

MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 27 FEBRUARY 2017

HOUR CALLED: 7.30pm

PRESENT: The meeting commenced at 7.34pm with the Mayor (Ald D C Chipman) in the Chair and with Aldermen:

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

1. APOLOGIES H Chong (Leave of Absence)

ORDER OF BUSINESS Items 1 – 13

IN ATTENDANCE General Manager
(Mr A Paul)
Corporate Treasurer
(Mr F Barta)
Acting Group Manager Asset Management
(Mr R Graham)
Corporate Secretary
(Mr A van der Hek)
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 9.25pm.

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 27 FEBRUARY

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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 6 February 2017, as circulated, be taken as read and confirmed.

Decision: **MOVED** Ald Hulme **SECONDED** Ald Cusick

“That the Minutes of the Council Meeting held on 6 February 2017, as circulated, be taken as read and confirmed”.

CARRIED UNANIMOUSLY

3. MAYOR’S COMMUNICATION

The Mayor advised of a Meeting held with the Mayors and General Managers of Hobart, Kingborough and Glenorchy City Council and the Minister.

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
Presentation – IT Project Implementation Torrens Street, Richmond Strategic Issues Paper, TasWater	14 February
138 East Derwent Highway Cultural History Plan Invitation to Visit Binzhou	20 February

RECOMMENDATION:

That Council notes the workshops conducted.

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

“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

Alderman Peers Item No. 11.7.4

Ald Walker Item No. 11.3.2

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.

Nil.

7.2 ANSWERS TO QUESTIONS ON NOTICE

The Mayor may address Questions on Notice submitted by members of the public.

Nil.

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.

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)

**PLANNED CONNECTION OF 2 TORRENS STREET CUL-DE-SACS – TORRENS STREET,
RICHMOND**

(REFER ITEM 11.2.2)

Mr Nicholas Mooney addressed the Meeting regarding the above matter.

9. MOTIONS ON NOTICE

9.1 NOTICE OF MOTION- ALD MCFARLANE TASMANIAN CONTAINER DEPOSIT SCHEME (File No 10-03-05)

In accordance with Notice given it was:

Decision:	MOVED Ald McFarlane SECONDED Ald Walker
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“1. That Council provide in principal support for the establishment of a container deposit scheme (CDS) in Tasmania and lobby the State Government to legislate to introduce such a scheme.

2. That Council seek support with a similar motion at the next 2017 Tasmanian Local Government AGM/State Conference seeking support from all Councils for a CDS and the necessary legislation”.

CARRIED

FOR

Ald Chipman
Ald Cusick
Ald Doust
Ald Hulme
Ald James
Ald McFarlane
Ald Peers
Ald Thurley
Ald von Bertouch
Ald Walker

AGAINST

Ald Campbell

**9.2 NOTICE OF MOTION – ALD WALKER
RISDON INFRASTRUCTURE**

In accordance with Notice given Ald Walker intended to move the following Motion:

“That Council officers undertake an audit of infrastructure in the Risdon Area”.

With the Leave of the Meeting Ald Walker amended his Motion and it was:

Decision: **MOVED** Ald Walker **SECONDED** Ald McFarlane

“That Council officers undertake an audit of infrastructure in the Risdon Area; namely areas along the length of Saundersons Road, Church Point Road as well as Barr, Cleburne, Gregson and Risdon Streets”.

CARRIED

FOR

Ald Campbell
Ald Chipman
Ald Cusick
Ald Doust
Ald Hulme
Ald McFarlane
Ald Peers
Ald Thurley
Ald von Bertouch
Ald Walker

AGAINST

Ald James (abstained)

**9.3 NOTICE OF MOTION – ALD JAMES
SD-2008/89 AND COMPLETION OF TORRENS STREET, RICHMOND**
(File Nos Sd-2008/89)

In accordance with Notice given it was:

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

“That, given recent concerns relating to the completion of Torrens Street, Richmond and the informal correspondence received from the owners of 3 and 9 Torrens Street indicated their satisfaction (conditional in the case of 9 Torrens Street on the undertaking of works to formalise driveway road access) for retaining the cul-de-sac arrangements in Torrens Street, it be noted that:

1. the only mechanism whereby the Council can be asked to reconsider conditions on the Subdivision Permit (SD-2008/89) is for the owners of the land to submit an application for Council as Planning Authority to consider an amendment under Section 56 of the Land Use Planning and Approvals Act 1993;
2. any application submitted for a Section 56 Amendment would need to demonstrate that it met the legislative tests as a minor amendment; and
3. in the event that an application for an amendment to SD-2008/89 is received by Council then:
 - any proposal involving modification, replacement and/or deletion of conditions on the SD-2008/89 Permit; and
 - the consideration to waive the Council’s usual fees;
 will be matters that will need to be considered by Council as Planning Authority at a meeting in accordance with its obligations under Section 56 of the Land Use Planning and Approvals Act 1993”.

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

FOR

Ald James

AGAINST

Ald Campbell
Ald Cusick
Ald Doust
Ald Hulme
Ald McFarlane
Ald Peers
Ald Thurley
Ald Walker
Ald Chipman (abstained)
Ald von Bertouch (abstained)

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

September Quarterly Report pending.

The Southern Tasmanian Councils Authority has distributed its Quarterly Report for the period 1 October to 31 December 2016.

RECOMMENDATION:

That the Quarterly Report of the Southern Tasmanian Councils Authority for the Quarter ending 31 December 2016 be received.

Decision: **MOVED** Ald McFarlane **SECONDED** Ald Hulme

“That the Quarterly Report of the Southern Tasmanian Councils Authority for the Quarter ending 31 December 2016 be received”.

CARRIED UNANIMOUSLY

Representative Reporting

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

Quarterly Reports

December Quarterly Report pending.

Representative Reporting

Ald Campbell gave a report on the Authority.

/ contd on Page 14...

REPORTS FROM SINGLE AND JOINT AUTHORITIES /contd...

- **SOUTHERN WASTE STRATEGY AUTHORITY**

Representative: Ald Richard James
(Ald Sharyn von Bertouch, Proxy)

Quarterly Reports

September Quarterly Report pending.

Representative Reporting

- **TASWATER CORPORATION**

The Mayor provided an update regarding dialogue he had with the State Treasurer and will circulate documents and media reports to Alderman.

10.2 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES

Disability Access Advisory Committee

- Ald Thurley tabled the Minutes of a Meeting held on 6 December 2016.

Bellerive Community Arts Centre Committee

- Ald Thurley tabled the Minutes of a Meeting held on 8 February 2017 and the Bank Statement for the period ending 31 December 2016.

Lindisfarne Community Activities Centre Management Committee

- Ald Peers tabled the Minutes of a Meeting held on 16 February 2017.

Clarence Positive Ageing Advisory Committee

- Ald von Bertouch tabled the Minutes of a Meeting held on 17 November 2016.

Clarence Senior Citizens Centre Management Committee

- Ald von Bertouch tabled the Minutes of a Meeting held on 9 November 2016 and the Bank Statement for the period ending 31 January 2017.

Tracks and Trails Advisory Committee

- Ald James tabled the Minutes of a Meeting held on 9 February 2017.

Hobart Airport Consultative Group

- The Mayor advised that notes of the Meeting will be circulated to Alderman.

11. REPORTS OF OFFICERS

11.1 WEEKLY BRIEFING REPORTS

(File No 10/02/02)

The Weekly Briefing Reports of 6, 13 and 20 February 2017 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 6, 13 and 20 February 2017 be noted.

Decision: **MOVED** Ald Thurley **SECONDED** Ald Walker

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS**11.2.1 PETITION – PLANNED CONNECTION OF 2 TORRENS STREET CUL-DE-SACS – TORRENS STREET RICHMOND**

(File Nos T034; 10-03-12)

EXECUTIVE SUMMARY**PURPOSE**

To consider the petition tabled at Council's Meeting of 16 January 2017, requesting Council stop the planned through road in Torrens Street, Richmond, which would occur by connecting the 2 existing Torrens Street cul-de-sacs.

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 in accordance with statutory requirements as part of planning application SD-2009-89 and there were 2 representations received.

FINANCIAL IMPLICATIONS

There will potentially be some minor funding implication for Council which will be funded out of savings from the current stormwater and roads program.

RECOMMENDATION:

- A. That Council notes the intent of the petition.
- B. That given Council has previously determined the requirement to connect Torrens Street on a planning permit condition, as the Planning Authority, there is now no capacity to review the decision as the subdivision has been actioned, therefore no further action is required on the petition.
- C. That Council authorises the General Manager to write to the petitioners acknowledging their concerns and the reasons for no further action on this petition.

/ Refer to Page 17 for Decision on this Item...

PETITION – PLANNED CONNECTION OF 2 TORRENS STREET CUL-DE-SACS – TORRENS STREET RICHMOND /contd...

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

“That Council notes the intent of the petition”.

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

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

FORESHADOWED MOTION
MOVED Ald Campbell **SECONDED** Ald Hulme

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

B. That given Council has previously determined the requirement to connect Torrens Street on a planning permit condition, as the Planning Authority, there is now no capacity to review the decision as the subdivision has been actioned, therefore no further action is required on the petition.

C. That Council authorises the General Manager to write to the petitioners acknowledging their concerns and the reasons for no further action on this petition”.

CARRIED

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

11.2.2 PETITION – ACCESS ISSUE SURROUNDING FREEMASONS’ HOME

(File No)

EXECUTIVE SUMMARY**PURPOSE**

To consider the petition tabled at Council’s Meeting of 16 January 2016 requesting that Council upgrade accesses surrounding the Freemasons’ Home in Lindisfarne.

RELATION TO EXISTING POLICY/PLANS

Council’s Strategic Plan 2016-2026 and Access Plan 2014-2018 are relevant.

LEGISLATIVE REQUIREMENTS

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

CONSULTATION

No consultation has been undertaken with the local community in regards to the upgrade of the footpaths.

FINANCIAL IMPLICATIONS

No funds have been allocated within the 2016/2017 Annual Plan to upgrade footpaths surrounding the Freemasons’ Home in Lindisfarne other than through the footpath renewal allocation.

RECOMMENDATION:

- A. That Council notes the intent of the petition.
- B. That Council authorises the General Manager to write to the Petitioners acknowledging their concerns and advising:
- Council Officers will liaise with property owners nearby the Freemasons’ Homes to trim/remove vegetation to be clear of footpaths;
 - Council Officers will liaise with utility service providers to rectify the defects on the footpath created during the installation of such nearby services, and to improve the alignment of pits/surrounds to the adjacent footpath;
 - Council considers footpath upgrades in align with its Asset Management Plan through the annual budget process; and
 - Council Officers will advise Council’s DDA Access Committee to include the consideration of DDA access ramps at select road intersections near Simmons Park, with its priorities of improving pedestrian accessibility in the municipality.

/ Refer to Page 19 for Decision on this Item...

PETITION – ACCESS ISSUE SURROUNDING FREEMASONS’ HOME /contd...

Decision: **MOVED** Ald Peers **SECONDED** Ald Walker

 “That the Recommendation be adopted”.

 Ald James left the Meeting at this stage (8.45pm).

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

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 DEVELOPMENT APPLICATION D-2017/4 - 5 PIPE CLAY ESPLANADE, CREMORNE - ADDITION TO DWELLING AND NEW OUTBUILDINGS
(File No D-2017/4)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for an addition to dwelling and new outbuildings at 5 Pipe Clay Esplanade, Cremorne.

RELATION TO PLANNING PROVISIONS

The land is zoned Village and is subject to the Stormwater Management, Waterway and Coastal Protection, Inundation Prone Areas, Coastal Erosion Hazard, and the On-Site Wastewater Management Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development as the proposal does not meet the acceptable solutions for side and rear boundary setbacks, and acceptable solutions within the codes.

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 has been extended to 1 March 2017 with the written agreement of the applicant.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising the following issues:

- privacy;
- overshadowing;
- visual bulk; and
- water tanks.

RECOMMENDATION:

A. That the Development Application for an addition to dwelling and new outbuildings at 5 Pipe Clay Esplanade, Cremorne (Cl Ref D-2017/4) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AP3 – AMENDED PLANS [- the setbacks of the outbuilding and water tanks from the north-eastern boundary - the setback of the proposed veranda from the north-western boundary; - elevation plans of the water tanks showing maximum height above natural ground level; and - amended elevation plans of the proposed outbuilding showing the window on the north-eastern elevation either deleted, or relocated to the south-eastern elevation].

3. GEN M9 – NONHABITABLE PURPOSES replace “building” with “outbuilding”.
 4. Construction works must be undertaken in accordance with “Wetlands and Waterways Works Manual” (DPIWE, 2003) and “Tasmanian Coastal Works Manual” (DPIPWE, Page and Thorp, 2010).
- 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 Campbell **SECONDED** Ald Thurley

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

**11.3.2 DEVELOPMENT APPLICATION D-2016/500 – 19A LINCOLN STREET,
LINDISFARNE - SPORTS GROUND LIGHTING**
(File No D-2016/500)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for sports ground lighting at 19A Lincoln Street, Lindisfarne.

RELATION TO PLANNING PROVISIONS

The land is zoned Recreation 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 1 March 2017.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising the following issues:

- light spill impacts upon the adjoining Tennis Courts; and
- hours of operation.

RECOMMENDATION:

A. That the Development Application for Sports Ground Lighting at 19A Lincoln Street, Lindisfarne (CI Ref D-2016/500) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. Operation of the lights for Oval 1 must be within the following hours:

Monday – Friday:	8.00am to 8.30pm
Saturday:	8.30am – 10.00pm
Sundays:	Nil.
3. The sportsground lighting must be designed and baffled to ensure light spill impacts are minimised and do not result in any unreasonable glare and uneven lighting impacts on the adjacent tennis courts.

- 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.

The General Manager sought to withdraw this Report from the Agenda.

Decision:	PROCEDURAL MOTION MOVED Ald Campbell SECONDED Ald Hulme “That Item 11.3.2 be withdrawn”. CARRIED																						
	<table><tr><td>FOR</td><td>AGAINST</td></tr><tr><td>Ald Campbell</td><td>Ald Walker (abstained)</td></tr><tr><td>Ald Chipman</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 James</td><td></td></tr><tr><td>Ald McFarlane</td><td></td></tr><tr><td>Ald Peers</td><td></td></tr><tr><td>Ald Thurley</td><td></td></tr><tr><td>Ald von Bertouch</td><td></td></tr></table>	FOR	AGAINST	Ald Campbell	Ald Walker (abstained)	Ald Chipman		Ald Cusick		Ald Doust		Ald Hulme		Ald James		Ald McFarlane		Ald Peers		Ald Thurley		Ald von Bertouch	
FOR	AGAINST																						
Ald Campbell	Ald Walker (abstained)																						
Ald Chipman																							
Ald Cusick																							
Ald Doust																							
Ald Hulme																							
Ald James																							
Ald McFarlane																							
Ald Peers																							
Ald Thurley																							
Ald von Bertouch																							

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**11.7.1 QUARTERLY REPORT TO 31 DECEMBER 2016**

(File No 10/02/05)

EXECUTIVE SUMMARY**PURPOSE**

To consider the General Manager's Quarterly Report covering the period 1 October 2016 to 31 December 2016.

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 2016-2026.

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.

RECOMMENDATION

That the Quarterly Report to 31 December 2016 be received.

Decision: **MOVED** Ald Campbell **SECONDED** Ald Thurley

"That the Recommendation be adopted".

CARRIED UNANIMOUSLY

11.7.2 TRANSFER TO COUNCIL 229 BRINKTOP ROAD, RICHMOND

(File No B089-229)

EXECUTIVE SUMMARY**PURPOSE**

To consider the transfer of the reserve at Brinktop Road, Richmond to Council.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016-2026: *"To develop and implement a public open space network including quality public spaces, parks, reserves, and tracks and trails"*.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Consultation has occurred between Council and the Department of Primary Industries, Parks, Water and the Environment.

FINANCIAL IMPLICATIONS

If the land transfer is accepted by Council there will be annual maintenance costs that have not been considered in the 2016-2017 Annual Plan.

RECOMMENDATION:

- A. That Council accepts the offer from the State Government to transfer the reserve at 229 Brinktop Road, Richmond.
- B. That the General Manager be authorised to negotiate the terms of the transfer of the reserve to Council.
- C. That Council meets the costs associated with the transfer including survey fees and Land Titles Office fees as required.

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

"That the Recommendation be adopted".

CARRIED UNANIMOUSLY

**11.7.3 PROPOSED TRANSFER TO COUNCIL – 138 EAST DERWENT HIGHWAY,
LINDISFARNE**
(File No E01-138)**EXECUTIVE SUMMARY****PURPOSE**

To further consider purchasing from the Crown the vacant land at 138 East Derwent Highway, Lindisfarne.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016-2026 is relevant.

LEGISLATIVE REQUIREMENTS

The Local Government Act, 1993 is relevant.

CONSULTATION

Consultation has occurred between Aldermen, Council Officers and the Department of State Growth.

FINANCIAL IMPLICATIONS

The cost of any purchase has not been considered in the 2016-2017 Annual Plan.

The costs to construct the car park have been estimated at \$80,000 and such funds will need to be considered as part of a future Annual Plan if the purchase offer is accepted.

RECOMMENDATION:

- A. That Council accepts the offer to purchase the State Government land at 138 East Derwent Highway, Lindisfarne.
- B. That the General Manager be authorised to write to the Department of State Growth offering to purchase the State Government land at 138 East Derwent Highway, Lindisfarne for a nominal sum as indicated by the Department.
- C. That the estimates be amended to reflect the cost of the acquisition and transfer process in the amount of \$10,000.

Decision: **MOVED** Ald Walker **SECONDED** Ald Thurley

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.7.4 ELECTRONIC GAMING MACHINES

(File No)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is for Council to consider its reply to the Local Government Association of Tasmania (LGAT) who is co-ordinating responses from the sector to submit to the Tasmanian Liquor and Gaming Commission, as part of the Government's request for public consultation on the Gaming Control Act Community Interest Test Discussion Paper.

RELATION TO EXISTING POLICY/PLANS

- Strategic Plan;
- Access and Inclusion Plan;
- Asset and Recreational Planning;
 - Public Open Space Strategy;
 - Sport and Active Recreation Strategy;
- Community Participation Policy;
- Community Planning and Development Framework (Draft);
- Community Health and Wellbeing Plan;
- Economic Development Framework;
- Environmental Health Standards and Legislation;
- Financial Plan;
- Planning Scheme;
- Positive Ageing Plan; and
- Youth Plan.

LEGISLATIVE REQUIREMENTS

- Gaming Control Act, 1993; and
- Gaming Control Amendment (Community Interest) Act, 2016.

CONSULTATION

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

RECOMMENDATION:

That Council endorses the response to the Local Government Association of Tasmania (LGAT) in respect to the Gaming Control Act Community Interest Test Discussion Paper and that this is forwarded to LGAT through Council's General Manager.

/ Refer to Page 32 for Decision on this Item...

ELECTRONIC GAMING MACHINES /contd...

Ald Peers declared an Interest in this Item and left the Meeting prior to discussion (8.51pm).

Decision: **MOVED** Ald Campbell **SECONDED** Ald McFarlane

“That the Recommendation be adopted”.

Ald James returned to the Meeting at this stage (8.52pm).

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

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

Ald Peers returned to the Meeting at this stage (8.55pm).

11.7.5 VISIT TO BINZHOU CITY

(File No 22-08-01)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to enable Council to consider an invitation from the City of Binzhou to visit their city in May of this year.

RELATION TO EXISTING POLICY/PLANS

In 2013, Council received a report which noted that any future sister city/friendship city arrangements should be focused on China, India, Indonesia, Japan and South Korea.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Initial contact has been made with Australian Government representatives based in China who have provided advice in regard to a proposed visit.

FINANCIAL IMPLICATIONS

Initial cost estimates are that the visit may cost up to \$3,500 per participant.

RECOMMENDATION:

- A. That Council accept the invitation of Binzhou City to send a delegation of Council to Binzhou.
- B. That a delegation comprising the Mayor, 2 or 3 Aldermen and the General Manager be authorised to visit Binzhou for the purposes outlined in the report.
- C. That if requested by Binzhou the Mayor be authorised to sign a Memorandum of Understanding between Binzhou and Clarence to explore opportunities for closer co-operation and a longer term relationship between the 2 cities.

/ Refer to Page 34 for Decision on this Item...

VISIT TO BINZHOU CITY /contd...

Decision:	MOVED Ald Campbell SECONDED Ald Thurley																						
	“That the Recommendation be adopted”.																						
	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 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 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 Cusick		Ald Doust		Ald Hulme		Ald McFarlane		Ald Peers		Ald Thurley		Ald von Bertouch		Ald Walker	
FOR	AGAINST																						
Ald Campbell	Ald James																						
Ald Chipman																							
Ald Cusick																							
Ald Doust																							
Ald Hulme																							
Ald McFarlane																							
Ald Peers																							
Ald Thurley																							
Ald von Bertouch																							
Ald Walker																							

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 TENDER T1151/17 – ASPHALT RESURFACING WORKS 2016/17

13.3 TENDER T1150/17 – CAMBRIDGE ROAD, MORNINGTON – KERB AND GUTTER CONSTRUCTION

13.4 PROPERTY MATTER - LAUDERDALE

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:

- contracts and tenders for the supply of goods and services;
- proposals to acquire land or an interest in land or for the disposal of land;
- 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 Thurley

“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

CLOSED MEETING /contd...

The following Closed Meeting Motions have been authorised by Council for publication in the public Minutes.

13.2 TENDER T1151/17 –ASPHALT RESURFACING WORKS 2016/17
(File No T1151-17)

Decision:	MOVED Ald Peers SECONDED Ald Cusick
	“A. That the Tender from Downer EDI Works Pty Ltd for the sum of \$777,148.48, excluding GST, be accepted for the asphaltting resurfacing works.
	B. That, in accordance with Regulation 34(3) of the Local Government (Meetings Procedures) Regulations 2015, Council authorises for release the Council’s decision (only) in respect to this item to the general public and for communication to relevant parties.
	C. That Council release to the public their decision only in regard to this matter”.
	CARRIED UNANIMOUSLY

13.3 TENDER T1150/17 – CAMBRIDGE ROAD, MORNINGTON – KERB AND GUTTER CONSTRUCTION

(File No T1150-17)

Decision:**MOVED** Ald Campbell **SECONDED** Ald Thurley

- “A. That the Tender from Butterworth Kerb and Channel for \$474,273, excluding GST, be accepted for the kerb and gutter construction along Cambridge Road, Mornington.
- B. That, in accordance with Regulation 34(3) of the Local Government (Meetings Procedures) Regulations 2015, Council authorises for release the Council’s decision (only) in respect to this item to the general public and for communication to relevant parties.
- C. That Council release to the public their decision only in regard to this matter”.

CARRIED UNANIMOUSLY

The Meeting closed at 9.25pm.