

**Minutes of the Meeting
of the Glenorchy City Council
held at the Council Chambers
on Monday, 25 November 2019 at 6.00 p.m.**



Present: Aldermen Kristie Johnston (Mayor), Matt Stevenson (Deputy Mayor), Peter Bull, Melissa Carlton, Jan Dunsby, Steven King, Gaye Richardson, Kelly Sims, Bec Thomas and Simon Fraser.

In attendance: Tony McMullen (General Manager), Jenny Self (Director Corporate Services), David Ronaldson (Director Community and Strategy), Sam Fox (Director Strategy and Development), Ted Ross (Director Infrastructure and Works), Bryn Hannan (Executive Officer), Tracey Ehrlich (Manager Corporate Governance), Tina House (Manager Finance and ICT), Paul Garnsey (Manager Development and Environment), Lyndal Byrne (Strategic Planner), Robbie Shafe (Manager Customer Services), Jodi Plunkett (Administrative Support Officer) and Janina Gauden (Executive Support Officer).

Workshops held since last Council Meeting	Date:	Monday, 4 November 2019
	Purpose:	To discuss: • Investigation into Land Sales • Leases and Licensing Policy
	Date:	Monday, 11 November 2019
	Purpose:	To discuss: • Community Yarns Debrief • Cyber Security
	Date:	Monday, 18 November 2019
	Purpose:	To discuss: • Safer Footpath Program • Budget Process Update

Eight (8) members of the public attended the open part of the Council Meeting.

The meeting was opened with a prayer by Paul Matthews from the Glenorchy Community Church.

The Chair acknowledged and paid respect to the Tasmanian Aboriginal Community as the traditional and original owners and continuing custodians of the land.

The Chair read the following two statements:

Statement 1:

In relation to work health and safety at the Council meeting.

Statement 2:

In relation to the Audio Recording of the Council Meeting under regulation 33 of the *Local Government (Meeting Procedures) Regulations 2015* and Council's 'Audio Recording of Council Meetings' policy.

1. APOLOGIES

Ald. Stevenson (initial apology but arrived at the meeting at 6:53 p.m.)

2. CONFIRMATION OF MINUTES

Resolution:

BULL/KING

That the minutes of the Council meeting (open meeting) held on Monday, 28 October 2019 be confirmed.

The motion was put.

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

AGAINST:

The motion was CARRIED.

3. ANNOUNCEMENTS BY THE CHAIR

None.

4. PECUNIARY INTEREST NOTIFICATION

The Chair asked if anyone had, or was likely to have, a pecuniary interest in any item on the agenda.

The General Manager declared an interest in Item 21 (General Manager's 6-Monthly Performance Review 2019).

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

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

- 1. DHHS has confirmed an extension of the grant and has also indicated further extensions could be applied for to ensure appropriate consultation etc. To what date is the present extension granted, and, will the Council apply for an extension to allow more time to a) ensure appropriate consultation (not a push poll) and b) apply for additional funding to ensure a suitable skate park facility? If so, to what date will Council request an extension?**
 - A. Council will not be applying for any further extensions to this grant. Council has undertaken extensive consultation over the last 5 years on suitable locations for a new skate park.
- 2. Why is the council rushing this after 5 years of no activity?**
 - A. There has been work undertaken over the 5 years to consult with the community on several occasions. Our most recent consultation was conducted after previous preferred locations were deemed unsuitable. The latest consultation recently closed and Council officers will now prepare a Skate Action Plan to consolidate the feedback received and identify priority actions.
- 3. How does GCC plan to support the growth of Olympic skate park action sports over the next 5 years without relying on the support of sports infrastructure provided by Hobart City Council and Clarence City Council?**
 - A. The standard and type of facilities will be explored through the development of the Skate Action Plan.

4. **Given the number of residents in the Glenorchy and surrounding suburbs, what does GCC recommend as the ideal size (in square metres) for a skate park that would meet the regional needs of its residents?**
 - A. This varies based on the demographics of the municipality. Consideration needs to be given to the projected demographics. Rather than defining a set area now, this will be discussed within the Skate Action Plan to be developed.
5. **What is GCC's 5 year plan to engage, activate and mentally stimulate hundreds if not thousands of non-driving aged young people in Glenorchy who enjoy skate park action sports but do not engage in competitive ball sports?**
 - A. Council has a number of strategies and programs that provide a platform to engage with youth, including the Glenorchy Youth task Force, Glenorchy Children and Families Strategy, Healthy Communities Plan and Community Safety Framework and Action Plan.
6. **Can GCC provide a date contractors were booked to plant the 12 commemorative trees in front of the KGV area, why this area was specifically selected and how was the community consulted?**
 - A. This area was the subject of a planning application several years ago that went through community consultation. There were heritage listed pine trees on the site that had to be removed as they had become unsafe. A condition of the planning permit was that these trees had to be replaced with a conifer species that were in character with the previous trees that were removed.
7. **What are the future plans of the land that runs alongside the 12 commemorative trees?**
 - A. Council needs to prepare a revised Master Plan for the KGV precinct to allow engagement with stakeholders and the community on the future use of this whole area.
8. **Would GCC commit to support the rezoning of a small car park to provide a space dedicated to enriching the lives and engaging thousands of children, families and young people in our community in a healthy outdoor sport that is easy to participate in?**
 - A. There are a number of steps to go through before Council would commit to rezoning any parcel of land. It is also a process that is subject to approval by the Tasmanian Planning Commission. Council will consider the current and future potential of all open space when it undertakes its Open Space Strategy review in 2020.
9. **Will the GCC work with the community to support them in developing a master plan to apply for additional funding for a new public skate park located in Glenorchy CBD to significantly benefit the community, GCC and all businesses in the CBD area?**
 - A. Council will use the data and feedback received both formally and informally throughout the consultation on a skate park to prepare a Skate Action Plan for Glenorchy.

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

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

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

- (1) In addition to any functions of a council in this or any other Act, a council has the following functions:**
- (a) to provide for the health, safety and welfare of the community;**
 - (b) to represent and promote the interests of the community;**

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

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

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

“National Environmental Protection Measures

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

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

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

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

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

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

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

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

Page 3

- "13: The Purchaser (GCC) acknowledges that the Purchaser has made its own independent enquiries investigations and inspections regarding the Property and has not relied on any information representation letter document or arrangement or other conduct and that the Purchaser will accept the Property in the form existing as at the date hereof.**
- 14: The Purchaser shall not be entitled to make any claim demand or requisition other than those already identified and agreed to against the Vendor its servants or agents in respect of:-**
- (a) The state of repair and condition of the Property; or**
 - (b) The water supply electricity lines gas pipes drains or sewers or other services connected to or serving the Property or any adjoining land; or**
 - (c) Any encroachment upon the Property by any other property or any encroachments by the Property upon any other property or street or the lack of any easement or other right in relation to such encroachments if any; or**
 - (d) Any latent defect which may exist upon or in relation to the Property; whether caused by the Vendor its servants or agents or by previous owners of the Property.**
- 15: The Purchaser shall indemnify and keep indemnified the Vendor against any costs with respect to the Property from the date hereof."**

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

Does this Council agree that the following are important principles?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- cash in-lieu of car parking spaces. This is provided for under the *Glenorchy Interim Planning Scheme 2015* (Parking and Access Code) and provides (broadly) for Council to require a developer to provide a certain number of car parking spaces for each development, or a cash payment in lieu of this if this is not possible, and
- the provision of public open space to Council as part of new subdivisions. This is provided for under the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

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

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

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

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

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

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

6. PUBLIC QUESTION TIME (15 MINUTES)

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

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

- Q. Can you indicate what GCC contributes, financial or otherwise, to the initiative (given we no longer pay any STCA membership dues)?**
- A. Council pays approximately \$2,000 per year to stay in the Regional Climate Change Initiative even though we are no longer a member of STCA. The Initiative is also being funded from past contributions to the STCA.

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

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

REGIONAL COASTAL STRATEGY	
Completed:	
- Regional Climate Change Initiative (RCCI) project working group: reps from Hobart, Clarence, Kingborough, Glamorgan Spring Bay, Tasmanian Climate Change Office (TCCO), CLS & Local Government Association of Tasmania (LGAT) - Consultants appointed: Chris Rees Impact Solutions and David Rissik from BMT - Letter/flier sent out to councils - Experts meetings with representatives from: Office Security and Emergency Management; State Emergency Service; Planning Policy Unit; Crown Land Services, Tasmanian Climate Change Office, LGAT and City of Hobart and Clarence City Council	
Underway:	
Regional Coastal Strategy Officer Workshops to be held on 6 – 7 November	
Pending:	
- Meetings with Councillors and Senior Management to identify local coastal issues and values: November 2019 – February 2020 - Drafting of Regional Coastal Strategy: November 2019 – March 2020 - Coastal Climate Summit: April 2020 - Consultation and finalisation of Strategy: April - May 2020 - Project close: June 2020	
REGIONAL CLIMATE CHANGE STRATEGY	
Completed:	
- RCCI project working group: reps from Hobart, Clarence, Glenorchy, Tasman, Huon Valley, Derwent Valley, TCCO & LGAT - Project brief for collaboration between STCA / RCCI and UTAS to deliver the project through an Australian Council Research grant - Conditional Funding Deed signed by STCA & UTAS to hold funds until ARC outcome known - Huon Valley Council confirmed as rural pilot council partner.	
Underway:	
- Appointment of pilot metropolitan council partner to be confirmed 2 Masters students undertaking national and international review of Climate Action Plan best practice - Appointment of PhD to undertake analysis of systems approaches to climate governance by Tasmanian councils - Media event with STCA and UTAS for signing of Conditional Deed	

• Preparation of ARC funding application and supporting statements from project partners to ARC submission • Preparation of 'interim' Council Climate Action Plan' that can be adopted by councils whilst formal plans are being prepared
Pending:
• Submission of ARC grant: – January 2020 • Project delivery: March – June 2021
COUNCIL CLIMATE PROFILES
Completed:
• UTAS ACE CRC, Dr Tom Remenyi engaged to deliver project.
Underway:
• Workshops 12 – 14 November, with officers across core Council isas to identify climate information required for decision making • Draft profiles for councils being prepared for consultation
Pending:
• Workshops, delivered by Dr Remenyi, with councillors and senior management on climate profiles for their municipal area – January to March 2020. • Supporting policy and documentation for the application of the climate profiles across councils strategies, policies, programs and operations
ENERGY AND GREENHOUSE GAS EMISSIONS MUNICIPAL PROFILES
Completed:
• Copies of Energy and Greenhouse Gas Emissions Regional and Municipal profiles provided to councils and made available on STCA website

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

A. Regional Coastal Strategy – February 2020

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

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

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

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

A. Regional Coastal Strategy – June 2020

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

- Q. I believe the Quarterly Report is an excellent and clearly written summary of all major activities of Council. I'd recommend it to any resident who wants an overview of Council activities. Will Council consider making all Quarterly Reports available to the public in the Council website?**
- A. Council's Quarterly Reports were made available on our website in early November 2019. They can be accessed at:
[Home > Your Council > Council Documents](#)
- Q. At the beginning of the September Council the Mayor made a statement about the FOGO project. In that statement she said that the "*Jackson Street landfill site is filling up, fast. We are currently looking at ways to expand the site to extend its life, but regardless of our efforts we need to face reality. If we continue along like this our landfill will be at capacity by 2022 with no viable alternative.*" I thought that Council had decided in May that the "*landfill [would] be extended into the unused quarry adjacent to the current landfill to accept waste up to 2038.*" They appear to contradict each other. Can you please clarify the current situation?**
- A. The Mayor's statement was conveying that if the current situation was left unaddressed (i.e. the landfill not extended and current volumes of general waste continuing to go to the landfill) the landfill would reach capacity. Council resolved in March 2019 to introduce the FOGO service to reduce general waste (among other reasons) and in May 2019 to progress the landfill extension. That position has not changed.

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

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

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

- 1. Could you please advise why the Council has listed five (5) additional titles on their letter in regard to the Planning Amendment Request on behalf of LK Property Group Pty Ltd?**
- A. The *Land Use Planning and Approvals Act 1993* requires that all properties which would be affected by the proposed planning scheme amendment are included in the relevant application. In this case, the PIDs listed are all those included within the Wilkinsons Point Specific Area Plan.

2. **Why are these Property Titles included in the Application on behalf of this company when they have not been approved for disposal by Council?**

(Please refer to Page 419 of attachments to Glenorchy Planning Authority Meeting 23rd October 2019)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Of latest concern is the Government and the Glenorchy City Council appears to be negotiating with the LK Group representing a private company. The LK Group (stated on the website to be a family of private companies) fronting the unsolicited bid is a philanthropic representative for a private company. The organisational structure appears to obscure the entity seeking to purchase Wilkinson's Point and DEC. Why don't we know the details of the company? The Section 33 Planning Scheme Amendment Request states LK Property Group Pty Ltd. There is no ACN number quoted on the document.

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

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

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

- L K GROUP PTY. LIMITED
- LES K GROUP PTY LTD
- LKS GROUP PTY LTD

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

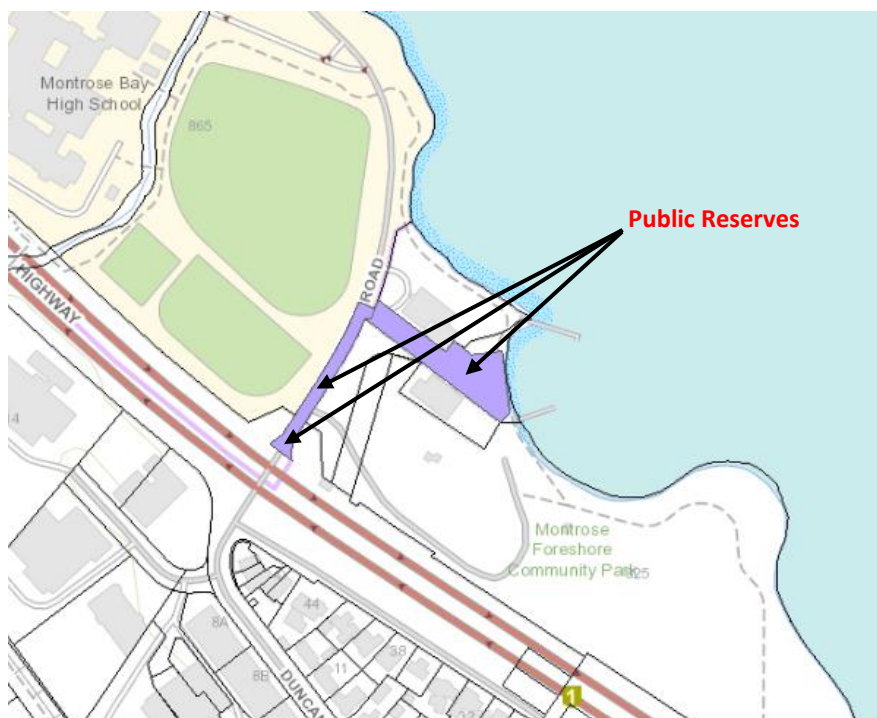
Under Section 178 of the Local Government Act 1993 the land at Wilkinson's Point was advertised for disposal and described as Council Land - PID 298411 Volume Title 157350 Folio 1 PID 2984138 Volume 157350 Folio 2.

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

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

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

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



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

Questions without notice – Eddy Steenberg, Mary's Hope Rosetta

Q. In relation to the application for the development of affordable housing at 190 Mary's Hope Road, Rosetta, the Glenorchy Planning Authority refused that application and Housing Choices has appealed it. Has Council decided whether or not to contest the appeal by Housing Choices?

A. The Mayor confirmed that there have been some directions hearings in the appeal, but took the question on notice to determine what (if any) further information could be provided.

Q. Regarding Council's Annual General Meeting (AGM) on 2 December 2019:

1. Will there be an agenda for AGM?

A. (Mayor) Yes.

2. Will there be a public question time?

A. (Mayor) An AGM normally does not have a public question time.

3. Will motions be accepted from the floor?

A. (Mayor) We will monitor the time but yes, there should be motions accepted from the floor, however they will need to meet the requirements of the regulations (e.g. not be defamatory etc.).

4. Will you accept deputations?

A. (Mayor) No, there are no deputations at AGMs.

5. Will the minutes of the last AGM be available?

A. (Mayor) Yes, minutes are provided for AGMs and the draft minutes of last year's AGM will be provided with the agenda for this AGM.

6. Will the minutes of AGMs be published on the website in the same way as other minutes?

A. (Mayor) Yes.

Q. Why is the AGM scheduled at 2:30 pm on a Monday afternoon?

A. (Mayor) Council has a workshop on that afternoon and it is a convenient time to hold it.

Q. In relation to Council's upcoming FOGO service, Council ran a joint tender with the Hobart City Council for a composting services provider. Are you able to tell me who the successful tenderer was?

A. (Director Infrastructure and Works) The successful tenderer was Pure Living Soils which operate a facility near Oatlands.

Q. Will the FOGO waste therefore be transported to Oatlands?

A. (Director Infrastructure and Works) Council's FOGO collection contractor will take the FOGO waste to a transfer station at Bridgewater. Pure Living Soils will be responsible for transporting it from there to its facility near Oatlands.

Questions on Notice – James Bryan, 14 England Avenue, Montrose

- Q. At the 28 October Council meeting, the Mayor stated that: “*we have provided significant and extensive legal advice to show we have title to said land*” (being Wilkinsons Point]. Can I assume that this advice being referred to is the independent legal advice that has been stated to have been obtained by Glenorchy City Council. To whom has this advice been provided and shared with, and when? It is formally requested that the said document, the independent legal advice, be tabled at the next Council meeting and be provided in response to the Right to Information Request lodged on 4 November 2018.**
- A. (Mayor)** That advice will not be tabled at the next meeting. As you’ve indicated in your question, it was legally privileged information that was sought and received by Council as a legal entity. We are entitled to keep information legally privileged as we are the ‘client’, so we won’t be tabling it. We have, however, provided a significant number of documents to yourself and Mrs. Bryan in relation to our legal right to dispose of the DEC (including a copy of the title and Deed of Agreement) which demonstrate very clearly that we have legal title to do that. We have received advice from our internal lawyers, external lawyers and the Surveyor General. I’m aware that you have requested information from the Premier, the Treasurer and a number of other significant parties in politics who have all confirmed that we have legal title, so I think this matter has been ‘done and dusted’. I won’t be answering any further questions on this particular topic.

7. PETITIONS/DEPUTATIONS

None.

COMMUNITY

Community Goal: “Making Lives Better”

8. ANNOUNCEMENTS BY THE MAYOR

File Reference: Mayoral Announcements

Reporting Brief:

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

Resolution:

THOMAS/BULL

That Council:

RECEIVE the announcements about the activities of the Mayor during the period from 22 October to 18 November 2019.

The motion was put.

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

AGAINST:

The motion was CARRIED.

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

File Reference: Safer Communities Advisory Committee (Special Committee)

Reporting Brief:

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

Resolution:

DUNSBY/KING

That Council:

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

The motion was put.

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

AGAINST:

The motion was CARRIED.

ENVIRONMENT

Community Goal: “Valuing our Environment”

10. OPTIONS TO REDUCE USAGE OF SINGLE-USE PLASTICS

File Reference: Motions on Notice

Reporting Brief:

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

Resolution:

THOMAS/BULL

That Council:

1. CONSIDER including the following actions in its 2020-21 Annual Plan when deciding on the 2020-21 Annual Plan priorities:
 - (a) the development of a plan for contributing to the 2025 National Packaging Targets within the Waste Management Strategy Action Plan
 - (b) strategies to encourage the phasing out of problematic and unnecessary single use plastics as part of the targeted education campaign to the commercial/industrial sector that Council has committed to through its Waste Management Strategy
 - (c) the development of a plan to phase out single use plastics from Council coordinated events.
2. WRITE to the Local Government Association of Tasmania and the Tasmanian and Australian Governments urging a coordinated response to reducing, and eventually eliminating, the use of single use plastics.

The motion was put.

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

AGAINST:

The motion was CARRIED.

The Chair advised the meeting that Council would act as a Planning Authority under the *Land Use Planning and Approvals Act 1993* for the following item:

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

File Reference: Planning Scheme Review

Reporting Brief:

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

Resolution:

SIMS/RICHARDSON

That Council, acting as the Glenorchy Planning Authority:

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

The motion was put.

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

AGAINST:

The motion was CARRIED.

GOVERNANCE

Community Goal: "Leading our Community"

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

File Reference: DEC Disposal

Reporting Brief:

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

Resolution:

RICHARDSON/THOMAS

That Council:

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

The motion was put.

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

AGAINST:

The motion was CARRIED.

13. 2018-19 ANNUAL REPORT

File Reference: Annual Report 2018-19

Reporting Brief:

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

Resolution:

DUNSBY/SIMS

That Council:

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

The motion was put.

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

AGAINST:

The motion was CARRIED.

14. 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 18 October 2019 to 13 November 2019 and provide updates on other relevant procurement matters.

Resolution:

DUNSBY/KING

That Council:

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

The motion was put.

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

AGAINST:

The motion was CARRIED.

15. FINANCIAL PERFORMANCE REPORT TO 31 OCTOBER 2019

File Reference: Corporate and Financial Reporting

Reporting Brief:

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

Resolution:

FRASER/BULL

That Council:

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

The motion was put.

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

AGAINST:

The motion was CARRIED.

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

None.

Resolution:

KING/RICHARDSON

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, Thomas, Dunsby, King, Johnston, Richardson, Fraser, Carlton and Sims.

AGAINST:

The motion was CARRIED.

CLOSED TO MEMBERS OF THE PUBLIC

Resolution:

BULL/ KING

That the agenda be re-ordered so that Item 22 is dealt with prior to item 21.

The motion was put.

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

AGAINST:

The motion was CARRIED.

17. CONFIRMATION OF MINUTES (CLOSED MEETING)

Resolution:

DUNSBY/BULL

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

The motion was put.

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

AGAINST:

The motion was CARRIED.

18. APPLICATIONS FOR LEAVE OF ABSENCE

None.

ENVIRONMENT

Community Goal: “Valuing our Environment”

16. TOLOSA DAM DECOMMISSIONING AND REMEDIATION STATUS UPDATE

This item is to be considered at a closed meeting of the Council by authority of the Local Government (Meeting Procedures) Regulations 2015 Regulation 15(2)(c) (Commercial information of a confidential nature that, if disclosed, is likely to: prejudice the commercial position of the person who supplied it; confer a commercial advantage on a competitor of the Council; or reveal a trade secret).

GOVERNANCE

Community Goal: “Leading our Community”

20. AUDIT PANEL - SELECTION OF AUDIT PANEL MEMBER

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

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

The General Manager and all staff left the meeting at 7:00 p.m.

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

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

Resolution:

KING/BULL

That the meeting be re-opened to the public.

The motion was put.

FOR: Aldermen Bull, Thomas, Dunsby, King, Stevenson, Johnston,
Richardson, Fraser, Carlton and Sims.

AGAINST:

The motion was CARRIED.

The meeting closed at 7:47 p.m.

Confirmed,

CHAIR