

MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 11 JANUARY 2016

HOUR CALLED: 7.30pm

PRESENT: The meeting commenced at 7.32pm with the Mayor (Ald D C Chipman) in the Chair and with Aldermen:

N M Campbell
H Chong
P Cusick
D Doust
D Hulme
R H James
J Peers
D Thurley
S von Bertouch
J Walker; present.

1. APOLOGIES P K McFarlane

ORDER OF BUSINESS Items 1 – 13

IN ATTENDANCE

General Manager
(Mr A Paul)

Acting Group Manager Asset Management
(Mr R Graham)

Corporate Secretary
(Mr A van der Hek)

Corporate Treasurer
(Mr F Barta)

Manager City Planning
(Mr R Lovell)

Manager Health and Community Development
(Mr J Toohey)

Co-ordinator Council Support
(Ms J Ellis)

The Meeting closed at 8.13pm.

Prior to the commencement of the meeting, the Mayor made the following declaration:

“I acknowledge the Tasmanian Aboriginal Community as the traditional custodians of the land on which we meet today, and pay respect to elders, past and present”.

The Mayor also advised the Meeting and members of the public that Council Meetings, not including Closed Meeting, are audio-visually recorded and published to Council’s website.

COUNCIL MEETING
MONDAY 11 JANUARY 2016

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1. ATTENDANCE AND APOLOGIES

Refer to cover page.

2. CONFIRMATION OF MINUTES

(File No 10/03/01)

RECOMMENDATION:

That the Minutes of the Council Meeting held on 7 December 2015 and Special Council Meeting held on 21 December 2015, as circulated, be taken as read and confirmed.

Decision: **MOVED** Ald Chong **SECONDED** Ald von Bertouch

“That the Minutes of the Council Meeting held on 7 December 2015 and Special Council Meeting held on 21 December 2015, as circulated, be taken as read and confirmed”.

CARRIED UNANIMOUSLY

3. MAYOR’S COMMUNICATION

Nil.

4. COUNCIL WORKSHOPS

In addition to the Aldermen’s Meeting Briefing (workshop) conducted on Friday immediately preceding the Council Meeting the following workshops were conducted by Council since its last ordinary Council Meeting:

PURPOSE	DATE
Strategic Planning	14 December
Report – Assessment of Quotations and Contracts for Voluntary Amalgamations/Shared Services, South-East Councils Feasibility Study	
Wentworth Park Proposal	21 December

RECOMMENDATION:

That Council notes the workshop conducted.

Decision: **MOVED** Ald Peers **SECONDED** Ald Hulme

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

5. DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE
(File No)

In accordance with Regulation 8 of the Local Government (Meeting Procedures) Regulations 2015 and Council's adopted Code of Conduct, the Mayor requests Aldermen to indicate whether they have, or are likely to have a pecuniary interest (any pecuniary benefits or pecuniary detriment) or conflict of interest in any item on the Agenda.

INTEREST DECLARED: NIL.

6. TABLING OF PETITIONS

(File No. 10/03/12)

(Petitions received by Aldermen may be tabled at the next ordinary Meeting of the Council or forwarded to the General Manager within seven (7) days after receiving the petition.

Petitions are not to be tabled if they do not comply with Section 57(2) of the Local Government Act, or are defamatory, or the proposed actions are unlawful.

The General Manager tabled the following petition which complied with the Act requirements:

- Received from 124 signatories in support of Development Application D-2015/504 – 25 Wentworth Street, Bellerive – Sportsground Lighting.

7. PUBLIC QUESTION TIME

Public question time at ordinary Council meetings will not exceed 15 minutes. An individual may ask questions at the meeting. Questions may be submitted to Council in writing on the Friday 10 days before the meeting or may be raised from the Public Gallery during this segment of the meeting.

The Chairman may request an Alderman or Council officer to answer a question. No debate is permitted on any questions or answers. Questions and answers are to be kept as brief as possible.

7.1 PUBLIC QUESTIONS ON NOTICE

(Seven days before an ordinary Meeting, a member of the public may give written notice to the General Manager of a question to be asked at the meeting). A maximum of two questions may be submitted in writing before the meeting.

Questions on notice and their answers will be included in the minutes.

At Council's Annual General Meeting held on 1 December 2015 Mr Michael Figg asked the following Questions which were taken on Notice. As per standard convention, Questions taken on Notice are answered at the next Ordinary Meeting of Council and accordingly are listed below.

Question 1

Sought in respect to Expenses and Allowances paid to Aldermen based on published reporting of these matters, clarification regarding one Alderman having incurred expenses of \$10,100 in 2014/15.

Question 2

Sought clarification as to whether the recorded expenses referred to in Question 1 above involved interstate travel for attendance at the Australian Coastal Councils Association meetings.

Question 3

In reference to an earlier Right to Information request sought to ascertain:

- how much Council had spent in legal actions over the 2014/15 financial year; and
- the amount of money that Council had projected for legal costs in Council's budget for that period.

7.2 ANSWERS TO QUESTIONS ON NOTICE

The General Manager provided the following answers to Question taken on Notice listed at Item 7.1.

Question 1

A full schedule of Alderman Allowances and Entitlements providing a breakdown of how the expenses were claimed is published on Council's website as part of the Quarterly Report. A copy of the June 2015 spreadsheet which shows the figures as referred to in Question 1 is attached to the Minutes.

Question 2

No, the above expenses referred to do not include travelling for matters relating to the Australian Coastal Councils Association. The Association pays travel expenses for its Board Members.

Question 3 - Part 1

Money spent in legal actions in 2014/15 financial year	
Total payments made to legal practitioners in 2014/15 (as provided in RTI response)	\$88,783.00
Less payments made to legal practitioners for advice and drafting	\$22,192.60
Net legal expenses incurred by Council for 2014/15 for legal actions instigated, defended legal actions and includes representation at TPC and RMPAT	\$66,590.40

Question 3 - Part 2

2014/2015 Financial Year Budget - Legal Expenses by Program	
	Budget
07 - Corporate Support	
4900 - Legal Expenses	\$8,000
07 - Corporate Support Total	\$8,000
50 - Communities and People	
4900 - Legal Expenses	\$4,500
50 - Communities and People Total	\$4,500
60 - City Future	
4900 - Legal Expenses	\$1,500
4910 - Legal Appeal Costs	\$100,000
60 - City Future Total	\$101,500
Total	\$114,000

7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

ALDERMAN ALLOWANCES AND ENTITLEMENTS
1/4/15 - 30/6/15

	Ald Campbell		Ald Chipman		Ald Chong		Ald Cooper		Ald D Cusick		Ald P Cusick		Ald Doust		Ald Hulme		Ald James		Ald McFarlane		AldMcManus		Ald Peers		Ald Thurley		Ald von Bertouch		Ald Walker		Total		
	Quarter	YTD	Quarter	YTD	Quarter	YTD	Quarter	YTD	Quarter	YTD	Quarter	YTD	Quarter	YTD	Quarter	YTD	Quarter	YTD	Quarter	YTD	Quarter	YTD	Quarter	YTD	Quarter	YTD	Quarter	YTD	Quarter	YTD	Quarter	YTD	
Allowances - Alderman	7230.44	26630.59	7230.44	26630.59	7230.44	26630.59		9793.99		9793.99	7230.44	16836.60	7230.44	26630.59	7230.44	16836.60	7230.44	26630.59	7230.44	26630.59		9793.99	7230.44	26630.59	7230.44	16836.60	7230.44	26630.59	7230.44	26630.59	86765.28	319567.08	
Allowances - Mayor			18075.40	66564.21																											18075.40	66564.21	
Allowances - Deputy Mayor	5023.83	18502.98																													5023.83	18502.98	
Mayoral Vehicle			3249.44	12121.43																											3249.44	12121.43	
Total Allowances	12254.27	45133.57	28555.28	105316.23	7230.44	26630.59	0.00	9793.99	0.00	9793.99	7230.44	16836.60	7230.44	26630.59	7230.44	16836.60	7230.44	26630.59	7230.44	26630.59	0.00	9793.99	7230.44	26630.59	7230.44	16836.60	7230.44	26630.59	7230.44	26630.59	113113.95	416755.70	
Aldermen's Room Letterhead (\$38.75 ream)																																	
Envelopes (\$35.00 per box 100)																		17.50														17.50	
Business Cards												96.06			204.24										96.06						0.00	396.36	
Plain Paper A4 (\$5.40 per ream)																																	
Postage Allowance																	70.00	129.00	350.00		140.00									14.00	129.00	574.00	
Conferences/Seminars - Registration Fees etc					779.23	779.23																			1179.00	1249.00		357.00	1958.23	2385.23			
Personal Computer and Printer	189.16	797.54	173.67	1666.48				324.44		342.00	185.11	370.22	145.00	1116.58		971.80	222.61	1531.89	217.63	1452.21				252.88	1718.09	971.80	252.88	1910.24	971.80	2610.74	11831.27		
Internet Access			125.05	789.20						90.84		97.20								59.90	359.40			119.85	473.40		100.00	320.00	239.60	404.80	2369.64		
Software & Consumables (\$500 pa)			393.09	630.91						80.00			73.70	73.70											150.00			72.00	137.00	137.00	603.79	1143.61	
Cab Charge																		99.30													0.00	99.30	
Travelling Expenses - Private Vehicle	1421.83	2677.07			2498.26	5120.77					172.34	215.43	1595.03	2475.71		282.93				222.61	1626.49				2205.99	5505.82		388.93	8116.06	18293.15			
Travelling Expenses - Taxi Fares	65.00	65.00																									36.00	113.10	113.10	178.10	214.10		
Child Care																																	
Telephone Rental - Landline 100%																															0.00	0.00	
Telephone Rental - Landline 50%											84.39						642.29	1158.60	98.12	356.88								61.72	740.41	1661.59			
Telephone Rental - Mobile 100%			313.00	1125.00									884.46	1500.06						299.20	1469.20			311.70	1006.66			1808.36	5100.92				
Telephone Rental - Mobile 50%								557.00		105.24	100.00	150.00															225.75	225.75	798.16	2579.81			
Telephone Rental - Fax																																	
Telephone Calls - Landline											81.47																						81.47
Telephone Calls - Mobile											65.44																						65.44
Telephone Calls - Fax																																	
Total Entitlements	1675.99	3539.61	1004.81	4211.59	3277.49	5900.00		881.44		849.38	457.45	928.91	2698.19	5166.05	0.00	1528.97	1466.31	4699.11	897.46	5404.18				372.73	2341.49		1067.86	4049.57	10099.72	475.85	2508.90	16375.85	49127.21
TOTAL	13930.26	48673.18	29560.09	109527.82	10507.93	32530.59		10675.43		10643.37	7687.89	17765.51	9928.63	31796.64	7230.44	18365.57	8696.75	31329.70	8127.90	32034.77			9793.99	7603.17	28972.08	7230.44	17904.46	11280.01	36730.31	7706.29	29139.49	129489.80	465882.91

7.4 QUESTIONS WITHOUT NOTICE

The Chairperson may invite members of the public present to ask questions without notice.

Questions are to relate to the activities of the Council. Questions without notice will be dependent on available time at the meeting.

Council Policy provides that the Chairperson may refuse to allow a question on notice to be listed or refuse to respond to a question put at a meeting without notice that relates to any item listed on the agenda for the Council meeting (note: this ground for refusal is in order to avoid any procedural fairness concerns arising in respect to any matter to be determined on the Council Meeting Agenda.

When dealing with Questions without Notice that require research and a more detailed response the Chairman may require that the question be put on notice and in writing. Wherever possible, answers will be provided at the next ordinary Council Meeting.

8. DEPUTATIONS BY MEMBERS OF THE PUBLIC

(File No 10/03/04)

(In accordance with Regulation 38 of the Local Government (Meeting Procedures) Regulations 2015 and in accordance with Council Policy, deputation requests are invited to address the Meeting and make statements or deliver reports to Council)

SUBDIVISION APPLICATION SD-2015/51 – 240 GEILSTON BAY ROAD AND 4, 6, 8, 16 AND 18 ANDREAS PLACE (INCLUDING 240A GEILSTON BAY ROAD), GEILSTON BAY – BOUNDARY ADJUSTMENT

(REFER ITEM 11.3.1)

Mr Jim Tsiakis addressed the Meeting regarding the above Subdivision Application.

9. MOTIONS ON NOTICE

Nil.

10. REPORTS FROM OUTSIDE BODIES

This agenda item is listed to facilitate the receipt of both informal and formal reporting from various outside bodies upon which Council has a representative involvement.

10.1 REPORTS FROM SINGLE AND JOINT AUTHORITIES

Provision is made for reports from Single and Joint Authorities if required

Council is a participant in the following Single and Joint Authorities. These Authorities are required to provide quarterly reports to participating Councils, and these will be listed under this segment as and when received.

- **SOUTHERN TASMANIAN COUNCILS AUTHORITY**
Representative: Ald Doug Chipman, Mayor or nominee

Quarterly Reports

The Southern Tasmanian Councils Authority has distributed its Quarterly Report for the period 1 July to 30 September 2015.

RECOMMENDATION:

That the Quarterly Report of the Southern Tasmanian Councils Authority for the Quarter ending 30 September 2015 be received.

Decision: **MOVED** Ald Chong **SECONDED** Ald von Bertouch

“That the Quarterly Report of the Southern Tasmanian Councils Authority for the Quarter ending 30 September 2015 be received”.

CARRIED UNANIMOUSLY

Representative Reporting

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**
Representatives: Ald Jock Campbell
(Ald Peter Cusick, Deputy Representative)

Quarterly Reports

September and December Quarterly Reports pending.

Representative Reporting

REPORTS FROM SINGLE AND JOINT AUTHORITIES /contd...

- **SOUTHERN WASTE STRATEGY AUTHORITY**
Representative: Ald Richard James
(Ald Sharyn von Bertouch, Proxy)

Quarterly Reports

September and December Quarterly Reports pending.

Representative Reporting

- **TASWATER CORPORATION**

10.2 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES**AUDIT COMMITTEE**

(File No 07/02/12)

Chairperson's Report 39 – December 2015

The Audit Committee met on 26 November 2015 and attached was a copy of the draft Minutes of the Meeting for tabling at Council's Meeting.

An update on the progress regarding the tender and evaluation process for new IT solutions for the Council was provided to the meeting and the Committee noted that the first stage of the 2 stage tender process has now concluded with the preferred suppliers now being invited to participate and submit their final tenders for IT solutions. The Committee was encouraged to hear that a probity auditor has been engaged to overview the process being conducted which it regards as sound governance practice for such a strategically important procurement.

The Committee received a report for the delayed Project 41: - Parks and Recreation Facilities Safety and Risk Assessments. The Committee has considered the findings and has asked that further aspects of this activity be considered and that additional information on the Project be further reported to the Committee's next meeting.

The Committee has now received and endorsed scope documentation for all of the 2015/16 Audit Programme as follows:

- Project 46 – Council Business Continuity Plan (Consultant firm RXP Services);
- Project 47 - Corporate Induction Programme and Staff Exit Controls (Consultant firm Quartz Consulting); and
- Project 48 – Appropriate Use of Delegations (Governance Consultant, Carolyn Pillans)

Work on the programme is scheduled to commence December 2015.

The Committee has now commenced the development of a forward Strategic Internal Audit Plan 2016/17 – 2018/19. The Committee has recognised that having undertaken a range of audit projects from the time of the Committee's inception, these projects have been carried out as individual initiatives based on historical and industry understanding and background knowledge of the traditional areas of internal audit activity. Earlier programmes have therefore been determined without comprehensive contextual consideration.

At the request of the Committee a preliminary draft for a forward Plan was submitted to the meeting for consideration. This draft has provided the Committee with a sound basis for the preparation of this important initiative. It has revealed that in the development of a forward programme it cannot be limited to just a forward 3 year period. The draft has considered at least a 10 year timeframe to provide a sufficiently comprehensive coverage of audit activity targeted at the whole of the Council’s operations.

The Committee will next consider the methods for setting prioritisation scheduling of audits and determining the frequency of audit reviews to be carried out within a structured audit programme. The Committee considers a risk based approach will be required to determine priorities. Consideration will also cover the nature and tailoring of review scopes to achieve a consistent methodology for those audit areas that are of a recurrent nature. There remains considerable work to do on this initiative and in recognition of this the Committee has decided to hold a “special” meeting earlier in the next calendar year dedicated to workshopping this initiative in further detail.

RECOMMENDATION:

That the Chairperson’s Report be received by Council.

Decision: **MOVED** Ald Chong **SECONDED** Ald Hulme

“That the Chairperson’s Report be received by Council”.

CARRIED UNANIMOUSLY

Committee of Management of Business East

- Ald Hulme tabled the Minutes of Meetings held on 13 October 2015 and 10 November 2015.

Clarence Bicycle Steering Committee

- Ald von Bertouch tabled the Minutes of a Meeting held on 7 December 2015.

11. REPORTS OF OFFICERS**11.1 WEEKLY BRIEFING REPORTS**

(File No 10/02/02)

The Weekly Briefing Reports of 7, 14 and 21 December 2015 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 7, 14 and 21 December 2015 be noted.

Decision: **MOVED** Ald Campbell **SECONDED** Ald Cusick

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

Nil.

11.3 PLANNING AUTHORITY MATTERS

In accordance with Regulation 25 (1) of the Local Government (Meeting Procedures) Regulations 2015, the Mayor advises that the Council intends to act as a Planning Authority under the Land Use Planning and Approvals Act 1993, to deal with the following items:

11.3.1 SUBDIVISION APPLICATION SD-2015/51 - 240 GEILSTON BAY ROAD AND 4, 6, 8, 16 AND 18 ANDREAS PLACE (INCLUDING 240A GEILSTON BAY ROAD), GEILSTON BAY - BOUNDARY ADJUSTMENT
(File No SD-2015/51)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a boundary adjustment at 240 Geilston Bay Road and 4, 6, 8, 16 and 18 Andreas Place (including 240A Geilston Bay Road), Geilston Bay.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and Environmental Living and subject to the Bushfire Prone Areas, Waterway and Coastal Protection and Natural Assets Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

The report on this item details the basis and reasons for the recommendation. Any alternative decision by Council will require a full statement of reasons in order to maintain the integrity of the Planning approval process and to comply with the requirements of the Judicial Review Act and the Local Government (Meeting Procedures) Regulations 2015.

Council is required to exercise a discretion within the statutory 42 day period which was extended with the consent of the applicant until 13 January 2016.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 3 representations were received raising the following issues:

- vehicular access to Lot 103;
- the property owner of 8 Andreas Place does not consent to the proposed development;
- personal details published on Council's website;
- dwelling at 16 Andreas Place constructed on the boundary of 8 Andreas Place without the necessary approvals; and
- request that Council's process be suspended until the issues raised by the representors can be resolved.

RECOMMENDATION:

- A. That the application for Boundary Adjustment at 240 Geilston Bay Road and 4, 6, 8, 16 and 18 Andreas Place (including 240A Geilston Bay Road), Geilston Bay (Cl Ref SD-2015/51) be refused for the following reason.
1. The form of Lot 103 does not provide a future well laid out residential development as envisaged by the parent subdivision permit and the General Residential Zone.

- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

Decision:	MOVED Ald James SECONDED Ald Campbell
	<p>“A. That the application for Boundary Adjustment at 240 Geilston Bay Road and 4, 6, 8 , 16 and 18 Andreas Place (including 240A Geilston Bay Road), Geilston Bay (CI Ref SD-2015/51) be approved subject to the following conditions.</p> <ol style="list-style-type: none">1. GEN AP1 – ENDORSED PLANS.2. ENG S1 – INFRASTRUCTURE REPAIR.3. ENG S2 – SERVICES.4. ENG S4 – STORMWATER CONNECTION.5. ENG M2 – DESIGNS SD delete first 3 dot points.6. ENG M8 – EASEMENTS.7. GEN F5 – PART 5 AGREEMENT [bushfire hazard management for 4, 6 and 18 Andreas Place in accordance with the Bushfire Management Planning Report, Mark Van den Berg, September 2015].8. The development must meet all required Conditions of Approval specified by TasWater notice dated 19 November 2015 (TWDA 2015/01667-CCC).

/ Decision contd on Page 21...

SUBDIVISION APPLICATION SD-2015/51 - 240 GEILSTON BAY ROAD AND 4, 6, 8, 16 AND 18 ANDREAS PLACE (INCLUDING 240A GEILSTON BAY ROAD), GEILSTON BAY - BOUNDARY ADJUSTMENT /Decision contd...

B. That the reasons for Council's decision in respect of this matter be recorded as:

- The proposal meets the provisions of the previous parent subdivisional plan and the lots size requirements of the General Residential Zone under the Clarence Planning Scheme 2015".

CARRIED

FOR

Ald Campbell
Ald Chipman
Ald Chong
Ald Hulme
Ald James
Ald Peers
Ald Thurley
Ald von Bertouch
Ald Walker

AGAINST

Ald Cusick
Ald Doust

Council now concludes its deliberations as a Planning Authority under the Land Use Planning and Approvals Act, 1993.

11.4 CUSTOMER SERVICE

Nil Items.

11.5 ASSET MANAGEMENT

Nil Items.

11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE

Nil Items.

12. ALDERMEN'S QUESTION TIME

An Alderman may ask a question with or without notice at Council Meetings. No debate is permitted on any questions or answers.

12.1 QUESTIONS ON NOTICE

(Seven days before an ordinary Meeting, an Alderman may give written notice to the General Manager of a question in respect of which the Alderman seeks an answer at the meeting).

Nil

12.2 ANSWERS TO QUESTIONS ON NOTICE

Nil

12.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

12.4 QUESTIONS WITHOUT NOTICE

An Alderman may ask a Question without Notice of the Chairman or another Alderman or the General Manager. Note: the Chairman may refuse to accept a Question without Notice if it does not relate to the activities of the Council. A person who is asked a Question without Notice may decline to answer the question.

Questions without notice and their answers will not be recorded in the minutes.

The Chairman may refuse to accept a question if it does not relate to Council's activities.

The Chairman may require a question without notice to be put in writing. The Chairman, an Alderman or the General Manager may decline to answer a question without notice.

13. CLOSED MEETING

Regulation 15 of the Local Government (Meetings Procedures) Regulations 2015 provides that Council may consider certain sensitive matters in Closed Meeting.

The following matters were listed in the Closed Meeting section of the Council Agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015.

- 13.1 APPLICATIONS FOR LEAVE OF ABSENCE
- 13.2 APPOINTMENT OF COMMITTEE MEMBER

In accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015 the reports in the Closed Meeting section of the Council Agenda were dealt with on the grounds that the detail covered in the reports relates to:

- personnel matters;
- applications by Aldermen for a Leave of Absence.

The content of reports and details of the Council decisions in respect to items listed in “Closed Meeting” are to be kept “confidential” and are not to be communicated, reproduced or published unless authorised by the Council.

Decision:

PROCEDURAL MOTION
MOVED Ald Peers **SECONDED** Ald Doust

“That the Meeting be closed to the public to consider Regulation 15 matters, and that members of the public be required to leave the meeting room”.

CARRIED UNANIMOUSLY

The Meeting closed at 8.13pm.