

MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 11 MAY 2015

HOURLY 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
P K McFarlane
J Peers
D Thurley
S von Bertouch
J Walker; present.

1. APOLOGIES Nil.

ORDER OF BUSINESS Items 1 – 13

IN ATTENDANCE General Manager
(Mr A Paul)
Group Manager Asset Management
(Mr J Stevens)
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 10.48pm.

COUNCIL MEETING
MONDAY 11 MAY 2015
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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 20 April 2015, as circulated, be taken as read and confirmed.

Decision: **MOVED** Ald Peers **SECONDED** Ald Chong

“That the Minutes of the Council Meeting held on 20 April 2015, as circulated, be taken as read and confirmed”.

CARRIED UNANIMOUSLY

3. MAYOR’S COMMUNICATION

The Mayor drew the Meeting’s attention to the forthcoming 50 years of service of one of Council’s employees, Mr John Judge, who commenced employment with Council on 20 May 1965. John was initially employed as a Junior Draftsman and is now Council’s Manager Works and Asset Planning.

On behalf of Council the Mayor extended congratulations to John for this unique milestone.

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

“That Council acknowledge and expresses its appreciation to Mr John Judge for his 50 years of outstanding service to Clarence City Council and our community”.

CARRIED UNANIMOUSLY

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
Budget Discussions IT Strategy Plan Statewide Planning Scheme Local Government (Meeting Procedures) Regulations 2005	27 April
Budget Discussions Bi-ennial Parking Survey Signage at Recreational Facilities Rating Policy	4 May

RECOMMENDATION:

That Council notes the workshops conducted.

Decision: **MOVED** Ald Thurley **SECONDED** Ald Chong

“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 2005 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)

Nil.

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.

Mr D Griggs of Risdon Vale has given notice of the following Questions:

1. **ALDERMEN ENTITLEMENTS REPORTING**
Will Council on their website please publish all expenses for which Aldermen make claims for and for which Council pays, on a monthly basis for ratepayers to view?
2. **COMMUNITY ENGAGEMENT FORUM**
Will Council consider community engagement forums held every three months at different locations throughout the City of Clarence with Aldermen and senior Council staff present to enable residents enhanced access to Council with these forums to be well advertised ahead of time?

7.2 ANSWERS TO QUESTIONS ON NOTICE

The General Manager provided the following answer to question at Item 7.1.

1. **ALDERMEN ENTITLEMENTS REPORTING**
The Council has provided detailed public reporting of Aldermen's expenses claims since 2003. The reporting of claims is communicated through the Council's Quarterly Reports which are placed on the Council Meeting agenda and are therefore publically available.

From 2014 technology improvements have enabled the Quarterly Report to be published on the Council web site; with all Quarterly Reports from June 2014 to March 2015 being available for direct public access.

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ANSWERS TO QUESTIONS ON NOTICE /CONTD...**2. COMMUNITY ENGAGEMENT FORUM**

Consistent with its adopted Community Participation Policy the Council engages extensively with its community through both general and targeted consultation seeking the community views on specific policies and projects. In preference to open forums the Council has also established a range of specific purpose advisory committees which provide community input on a range of strategic and operational programmes and initiatives.

7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

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.

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.

Questions without notice and their answers will not be recorded.

8. DEPUTATIONS BY MEMBERS OF THE PUBLIC

(File No 10/03/04)

(In accordance with Regulation 38 of the Local Government (Meeting Procedures) Regulations 2005 and in accordance with Council Policy, deputation requests are invited to address the Meeting and make statements or deliver reports to Council)

LAUDERDALE TO ROKEBY WALKING TRACK

(REFER ITEM 11.5.1)

Mr Zdenek Vitesnik addressed the Meeting regarding the above matter.

DEVELOPMENT APPLICATION D-2014/440 – 13, 19 AND 21 KENT STREET, LINDISFARNE – DWELLING, STUDIO AND CARPORT

(REFER ITEM 11.3.1)

Mr Douglass Walker addressed the Meeting regarding the above Development Application.

DEVELOPMENT APPLICATION D-2015/98 – LEVEL 3, 31 CAMBRIDGE ROAD, BELLERIVE – CHANGE OF USE TO CONSULTING ROOMS

(REFER ITEM 11.3.2)

M/s Lisa Sproule addressed the Meeting regarding the above Development Application.

9. MOTIONS ON NOTICE**9.1 NOTICE OF MOTION – ALD DOUST
ROSNY PARK GOLF COURSE**

(File No 10-03-05)

In accordance with Notice given it was:

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

“That Council request the Minister administering the Crown Lands Act 1976 to amend the current restriction on the Rosny Park Golf Course title to provide for the land to be utilised for additional purposes, other than as a Public Golf Course, such as parklands, gardens, passive recreation and their related community facilities”.

CARRIED UNANIMOUSLY

Ald Walker left the Meeting at this stage 8.54pm.

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

March Quarterly Report pending.

Representative Reporting

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

Quarterly Reports

March Quarterly Report pending

Representative Reporting

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

Quarterly Reports

March Quarterly Report pending.

Representative Reporting

Ald James tabled the Minutes of a Meeting held on 27 February 2015 and also read and tabled a letter to the General Manager dated 7 May 2015 regarding the future of the Authority.

Ald Walker returned to the Meeting at this stage (7.55pm).

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REPORTS FROM SINGLE AND JOINT AUTHORITIES /contd...

Decision:		MOVED Ald James SECONDED Ald von Bertouch
		“That the Minutes and Letter be received”.
		CARRIED
FOR	AGAINST	
Ald Campbell	Ald Walker	
Ald Chipman		
Ald Chong		
Ald Cusick		
Ald Doust		
Ald Hulme		
Ald James		
Ald McFarlane		
Ald Peers		
Ald Thurley		
Ald von Bertouch		

- **TASWATER CORPORATION**

10.2 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES

Richmond Advisory Committee

- Ald Chong tabled the Minutes of a Meeting held on 17 March 2015.

Community Health and Wellbeing Advisory Committee

- Ald Chong tabled the Minutes of a Meeting held on 4 March 2015.

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

(File No 10/02/02)

The Weekly Briefing Reports of 20 and 27 April and 4 May 2015 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 20 and 27 April and 4 May 2015 be noted.

Decision: **MOVED** Ald Chong **SECONDED** Ald Thurley

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS**11.2.1 PETITION – BELLERIVE BEACH PARK CAR PARK**

(File No D006/3)

EXECUTIVE SUMMARY**PURPOSE**

To consider the petition presented at Council's Meeting on 20 April 2015 from 647 signatories requesting Council maintain the existing Bellerive Beach Park Car Park in its current location and to reaffirm and honour the 2012 Bellerive Beach Park Master Plan.

RELATION TO EXISTING POLICY/PLANS

Not applicable.

LEGISLATIVE REQUIREMENTS

Section 60 of the Local Government Act, 1993 requires Council to formally consider petitions within 42 days of receipt.

CONSULTATION

Consultation was undertaken on the revised Master Plan for the redevelopment of the Bellerive Beach Park with the broader community.

FINANCIAL IMPLICATIONS

Not applicable.

RECOMMENDATION:

- A. That Council notes the intent of the petition.
- B. That Council advises the petitioners that Council confirms its decision of 16 March 2015:

“A. In response to the community information program on the revised Bellerive Beach Park Master Plan, Council modifies the revised Bellerive Beach Park Master Plan with the following enhancements:

- further review kayak drop off facility required to enhance safety;*
- further review DDA parking closer to beach;*
- consider bus parking for small buses eg Southern Support School; and*
- develop the recommendations from Pitt & Sherry safety assessment into the final detailed design.*

B. Council authorises the General Manager to advise the community members who provided feedback to the community information process of Council's decision.

- C. *That implementation of the Bellerive Beach Park Master Plan be staged over 3 financial years subject to Council approval as part of future Annual Plans.*
- D. *That Stage 1 be listed for consideration as part of Council's 2015-2016 Capital Works Program".*

Decision:**MOVED** Ald James **SECONDED** Ald Peers

"A. That Council notes the intent of the petition.

B. That Council advises the petitioners:

1. In response to the community information programme on the revised Bellerive Beach Park Master Plan and the petition received, Council modifies the revised Bellerive Beach Park Master Plan with the following enhancements:
 - Council keep 22 car parking spaces (1 row only) facing the beach in the existing location in Queen Street, Bellerive and relocate 34 car parking spaces to Derwent Street;
 - further review kayak drop-off facility required to enhance safety;
 - further review DDA parking closer to beach;
 - consider bus parking for small buses eg Southern Support School; and
 - re-align the playground area so as not to access the beach via the car park and to incorporate safety changes into Pitt and Sherry safety assessment into the final detailed design.
2. Council authorises the General Manager to advise the community members who provided feedback to the community information process of Council's decision.
3. That implementation of the Bellerive Beach Park Master Plan be staged over 3 years subject to Council approval as part of future Annual Plans.

/ Decision contd on Page 15...

PETITION – BELLERIVE BEACH PARK CAR PARK /Decision contd...

4. That Stage 1 be listed for consideration as part of Council’s 2015-2016 Capital Works Program.

The **MOTION** was **put** and **LOST**

FOR

Ald James
Ald McFarlane
Ald Peers

AGAINST

Ald Campbell
Ald Chipman
Ald Chong
Ald Cusick
Ald Doust
Ald Hulme
Ald Thurley
Ald von Bertouch
Ald Walker

FORESHADOWED MOTION

MOVED Ald Hulme **SECONDED** Ald Walker

“That the Recommendation be adopted”.

CARRIED

FOR

Ald Campbell
Ald Chipman
Ald Chong
Ald Cusick
Ald Doust
Ald Hulme
Ald Thurley
Ald von Bertouch
Ald Walker

AGAINST

Ald James
Ald McFarlane
Ald Peers

11.3 PLANNING AUTHORITY MATTERS

In accordance with Regulation 25 (1) of the Local Government (Meeting Procedures) Regulations 2005, 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 DEVELOPMENT APPLICATION D-2014/440 - 13, 19 AND 21 KENT STREET, LINDISFARNE - DWELLING, STUDIO AND CARPORT
(File No D-2014/440)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Single Dwelling at 21 Kent Street, Lindisfarne.

RELATION TO PLANNING PROVISIONS

The land is zoned Rural Residential under the Clarence Planning Scheme 2007 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development relating to a proposed boundary setback variation.

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 2005.

Council is required to exercise a discretion within the statutory 42 day period, which has been extended to 13 May 2015 with the written agreement of the applicant.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 6 representations were received raising the following issues:

- boundary setback variation;
- development on skyline;
- layout of proposed development;
- right-of-way access;
- location of existing driveway and right-of-way;
- wheelie bin collection;
- suitability of the land for development;
- bushfire management;
- ancillary dwelling;
- traffic impact on 148 Begonia Street;
- on-site stormwater disposal;
- services;
- inclusion of 13 Kent Street in application;
- zoning of 13 Kent Street;
- vegetation removal; and
- notification of application.

RECOMMENDATION:

- A. That the Development Application for Dwelling, Studio and Carport at 13, 19 and 21 Kent Street, Lindisfarne (CI Ref D-2014/440) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
 2. GEN M8 – SINGLE DWELLING (replace “building” with “studio”).
 3. The use or development must only be undertaken and maintained in accordance with the endorsed Bushfire Hazard Assessment Report and Bushfire Hazard Management Plan prepared by Michael Eastwood, unless an alternative Bushfire Hazard Management Plan is approved by Council.
- 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 Thurley SECONDED Ald James
	<p>“A. That the Development Application for Dwelling, Studio and Carport at 13, 19 and 21 Kent Street, Lindisfarne (Cl Ref D-2014/440) be refused for the following reasons.</p> <ol style="list-style-type: none">1. The proposal represents an overdevelopment of the site and as a result will adversely affect the amenity of the area.2. The development does not comply with the south-west and north-east side setback standards of the Scheme. <p>B. That the reasons for Council’s decision in respect of this matter be recorded as follows.</p> <ul style="list-style-type: none">• The Rural Residential zone intends that development is set well back from boundaries to protect the non-urban character of the locality. The fact that in this case, all of the proposed buildings require significant setback reductions is indicative of an overdevelopment.• Adjoining properties have a reasonable expectation that setbacks of such extent could not be anticipated.

/ Decision contd on Page 19...

**DEVELOPMENT APPLICATION D-2014/440 - 13, 19 AND 21 KENT STREET,
LINDISFARNE - DWELLING, STUDIO AND CARPORT /Decision contd...**

- A reconfiguration and/or realignment of the studio and car port in particular could produce a substantially more compliant design, which would be more consistent with the intent of the zone and the amenity impacts on adjacent property”.

The **MOTION** was **put** and **LOST**

FOR	AGAINST
Ald Cusick	Ald Campbell
Ald Doust	Ald Chong
Ald James	Ald Hulme
Ald McFarlane	Ald Peers
Ald Thurley	Ald von Bertouch
Ald Walker	Ald Chipman (abstained)

FORESHADOWED MOTION
MOVED Ald Hulme **SECONDED** Ald von Bertouch

“That the Recommendation be adopted”.

The **MOTION** was **put** and **LOST**

FOR	AGAINST
Ald Campbell	Ald Cusick
Ald Chong	Ald Doust
Ald Hulme	Ald James
Ald Peers	Ald McFarlane
Ald von Bertouch	Ald Thurley
	Ald Walker
	Ald Chipman (abstained)

The Mayor **recommitted** the Item and the initial Motion from Ald Thurley was again put to the Meeting.

The **MOTION** was **put** and **CARRIED**

FOR	AGAINST
Ald Chipman	Ald Campbell
Ald Cusick	Ald Chong
Ald Doust	Ald Hulme
Ald James	Ald Peers
Ald McFarlane	Ald von Bertouch
Ald Thurley	
Ald Walker	

11.3.2 DEVELOPMENT APPLICATION D-2015/98 - LEVEL 3, 31 CAMBRIDGE ROAD, BELLERIVE - CHANGE OF USE TO CONSULTING ROOMS
(File No D-2015/98)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Change of Use from Office to Consulting Rooms at 31 Cambridge Road, Bellerive.

RELATION TO PLANNING PROVISIONS

The land is zoned Commercial and subject to the Bellerive Centre Overlay under the Clarence Planning Scheme 2007 (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 2005.

Council is required to exercise a discretion within the statutory 42 day period which has been extended to expire on 12 May 2015.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and no representations were received.

RECOMMENDATION:

- A. That the Development Application for Change of Use to Consulting Rooms at Level 3, 31 Cambridge Road, Bellerive (CI Ref D-2015/98) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. Not more than 7 full time equivalent allied health and holistic wellness practitioners may receive patients on-site at any one time.
 3. The consulting rooms must only be used by the following practitioners: specialist medical practitioners; nurse practitioners; midwives; lactation consultants; child health nurses; physiotherapists; osteopathy, exercise physiology; occupational therapists; speech therapists; psychologists; dieticians; nutritionist; naturopaths; wellness coaches; hypnotherapists; Bowen therapy/baby Bowen; massage therapists; reiki; acupuncturists; Feldenkrais; chakra balancing and crystal healing.

4. GEN C2 – CASH-IN-LIEU. [\$50,000] [5 spaces].

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:	<p>MOVED Ald Thurley SECONDED Ald Cusick</p> <p>“A. That Council adopts the officer’s recommendation, subject to Condition 4 being deleted.</p> <p>B. That the reasons for Council’s decision in respect of this matter be recorded as follows.</p> <ul style="list-style-type: none"> • A requirement to pay cash-in-lieu for car parking would stop the business from proceeding. • A major part of the business model relies on an outreach service. This will reduce the numbers of patients needing to visit the site and therefore, will minimise car parking needs for the premises. • The proposal will be great benefit to the local community and will be a much better use of a previously underutilised space”. <p>The MOTION was put and LOST</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;">FOR</td> <td style="width: 50%; vertical-align: top;">AGAINST</td> </tr> <tr> <td>Ald Campbell</td> <td>Ald Chong</td> </tr> <tr> <td>Ald Cusick</td> <td>Ald Hulme</td> </tr> <tr> <td>Ald Doust</td> <td>Ald James</td> </tr> <tr> <td>Ald Thurley</td> <td>Ald McFarlane</td> </tr> <tr> <td></td> <td>Ald Peers</td> </tr> <tr> <td></td> <td>Ald von Bertouch</td> </tr> <tr> <td></td> <td>Ald Walker</td> </tr> <tr> <td></td> <td>Ald Chipman (abstained)</td> </tr> </table>	FOR	AGAINST	Ald Campbell	Ald Chong	Ald Cusick	Ald Hulme	Ald Doust	Ald James	Ald Thurley	Ald McFarlane		Ald Peers		Ald von Bertouch		Ald Walker		Ald Chipman (abstained)
FOR	AGAINST																		
Ald Campbell	Ald Chong																		
Ald Cusick	Ald Hulme																		
Ald Doust	Ald James																		
Ald Thurley	Ald McFarlane																		
	Ald Peers																		
	Ald von Bertouch																		
	Ald Walker																		
	Ald Chipman (abstained)																		

/ Decision contd on Page 22...

**DEVELOPMENT APPLICATION D-2015/98 - LEVEL 3, 31 CAMBRIDGE ROAD,
BELLERIVE - CHANGE OF USE TO CONSULTING ROOMS /Decision contd...****FORESHADOWED MOTION****MOVED** Ald James **SECONDED** Ald von Bertouch

“That the Recommendation be adopted”.

CARRIED**FOR**Ald Chong
Ald Cusick
Ald Hulme
Ald James
Ald McFarlane
Ald Peers
Ald von Bertouch
Ald Walker**AGAINST**Ald Campbell
Ald Doust
Ald Thurley
Ald Chipman (abstained)

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**11.5.1 LAUDERDALE TO ROKEBY WALKING TRACK**

(File No 04-04-03)

EXECUTIVE SUMMARY**PURPOSE**

To report on the results of the public survey and to seek Council's approval of the next stage in the process to create a foreshore walking track between Lauderdale and Rokeby.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2010-2015 is relevant.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Discussions have been held with the 5 affected property owners on the possibility of a Lauderdale to Rokeby walking track, a section of which will cross their respective properties.

A survey has been conducted to determine the likely usage of a walking track between Lauderdale and Rokeby and the community's preferred route for the walking track.

FINANCIAL IMPLICATIONS

The walking track from Lauderdale to Rokeby has not been funded by Council and will be listed for consideration in the future Capital Works Program.

RECOMMENDATION:

- A. That Council confirms its decision of 26 May 2014 that the foreshore option shown on the attached plan remains Council's preferred route for the Clarence Foreshore Trail from Lauderdale to Rokeby.
- B. That Council authorises the General Manager or his nominated representatives to:
 - (a) commence the process of negotiating with the owners of private land, which the Clarence Foreshore Trail will pass through, the acquisition, by compulsory process if necessary, of appropriate access rights;
 - (b) negotiate with the Crown for the right to extend the Clarence Foreshore Trail over the Crown reservations that lie to the east and west of the affected private properties;
 - (c) negotiate agreement with Tasmania Police for the Clarence Foreshore Trail to pass through the Police Academy property;

- (d) subject to the above or satisfactory progress with the same, to proceed with design and costing of the Clarence Foreshore Trail; and
- (e) list the construction of the Clarence Foreshore Trail in a future capital works program.

Decision:**MOVED** Ald McFarlane **SECONDED** Ald James

“A. That Council confirms its decision of 26 May 2014 that the foreshore option shown on the attached plan remains Council’s preferred route for the Clarence Foreshore Trail from Lauderdale to Rokeby

B. That Council authorises the General Manager or his nominated representatives to undertake further discussions with residents on how best to give effect to part (A) of the recommendation.

C. That the General Manager provides a further report to Council.

CARRIED**FOR**

Ald Campbell
 Ald Chipman
 Ald Chong
 Ald Hulme
 Ald James
 Ald McFarlane
 Ald von Bertouch

AGAINST

Ald Cusick
 Ald Doust
 Ald Peers
 Ald Thurley
 Ald Walker

11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 QUARTERLY REPORT TO 31 MARCH 2015**

(File No 10/02/05)

EXECUTIVE SUMMARY**PURPOSE**

To consider the General Manager's Quarterly Report covering the period 1 January 2015 to 31 March 2015.

RELATION TO EXISTING POLICY/PLANS

The Report uses as its base the Annual Plan adopted by Council and is consistent with Council's previously adopted Strategic Plan 2010-2015.

LEGISLATIVE REQUIREMENTS

There is no specific legislative requirement associated with regular internal reporting.

CONSULTATION

Not applicable.

FINANCIAL IMPLICATIONS

The Quarterly Report provides details of Council's financial performance for the period. The report also details a number of proposed changes to budget allocations within the capital expenditure programme, which are contained within the recommendation. With the exception of the Mens Shed Howrah project, which requests additional funding of \$5,000, the proposed budget changes are cost neutral in that they are either reallocations of approved funding or offsetting reductions in project budgets and grant funding.

RECOMMENDATION:

- A. That the Quarterly Report to 31 March 2015 be received.
- B. That Council amends the 2014-2015 Estimates, consistent with advice contained within the Report, as follows:
 - a. Reduction in both the grant income estimates and capital expenditure estimates in respect of the following projects and respective amounts:
 - Risdon Vale Mountain Bike Path: grant \$176,000; expenditure \$176,000;
 - Men's Shed Howrah: grant \$73,000; expenditure \$68,000; and
 - Lindisfarne Tennis Club Resurfacing: grant \$47,714; expenditure \$47,714.
 - b. Transfer the estimate of \$52,000 in respect of general playground softfall within the Communities and People Program to the Bellerive Beach Park project.

- c. Transfer of \$124,000 to the Pass Road Multi-user Path Extension from various project estimates within the Roads Program off-set by identified savings.
- d. Transfer of \$350,000 from Major Digouts to Footpath Remediation within the Roads Program.
- e. Transfer of the Bellerive Beach Car Park Estimate (\$500,000) from the Passive Recreation Program to the Roads Program.

Decision:

MOVED Ald Campbell **SECONDED** Ald Chong

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

**11.7.2 LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2015
CONSULTATION PAPER**

(File No 02-02-01)

EXECUTIVE SUMMARY**PURPOSE**

To consider Council's response to a consultation paper on the review of the Local Government (Meeting Procedures) Regulations 2015 prepared by the Division of Local Government.

RELATION TO EXISTING POLICY/PLANS

Some of the response to this paper relates to a number of existing Council policies.

LEGISLATIVE REQUIREMENTS

There are no statutory requirements associated with the discussion/consultation papers, however, Council is in the practice of providing responses to such legislative reviews.

CONSULTATION

The consultation paper has been circulated to all Councils in accordance with the standing State/Local Government consultation protocols.

FINANCIAL IMPLICATIONS

Some financial implications may occur should the reforms identified in the paper take place; however, it is unlikely to be of any significance.

RECOMMENDATION:

- A. That Council notes the issues and proposals contained in the Review of Local Government (General) Regulations 2015 Consultation Paper.
- B. That Council endorses the response comments and recommendations included in the Draft response to the Consultation Paper for submission to the Local Government Division.
- C. That as previously resolved, Council further consider its position in respect to the consideration of matters in "Closed Meeting" at a further Council Workshop; noting that this will be in the context of in house policy and will fall outside the consultation period allowed for the review.

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

"That the Recommendation be adopted".

Ald Thurley and Ald Walker left the Meeting at this stage (10.07pm).

The **MOTION** was **put** and **CARRIED UNANIMOUSLY**

11.7.3 KANGAROO BAY – BREAKWATER PIER

(File No K021-20)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the possible lodgement of a Development Application for a breakwater/pier at Kangaroo Bay.

RELATION TO EXISTING POLICY/PLANS

Council has previously adopted a Kangaroo Bay Master Plan that provides guidance in relation to the provision of strategic infrastructure within the Kangaroo Bay precinct. Whilst the establishment of the breakwater/pier is not identified in the Master Plan the provision of quality public infrastructure is generally supported by the Master Plan.

LEGISLATIVE REQUIREMENTS

The provision of a breakwater/pier in Kangaroo Bay would require development approvals from both Council and State authorities.

CONSULTATION

There has been no public consultation to date. The breakwater/pier proposal was raised with Council by the Bellerive Yacht Club.

FINANCIAL IMPLICATIONS

As part of the Kangaroo Bay Crown land transfer to Council, Council has committed, subject to conditions, to make a financial contribution to the proposed breakwater.

RECOMMENDATION:

That Council agrees to lodge a development application for the proposed breakwater/pier proposal for Kangaroo Bay noting the following:

- that the development application be based on the technical reports prepared by the Bellerive Yacht Club;
- that the development application is for the breakwater/pier only;
- that the development application make provisions for the breakwater/pier to provide a high standard of public facility and access; and
- that in lodging the development application Council is not committing to the funding of the infrastructure.

/ Refer to Page 31 for Decision on this Item...

KANGAROO BAY – BREAKWATER PIER /contd...

Decision:	MOVED Ald Cusick SECONDED Ald McFarlane																				
	“That Council agrees to lodge a development application for the proposed breakwater/pier proposal for Kangaroo Bay noting the following:																				
	<ul style="list-style-type: none">• that the development application be based on the technical reports prepared by the Bellerive Yacht Club;• that the development application is for the breakwater/pier only;• that the development application make provisions for the breakwater/pier to provide a high standard of public facility and access; and• that in lodging the development application Council is not committing to the funding of the infrastructure beyond the extent of funding already approved”.																				
	CARRIED																				
	<table><tr><td>FOR</td><td>AGAINST</td></tr><tr><td>Ald Campbell</td><td>Ald James</td></tr><tr><td>Ald Chipman</td><td></td></tr><tr><td>Ald Chong</td><td></td></tr><tr><td>Ald Cusick</td><td></td></tr><tr><td>Ald Doust</td><td></td></tr><tr><td>Ald Hulme</td><td></td></tr><tr><td>Ald McFarlane</td><td></td></tr><tr><td>Ald Peers</td><td></td></tr><tr><td>Ald von Bertouch</td><td></td></tr></table>	FOR	AGAINST	Ald Campbell	Ald James	Ald Chipman		Ald Chong		Ald Cusick		Ald Doust		Ald Hulme		Ald McFarlane		Ald Peers		Ald von Bertouch	
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Ald McFarlane																					
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Ald von Bertouch																					

11.7.4 AIRPORT RATING – AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION MOTION

(File No 10-04-07)

EXECUTIVE SUMMARY

PURPOSE

The purpose of this report is to enable Council to consider a motion submitted to the Australian Local Government Association National Conference with respect to the rating of airports.

RELATION TO EXISTING POLICY/PLANS

Not applicable.

LEGISLATIVE REQUIREMENTS

There is no legislative requirement for airports to pay local rates. The Commonwealth Airport lease provides for airports to pay a “rates equivalent”.

CONSULTATION

Council has been in consultation with the Northern Midlands Council and the Australian Mayoral Aviation Council (AMAC) in regard to a suitably worded motion in respect of airport rating for submission to the Australian Local Government Association national conference. The wording of the motion proposed by Northern Midlands Council is:

“That the Australian Local Government Association (ALGA) make representations to the relevant Australian Government Ministers requesting that the Minister enforce the requirements of the Commonwealth Airport leases in respect to airport lessees making the as levied rate equivalent payments as required under Clauses 26.1 and 26.2 of the airport leases”.

FINANCIAL IMPLICATIONS

The question of “rate equivalent” payments made by airports under the requirements of their Commonwealth leases is a significant component of Council’s “rate” revenue.

RECOMMENDATION:

That Council agrees to second and support the Northern Midlands Council motion.

Ald Cusick left the Meeting at this stage (10.20pm).

Decision: **MOVED** Ald Campbell **SECONDED** Ald Chong

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.7.5 BUSINESS EAST REQUEST FOR FUNDING SUPPORT

(File No 20-21-04)

EXECUTIVE SUMMARY**PURPOSE**

To consider a request from Business East Inc for funding support of their small business advisory service and the Business Excellence Awards.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2010-2015 seeks to provide for the sustainable economic growth of the City and to work in partnership with government and industry groups to identify appropriate commercial and development opportunities within Clarence.

LEGISLATIVE REQUIREMENTS

Not applicable.

CONSULTATION

Not applicable.

FINANCIAL IMPLICATIONS

Council's draft 2015-2016 budget has a budget provision for the support of Business East Services.

RECOMMENDATION:

That subject to the 2015-2016 budget approval, Council provides funds to Business East Inc towards a local small business advisory service, together with an amount of \$2,500 for sponsorship of the 2015 Clarence Business Excellence Awards.

Decision:

MOVED Ald Doust **SECONDED** Ald Campbell

"A. That consideration of this item be deferred.

B. That representatives of Business East be invited to a Workshop to discuss their funding request.

C. That the matter be relisted for consideration at a future Council Meeting following discussions at a Workshop with representatives of Business East".

Ald Cusick returned to the Meeting at 10.23pm.

Ald McFarlane left the Meeting at 10.24pm.

The **MOTION** was **put** and **CARRIED UNANIMOUSLY**

11.7.6 BELLERIVE OVAL DEVELOPMENT – LESSOR’S CONSENT

(File No D006-15L)

EXECUTIVE SUMMARY**PURPOSE**

The Lease between Council and Cricket Tasmania (CT) requires that any further development at the Bellerive Oval requires the Lessor’s approval in writing.

RELATION TO EXISTING POLICY/PLANS

Council’s Strategic Plan 2010- 2015 is relevant.

LEGISLATIVE REQUIREMENTS

The Telecommunications Act, 1997 is applicable.

CONSULTATION

Nil.

FINANCIAL IMPLICATIONS

The approval of the Lessor to allow further development of Bellerive Oval has no direct financial implications.

RECOMMENDATION:

- A. That Council grants its conditional consent for the further development of a communications tower classed as having “low impact” under the Telecommunications Act 1997 at the Bellerive Oval subject to the scale and scope of the community feedback for the proposed facility
- B. That Council authorises the General Manager to finalise arrangements on behalf of the Council as the Lessor and Landowner approving:
- the further development for a communications tower classed as having “low impact” under the Telecommunications Act 1997 at the Bellerive Oval and
 - the basis of the sub-tenancy arrangements arising from the installation of the communications tower.

/ Refer to Page 35 for Decision on this Item...

BELLERIVE OVAL DEVELOPMENT – LESSOR’S CONSENT /contd...

Decision:	MOVED Ald Hulme SECONDED Ald Chong																						
	“That the Recommendation be adopted”.																						
	Ald McFarlane, Ald Thurley and Ald Walker returned to the Meeting at this stage (10.26pm).																						
	The MOTION was put and CARRIED																						
	<table><tr><td>FOR</td><td>AGAINST</td></tr><tr><td>Ald Campbell</td><td>Ald James</td></tr><tr><td>Ald Chipman</td><td>Ald Peers</td></tr><tr><td>Ald Chong</td><td></td></tr><tr><td>Ald Cusick</td><td></td></tr><tr><td>Ald Doust</td><td></td></tr><tr><td>Ald Hulme</td><td></td></tr><tr><td>Ald McFarlane</td><td></td></tr><tr><td>Ald Thurley</td><td></td></tr><tr><td>Ald von Bertouch</td><td></td></tr><tr><td>Ald Walker</td><td></td></tr></table>	FOR	AGAINST	Ald Campbell	Ald James	Ald Chipman	Ald Peers	Ald Chong		Ald Cusick		Ald Doust		Ald Hulme		Ald McFarlane		Ald Thurley		Ald von Bertouch		Ald Walker	
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Ald von Bertouch																							
Ald Walker																							

Ald James left the Meeting at this stage and did not return (10.39pm).

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).

Ald James gave notice of the following Questions:

1. Are there any provision(s) of the Local Government Act and/or Regulations that addresses the situation where an elected councillor has a family member being an employee of that Council?
2. Are there any provision(s) of LGA/Regulations that addresses the situation where an elected Councillor and also the council's representative on the committee of a council owned facility has a family member being a council employee with that council owned facility?

12.2 ANSWERS TO QUESTIONS ON NOTICE

The General Manager provided the following answers to the Questions set out at Item 12.1

Neither the Local Government Act nor the Regulations have any provision which limits or precludes the situations outlined in Questions 1 or 2.

Employment practices are governed by Section 63 of the Local Government Act, 1993 (Tas), Council policy and other legislative obligations, including: Anti-Discrimination Act, 1998 (Tas), Fair Work Act, 2009 and Work Health and Safety Act, 2012 (Tas).

All legislative provisions require, in respect to practices and procedures for the recruitment and management of staff, that no person is less favourably treated than another person.

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 2005 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 2005.

13.1 APPLICATIONS FOR LEAVE OF ABSENCE

13.2 TENDER T1028-15 – DDA FACILITIES UPGRADE – HOWRAH RECREATION CENTRE, HOWRAH

13.3 PROPERTY MATTER - ROKEBY

In accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2005 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:

- contracts for the supply and purchase of goods and services;
- proposals for the acquisition of land or an interest in the land or for the disposal of land;
- applications by Aldermen for 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 Campbell **SECONDED** Ald Chong

“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 10.48pm.