. Both the land size and the licence agreement were considered in the landowner consent process. Thanks for raising your concerns with us.

### **Question taken on notice – David Kernke, Claremont**

**Q1: For what reason is a drive through a prohibited use under the Tasmanian Planning Scheme (TPS) for an inner residential area?**

**Response provided:**

The current proposal is prohibited under the State Planning Provisions because it does not meet the qualification for “Food Premises” namely: “If not for a take-away food premises with a drive through facility.”

While the explicit reason for the qualification is not given, the zone purpose for the Inner Residential Zone (cl. 9.1) can be taken to have informed the subsequent Zone provisions, including the use table. In particular:

*9.1.3 To provide for non-residential use that:*

- (a) primarily serves the local community; and*
- (b) does not cause an unreasonable loss of amenity, through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off site impacts.*

**Q2: Given the Tasmanian Planning Scheme is meant to embody what is in the public interest, would a 24-hour drive-through be a prohibited use because it is considered to be an unreasonable loss of amenity for neighbours in an inner residential area?**

[General Manager] I will make the comment, that would be a reason for its prohibition and that might be the reason why Council might ultimately consider that it had determining weight in any future assessment. But it would be something more black and white than that in relation to the use and development status in the zone which goes to your first question.



**Q2a. You mean amenity would form part of an assessment or future assessment by Council?**

[General Manager] Residential amenity would form part of a future assessment.

**Q2b. Will I be getting an answer or is that it by Council to the rest of my question?**

**Response provided:**

It is a reasonable statement that a take-away food premises with a drive through facility is prohibited in the Inner Residential Zone because it was considered by the framers of the State Planning Provisions to be inconsistent with the Zone purpose.

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## **6. PUBLIC QUESTION TIME (15 MINUTES)**

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### **Question without notice – Tim Marks, Glenorchy**

**Q1: Is the Glenorchy Pool sold?**

A: [Mayor] No, the Glenorchy Pool has not been sold.

**Q2: Why has the money from the Derwent Entertainment Centre (DEC) gone missing? That money could be used to fix the pool.**

A: [Mayor] The money from the sale of the DEC has not gone missing. \$3.1M of the \$8.0M has been allocated to the integration of Tolosa Dam in a joint project with TasWater. \$2.4M for the realignment of Lloyd Road. The remaining money is in Council's reserves.

### **Question without notice – Mala Crew, Glenorchy**

**Q1: I request a detailed breakdown of how the money from the sale of the Derwent Entertainment Centre (DEC) was used. Why hasn't Council had open negotiations and consultations with the community?**

A: We do listen, engage and consult with the community. We conduct at least six Community Pop-ups and at least four Community Yarns per year. We had a pop-up last Friday at Wyndham Road in Claremont with 21 people in attendance. Two of these people raised questions about the Glenorchy War Memorial Pool. The remainder had questions about a whole range of different issues. We have extensive community engagement on specific projects and future options.

Money from the DEC sale will be used for community projects and the reintegration of the Tolosa Dam will be a community parkland. This is what the community advised they would like to see after the decommissioning of the Tolosa Dam. Council considers very seriously the use of the funding for projects that benefit the entire community. Funds from the DEC that are being held in reserve are not sufficient to repair or redevelop the Glenorchy War Memorial Pool facility.

**Q2: Why aren't these meetings or pop-ups held at a time that the community can attend?**

A: [Mayor] They are held at a variety of times during the week and weekends. Pop-ups have been held in various places including shopping centres. The Community Yarn has always been at 5:30pm. Both of these are scheduled to accommodate members of the community's needs

### **Question without notice - Paul Campton, Claremont**

**Q1: Given McDonalds and Council have been in communication, have McDonalds indicated when they intend to supply Council with the additional material requested by the planning team?**

A: [Mayor] Not to my knowledge.

**Q2: How long does Council typically wait for requests to applicants for such information?**

A: [Mayor] Question taken on notice.

[Director Infrastructure and Development] I believe the Act allows for up to five (5) years. This will be confirmed.

**Q3: Does Council have the power to withdraw a request and make a determination if they consider the applicant is disrespectful of the process by refusing to supply requested information in a timely manner?**

A: [Mayor] No.

**Question without notice - Pauline Elliott, Claremont**

**Q1:** The Environmental Site Assessment Report of 2018 for 8-10 Main Road, Claremont concludes on page 9 that *“the site is suitable for on-going ‘commercial/industrial’ use”* (bolded in actual report) without an unacceptable level of risk posed to either:

- the human health of site workers or customers; or
- to the surrounding environment.

The report conclusions are made against the existing commercial/industrial land use. Further assessment may be required if a change to a more sensitive land use is proposed.”

Is Council content to accept that a food service/restaurant at 8-10 Main Road, is an on-going ‘commercial/industrial’ use and to ignore the recommendation that further assessment is required for a more sensitive land use?

A: [Mayor] Question taken on notice.

**Q2:** Given the Environmental Site Assessment (ESA) Report of 10 August 2018 was solely for Cooper Automotive and on page 33 it states “solely for use by the Client and EM&C accepts no responsibility for its use by other parties”. Will Council be seeking an ESA from the McDonalds’ developers for the application lodged in April 2023 or is Council content to accept a report in which the consultants accept no responsibility for what is written?

A: [Mayor] Question taken on notice.

**Q3:** The McDonalds application on Westbury Road, Launceston which also uses an old service station site encountered problems with the EPA due to contamination. In light of this, will Council being undertaking due diligence that the Claremont site is not similarly contaminated by liaising with the EPA is or will it just be accepting the report provided by the developers?

A: [Mayor] Question taken on notice.

**Question without notice – David Kernke, Claremont**

**Q1:** In today's agenda, page 5, there was a response to question 1 (a) posed by Paul Campton *"In terms of the zoning amendment request for 8 to 10 Main Road, what additional information was required"*. The response did not answer the question. We do not wish to view the documents or information. Can you please just name the information requested? Is it about traffic, environmental, noise, signage, landscaping, light?

**A:** [Mayor] To confirm that you are after details of the nature of the information requested?

[General Manager] Question taken on notice.

**Question without notice – Janiece Bryan, Montrose**

**Q1:** When the DEC was sold the Council promised on page six of the Annual General Report that the \$8M received would be spent on community projects. Will Council and Alderman please commit to spending the community money from the DEC sale to repairing and re-opening the Glenorchy Pool as soon as possible, or will this be a repeat of the loss of the BMX Track and the Skate Park from nine years ago?

**A:** [Mayor] Question taken on notice.

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**7. PETITIONS/DEPUTATIONS**

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Leeanne Rose, Glenorchy made a deputation to Council entitled "Glenorchy Memorial Pool", which covered the following points:

- History and closure of the Glenorchy Pool.
- Dr Shane Gould's suggestions and the purpose of a public swimming pool.
- What values are embedded in a public swimming pool/aquatic centre?
- How to calculate or assess the values of public facilities such as an aquatic centre?
- Dedication Prayer to the pool, from 1963.

## COMMUNITY

### *Community Goal – Making Lives Better*

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#### 8. ACTIVITIES OF THE MAYOR

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File Reference: Mayoral Announcements

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

To receive an update on the recent activities of the Mayor.

##### **Resolution:**

COCKSHUTT/HICKEY

That Council:

1. RECEIVE the report about the activities of Mayor Thomas during the period from Monday, 21 August to Sunday, 17 September 2023.

The motion was put.

**FOR:** Aldermen Dunsby, King, Thomas, Hickey, Alderton, Cockshutt, Yaxley, Slade, Councillors Quick and Kendall.

**AGAINST:**

The motion was CARRIED.

## GOVERNANCE

### *Community Goal – Leading our Community*

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#### 9. NEW AND UPDATED COUNCIL POLICIES

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File Reference: Council Policies

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

To present the new Conflict of Interest Policy for adoption and to present the following updated policies for review and adoption:

- Committees Policy
- Committee Nominations and Appointments Policy; and
- Media and Communications Policy.

##### **Resolution:**

QUICK/KENDALL

That Council:

1. ADOPT the Conflict of Interest Policy at Attachment 1;
2. ADOPT the reviewed Committees Policy at Attachment 3;
3. ADOPT the reviewed Committee Nominations and Appointments Policy at Attachment 5;
4. DEFER the Media and Communications Policy to a future Council meeting.

The motion was put.

**FOR:** Aldermen Dunsby, King, Thomas, Hickey, Alderton, Cockshutt, Yaxley, Slade, Councillors Quick and Kendall.

**AGAINST:**

The motion was CARRIED.

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## 10. DELEGATIONS FOR PLANNING OFFICERS UNDER THE LAND USE PLANNING AND APPROVALS ACT 1993 (TAS)

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File Reference: Delegations

### Reporting Brief:

To recommend that Council:

1. delegates some of its powers and functions under the *Land Use Planning and Approvals Act 1993* (Tas) ('LUPAA') directly to Council planning officers.
2. increases the financial limit on senior planners' ability to determine permit applications, where three or fewer opposing representations have been received, from \$1,000,000 to \$2,000,000 in line with recent increases in costs for building materials.

### Resolution:

HICKEY/KING

That Council:

1. DELEGATE to nominated Council officers the Glenorchy City Council's planning authority powers pursuant to s. 6 of the *Land Use Planning and Approvals Act 1993* in accordance with the delegations instrument set out in Attachment 1.
2. NOTE the delegation in clause 1 does not alter or affect any previous delegations given to the General Manager.

The motion was put.

**FOR:** Aldermen Dunsby, King, Thomas, Hickey, Alderton, Cockshutt, Slade and Councillor Quick

**AGAINST:** Aldermen Yaxley and Councillor Kendall

The motion was CARRIED.

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## 11. FINANCIAL PERFORMANCE REPORT TO 31 AUGUST 2023

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File Reference: Corporate and Financial Reporting

### Reporting Brief:

To provide Council with the monthly Financial Performance Report for the period ending 31 August 2023.

### Resolution:

DUNSBY/ALDERTON

That Council:

1. RECEIVE and NOTE the Financial Performance Report for the year-to-date ending 31 August 2023 as set out in Attachment 1.

The motion was put.

**FOR:** Aldermen Dunsby, King, Thomas, Hickey, Alderton, Cockshutt,  
Yaxley, Slade, Councillors Quick and Kendall

**AGAINST:**

The motion was CARRIED.



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## 12. PROCUREMENT AND CONTRACTS EXEMPTIONS REPORT

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File Reference: Procurement

### Reporting Brief:

To inform Council of three procurement exemptions under Council's Code for Tenders and Contracts.

### Resolution:

DUNSBY/COCKSHUTT

That Council:

1. RECEIVE and NOTE the Procurement and Contracts Report relating to three procurement exemptions approved in late August and September 2023, totalling \$112,061.30 excluding GST.

The motion was put.

**FOR:** Aldermen Dunsby, King, Thomas, Hickey, Alderton, Cockshutt,  
Yaxley, Slade, Councillors Quick and Kendall

**AGAINST:**

The motion was CARRIED.

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

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### Question without notice – Councillor Kendall

**Q1: Is there anything else that sits outside of the Councils Asset Management Plan that doesn't have an end of life:**

A: In Australia, asset management arose as the result of a series of eight parliamentary reports in South Australia in the late Eighties, modelling the likely cost and timing of renewing major infrastructure assets.

In 1994, lots of interesting things were being done in the name of asset management – but very little was being documented or put into practice. Between 1996 and 2000, AMQ International launched the world's first asset management website with information on asset management freely available to all. This structured method of managing assets was adopted as best practice by the Institute of Public Works and Engineering Australia (IPWEA) and local government in the early 2000's and written into legislation in Tasmania in 2011.

Asset Management practices were adopted at Glenorchy City Council in the early 2000's that commenced with intensive data collection and condition assessments. This has continued to the current modern-day systems that Council now possesses. Glenorchy's Asset Management maturity level is considered to be in the proficient range.

Glenorchy City Council has an asset holding value of \$1 billion and is continually updating its asset register to ensure all assets are recorded, including their attributes, age, condition, useful life, and value.

Council is confident that all community assets have been captured, and there are no assets that "sits outside" of the council's current asset management plan. However, managing assets is a continuous process that can have variations that need to be continually managed.

For example,

- Council does not own or maintain bus stop infrastructure that is located on Council roads and footpaths (apart from the Tolosa Bus Interchange), and this may be subject to a state government legislation review.
- Ownership of some building assets on Council land needs to be further defined and who assumes ownership/responsibility if current ownership dissolves.

- Council is continually finding and derecognising assets following field investigations, especially underground assets that were constructed but not appropriately recorded when built.
- Asset conditions can change rapidly when structural issues occur, dramatically shortening the life of an asset or requiring intervention works that were not budgeted for.

**Q2: Is the Council willing to provide a public forum for people to ask questions?**

**Point of order** [Alderman King] This is a public meeting and the public can attend and ask questions.

A: [Mayor] We undertake a number of community engagement activities where people can ask questions. Next Community Yarn is 17 October at a venue to be confirmed. Expecting a large number of the community members to ask any questions on any topics of interest.

**Resolution:**

SLADE/KING

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 King, Thomas, Hickey, Cockshutt, Yaxley, Slade, and Alderton and Councillors Quick and Kendall

**AGAINST:**

The motion was CARRIED.

The meeting was closed to members of the public and the live stream was terminated at 5:34pm.

# CLOSED TO MEMBERS OF THE PUBLIC

Closed session commenced at 5:36pm.

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## 14. CONFIRMATION OF MINUTES (CLOSED MEETING)

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### **Resolution:**

COCKSHUTT/ALDERTON

That the minutes of the Council meeting (closed meeting) held on Monday, 28 August 2023 be confirmed.

The motion was put.

**FOR:** Aldermen Dunsby, King, Thomas, Hickey, Alderton, Cockshutt, Yaxley, Slade, Councillors Quick and Kendall

**AGAINST:**

The motion was CARRIED.

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## 15. APPLICATIONS FOR LEAVE OF ABSENCE

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

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**Resolution:**

KING/COCKSHUTT

That the meeting be moved back into open Council.

The motion was put.

**FOR:** Aldermen Dunsby, King, Thomas, Hickey, Alderton, Cockshutt,  
Yaxley, Slade, Councillors Quick and Kendall

**AGAINST:**

The motion was CARRIED.

The Chair closed the meeting at 5.46pm.

Confirmed,

**CHAIR**