

MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 30 SEPTEMBER 2019

HOURL CALLED: 7.00pm

PRESENT: The meeting commenced at 7.00pm with the Mayor (Ald D C Chipman) in the Chair and with Aldermen:

B A Blomeley
H Chong
L Edmunds
D Ewington
R H James
W Kennedy
T Mulder
J Peers
J Walker
B Warren; present.

1. APOLOGIES S von Bertouch (Leave of Absence)

ORDER OF BUSINESS Items 1 – 13

IN ATTENDANCE

General Manager
(Mr I Nelson)

Chief Financial Officer
(Ms M Coleman)

Acting Group Manager Engineering Services
(Mr R Grierson)

Acting Corporate Secretary
(Ms C Shea)

Manager Health and Community Development
(Mr J Toohey)

Manager City Planning
(Mr R Lovell)

Executive Officer to the General Manager
(Ms J Ellis)

The Meeting closed at 10.50pm.

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 30 SEPTEMBER 2019

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
1.	ATTENDANCE AND APOLOGIES	5
2.	CONFIRMATION OF MINUTES	5
3.	MAYOR’S COMMUNICATION.....	5
4.	COUNCIL WORKSHOPS.....	6
5.	DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE	7
6.	TABLING OF PETITIONS	8
7.	PUBLIC QUESTION TIME	9
7.1	PUBLIC QUESTIONS ON NOTICE	9
7.2	ANSWERS TO QUESTIONS ON NOTICE	9
7.3	ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE	10
7.4	QUESTIONS WITHOUT NOTICE.....	10
8.	DEPUTATIONS BY MEMBERS OF THE PUBLIC	12
9.	MOTIONS ON NOTICE	13
9.1	NOTICE OF MOTION - ALD MULDER INDEPENDENT NOMENCLATURE BOARD	13
9.2	NOTICE OF MOTION - ALD BLOMELEY SUPPORT FOR THE HOMELESS AND MARGINALISED	14
9.3	NOTICE OF MOTION - ALD BLOMELEY ELECTRIC VEHICLE CHARGING STATIONS	15
9.4	NOTICE OF MOTION - ALD MULDER MANAGEMENT OF TREES ON COUNCIL LAND POLICY	16
10.	REPORTS FROM OUTSIDE BODIES	17
10.1	REPORTS FROM SINGLE AND JOINT AUTHORITIES.....	17
	• SOUTHERN TASMANIA COUNCILS AUTHORITY	
	• COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY	
	• TASMANIAN WATER CORPORATION	

10.2	REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES ..18
11.	REPORTS OF OFFICERS21
11.1	WEEKLY BRIEFING REPORTS21
11.2	DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS22

11.3 PLANNING AUTHORITY MATTERS

11.3.1	DEVELOPMENT APPLICATION – LOT 2, 188 COLEBROOK ROAD, RICHMOND (CT170543/2) WITH ACCESS OVER 142 AND 166 COLEBROOK ROAD, RICHMOND – AGISTMENT CENTRE INCLUDING DWELLING, ARENA AND ASSOCIATED OUTBUILDINGS.....24
11.3.2	DEVELOPMENT APPLICATION PDPLANPMTD-2019/002859 – 39 CAMBRIDGE ROAD, BELLERIVE (WITH VEHICLE ACCESS THROUGH 3 CLARENCE STREET AND 2 PERCY STREET, BELLERIVE) – CHANGE OF USE FROM OFFICE TO “FOOD SERVICES” (CAFÉ) AND “GENERAL RETAIL AND HIRE” (SHOP) INCLUDING BUILDING ALTERATIONS26
11.3.3	AMENDMENT APPLICATION A-2019/1 – MODIFICATION TO THE CAMBRIDGE INDUSTRIAL ESTATE SPECIFIC AREA PLAN.....29

11.4 CUSTOMER SERVICE - NIL ITEMS

11.5 ASSET MANAGEMENT

11.5.1	LEGISLATIVE COUNCIL SELECT COMMITTEE – GREATER HOBART TRAFFIC CONGESTION.....32
--------	---

11.6 FINANCIAL MANAGEMENT - NIL ITEMS

11.7 GOVERNANCE

11.7.1	QUARTERLY REPORT TO 30 JUNE 201934
11.7.2	REQUEST FOR ASSISTANCE – EASTSIDE SQUASH CENTRE, 69 CAMBRIDGE ROAD, BELLERIVE...35
11.7.3	REVIEW OF TASMANIA’S LOCAL GOVERNMENT LEGISLATION FRAMEWORK – COUNCIL RESPONSE37
11.7.4	MEMORANDUM OF UNDERSTANDING REGARDING LITTER AND DUMPING MANAGEMENT SYSTEM40
11.7.5	LAUDERDALE YACHT CLUB – LEASE OF PUBLIC LAND41
11.7.6	REVISED AUSTRALIA DAY AWARDS COMMITTEE CONSTITUTION43
11.7.7	TASMANIAN DRAFT WASTE ACTION PLAN.....44

12.	ALDERMEN’S QUESTION TIME.....	46
12.1	QUESTIONS ON NOTICE	46
12.2	ANSWERS TO QUESTIONS ON NOTICE	46
12.3	ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE	46
12.4	QUESTIONS WITHOUT NOTICE.....	46
12.5	ANSWERS TO QUESTIONS WITHOUT NOTICE - PREVIOUS COUNCIL MEETING	47
13.	CLOSED MEETING.....	49
13.1	APPLICATIONS FOR LEAVE OF ABSENCE	
13.2	REPORTS FROM SINGLE AND JOINT AUTHORITIES	
13.3	TENDER T1313/19 – ASPHALT RESURFACING WORKS 2019/20	
13.4	TENDER T1294-19 – DERWENT AVENUE ROAD UPGRADE	
13.5	HOBART CITY DEAL IMPLEMENTATION PLAN	
13.6	GENERAL MANAGER REVIEW COMMITTEE AND KEY PERFORMANCE INDICATORS	

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 9 September 2019, as circulated, be taken as read and confirmed.

Decision: **MOVED** Ald Ewington **SECONDED** Ald Kennedy

“That the Minutes of the Council Meeting held on 9 September 2019, as circulated, be taken as read and confirmed”.

CARRIED UNANIMOUSLY

3. MAYOR'S COMMUNICATION

The Mayor advised the following:

- On 18 September he attended a briefing from Department of State Growth regarding the road link between the airport and Pittwater. The briefing was designed for the principal stakeholders, however, at this stage it is just a concept, with more work to be done and public consultation in the New Year.
- On 19 September attended the Pyramids Inaugural Graduation Ceremony for the drug education network.
- On 20 September he met with the three other Metro Mayors in regard to the City Deal.
- On 22 September he opened the season at the Geilston Bay Boat Club, five other Aldermen were in attendance.
- On 23 September, on separate occasions, met with Senator Claire Chandler and Hon Julie Collins MP, for an update on what is happening in Clarence.
- On 26 September opened the Bob Curé Exhibition Space at the Citywide Centre.
- On 27 September held a citizenship ceremony for 24 new citizens from 15 different countries and for the first time the ceremony was held at the Clarence Cricket Club and was very well received.
- On 30 September received a letter from the Minister for Health, regarding the Risdon Vale Health Centre; which was under threat of closure. The Rosny Park Family Practice has agreed to keep the clinic open at Risdon Vale, 5 days a week.

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 regarding Draft Waste Action Plan

Levelling the Playing Field Funding Proposal

Intention to Lease Public Land Proposal – Lauderdale Yacht Club

Howrah/Rokeby Suburb Boundary Proposal

16 September

Presentation regarding Intergenerational Project

Presentation regarding Rokeby/Tranmere Structure Plan

Sporting Facility

Hobart City Deal Implementation Plan

23 September

RECOMMENDATION:

That Council notes the workshops conducted.

Decision:

MOVED Ald Peers **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 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 Kennedy **Item No. 11.3.2**

Alderman Blomeley **Item No. 11.3.3**

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.

Mrs Janet Counsell has given notice of the following questions:

ROSNY HILL NATURE RECREATION AREA

- (1) What have been the total costs incurred by the ratepayers of Clarence since 2010 (when the decision was made to pursue development of the Rosny Hill Nature Recreation Area) such as, but not limited to, consultant fees, staff salaries, expert advisers and business support?
- (2) What anticipated costs will the Clarence City Council incur if this development should proceed, such as infrastructure provision, road widening, traffic management and on-going maintenance of the site beyond the sub-lease boundaries?

7.2 ANSWERS TO QUESTIONS ON NOTICE

The General Manager provided the following answers to Questions Taken on Notice listed at Item 7.1.

ROSNY HILL NATURE RECREATION AREA

- (1) Since 2010, Council has undertaken one professional consultancy in relation to Reserve; that being a traffic study for the Rosny Hill area at a cost of \$8,500 exclusive of GST.

Council has also responded to a large number of public queries, right to information requests, letters, emails and telephone calls relating to the proposed development of the Reserve. Council does not keep detailed time allocation records for this type of work so it is not possible to accurately estimate the proportion of staff salaries attributed to responding to these queries.

Council has not provided any financial support to the preferred developer, Hunter Developments, in respect to the proposed development and the development application.

/contd on Page 10...

ANSWERS TO QUESTIONS ON NOTICE /contd...

- (2) The traffic and infrastructure related aspects of the development will be evaluated and considered through the development assessment process. In the event that a Planning Permit is issued for the development, specific conditions may be applied to a development approval to address impacts which are assessed as arising due to the development.

Similarly, the costs of any required infrastructure upgrades or other provisions will be assessed and considered through the development appraisal process.

7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

7.4 QUESTIONS WITHOUT NOTICE**BELLERIVE BOARDWALK**

Joanne Marsh of Bellerive advised that on 30 September at 1.30pm she was sitting on the Boardwalk seating between the Yacht Club and the stage area, as were several families who were enjoying the sunshine and views. Suddenly a jet spray watering system started up to water the grass behind, the spray overshot the lawn and sprayed the people in the seats and everyone was forced to move away. This area is a prime visitor destination on fine days and in the school holidays. My question is, did someone deliberately set the timer for 1.30pm regardless of people in the vicinity?

The Mayor took the Question on Notice.

BUSHFIRE MANAGEMENT STRATEGY

Anthony Houston, Director of Houstons Farm asked what progress has the Council made on the recommendations in its Bushfire Management Strategy and noting that the document does not refer to the impact of lightning strike, is Council increasing its efforts given that bushfires caused by lightning appear to be increasing, due to the changing climate?

The Mayor took the Question on Notice.

LOCAL PROVISIONS SCHEDULE (LPS)

Michael Figg of Lauderdale asked the General Manager the following: In May we asked about the LPS and were told Council were going to have it prepared before the end of the financial year. Seeing that was July and it's still not prepared, could you please tell us why it has not been and when it will be?

Council's Manager City Planning advised that it has been prepared and submitted to the Tasmanian Planning Commission (TPC) and Council is now waiting instruction as to when it will be advertised.

/ contd on Page 11...

QUESTIONS WITHOUT NOTICE

Mr Figg stated he had spoken to the TPC and they said it had not been prepared.

The Mayor advised that it has been submitted.

GLOBAL WARMING

Michael Figg further asked: There has been a lot people talking about global warming lately. Can you assure us that Council is going to allow landowners on the coast and other affected areas to defend their land? Clarence Council has more than 200km of coastal land which will be directly affected by global warming and sea level rise. Can you assure us that our right to defend our land will be upheld by you?

The Mayor took the Question on Notice.

LAUDERDALE YACHT CLUB

Mr Mark Asman of Roches Beach stated he has spoken to representatives of the Lauderdale Yacht Club a number of times and as recent as today, they are not looking for a carpark for their facilities they are looking for extra space for rigging on racing days. Council's Agenda refers to a carpark a number of times and I am just wondering why the Council has focused its attention so much on car parking for that area?

The Mayor advised that matter is being dealt with later in the Meeting and welcomed Mr Asman to stay for that to understand the arguments.

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)

APPLICATION FOR REMOVAL OF TREE FROM COUNCIL LAND – 1 CABARITA STREET, LAUDERDALE
(REFER ITEM 9.4)

Preston Lee Clothier addressed the Meeting regarding the above matter.

DEVELOPMENT APPLICATION – LOT 2, 188 COLEBROOK ROAD, RICHMOND (CT170543/2) WITH ACCESS OVER 142 AND 166 COLEBROOK ROAD, RICHMOND – AGISTMENT CENTRE INCLUDING DWELLING, ARENA AND ASSOCIATED OUTBUILDINGS
(REFER ITEM 11.3.1)

Danielle Gray on behalf of S Group (Applicant) and R Saxby (Owner) addressed the Meeting regarding the above Development Application.

9. MOTIONS ON NOTICE**9.1 NOTICE OF MOTION - ALD MULDER
INDEPENDENT NOMENCLATURE BOARD**

(File No 10-03-05)

In accordance with Notice given it was:

Decision: **MOVED** Ald Mulder **SECONDED** Ald James

“That the Government be advised that Clarence Council supports continuance of power of an independent Nomenclature Board to determine locality names and boundaries in conjunction with Local Government and the community”.

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

FOR

Ald Edmunds

Ald James

Ald Kennedy

Ald Mulder

Ald Warren

AGAINST

Ald Blomeley

Ald Chipman

Ald Chong

Ald Ewington

Ald Peers

Ald Walker (abstained)

**9.2 NOTICE OF MOTION - ALD BLOMELEY
SUPPORT FOR THE HOMELESS AND MARGINALISED**
(File No 10-03-05)

In accordance with Notice given it was:

Decision: **MOVED** Ald Blomeley **SECONDED** Ald Kennedy

“That this Council:

- A. Recognises that Clause 42 of the Public Places By-law (No 1 of 2018) may have unintended consequences for people who are homeless and seeking shelter in our public spaces.
- B. Takes immediate action to remedy this situation through initiation of the process of making a new (replacement) by-law, which includes an amendment to the effect:

‘A person is not guilty of an offence under Clause 42 where that person establishes that, at the time she or he camped in a public space, she or he was homeless’.
- C. Defines homeless to mean:
 - (a) a person who is sleeping rough or living in an improvised dwelling; or
 - (b) a person has no safe place to live (including because the person is, or is at risk of, experiencing domestic violence).
- D. Commends the Hobart City Council on identifying this issue and taking the lead on implementation of appropriate action to address potential unintended consequences.
- E. Calls on the Local Government Association of Tasmania (LGAT) to support a call for other Local Government areas to adopt a similar, best practice policy regarding people sleeping rough in our State”.

CARRIED

FOR

Ald Blomeley
Ald Chipman
Ald Chong
Ald Edmunds
Ald Kennedy
Ald Mulder
Ald Walker
Ald Warren

AGAINST

Ald Ewington
Ald James
Ald Peers

**9.3 NOTICE OF MOTION - ALD BLOMELEY
ELECTRIC VEHICLE CHARGING STATIONS**
(File No 10-03-05)

In accordance with Notice given it was:

Decision: **MOVED** Ald Blomeley **SECONDED** Ald Warren

“That this Council:

- A. Recognises the increasing availability of Electric Vehicles (EVs).
- B. Acknowledges that a key factor hindering consumer uptake of EVs in Australia is the lack of recharging infrastructure.
- C. Engage with our community, including business operators, to ascertain:
 - 1. the level of support for new EV charging stations in our City; and
 - 2. the level of support for Council to partner with the private sector to deliver EV charging stations in our City.

With the results of this engagement be presented to Aldermen at a workshop prior to the commencement of the Financial Year 2020-2021 budget workshops”.

CARRIED

FOR

Ald Blomeley
Ald Chipman
Ald Chong
Ald Edmunds
Ald Kennedy
Ald Peers
Ald Warren

AGAINST

Ald Ewington
Ald James
Ald Mulder
Ald Walker

**9.4 NOTICE OF MOTION - ALD MULDER
MANAGEMENT OF TREES ON COUNCIL LAND POLICY**
(File No 10-03-05)

In accordance with Notice given it was:

Decision: **MOVED** Ald Mulder **SECONDED** Ald Edmunds

“That, in accordance with the Management of Trees on Council Land Policy, Council approves the removal and replacement of the E.Viminalis located on the nature strip at 1 Cabrita Street, Lauderdale”.

CARRIED UNANIMOUSLY

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.

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

Representatives: Ald James Walker
(Ald Luke Edmunds, Deputy Representative)

Quarterly Reports

The Copping Refuse Disposal Site Joint Authority has distributed the Quarterly Summary of its Meetings for the period ending 5 September 2019.

The Copping Refuse Disposal Site Joint Authority has also distributed its Quarterly Report for the period 1 April to 30 June 2019.

In accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015 the Report will be tabled in Closed Meeting.

Representative Reporting

- **TASWATER CORPORATION**

- **GREATER HOBART COMMITTEE**

Ald Kennedy left the Meeting at this stage (8.28pm).

10.2 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES**COMMUNITY HEALTH AND WELLBEING ADVISORY COMMITTEE – MINUTES AND 2018-19 REPORT****Chairperson's Report – Alderman Heather Chong**

Report to Council for May to August 2019

1. PRINCIPAL OBJECTIVES AND GOALS

The Committee's prime objectives are to:

- advise on issues regarding health and wellbeing in Clarence and assist Council to implement the strategies and actions of the Community Health & Wellbeing Plan;
- aim to improve the physical, mental and social wellbeing of the community taking into account both individual and community needs;
- work in collaboration and through partnerships with the community, other levels of government and organisations;
- provide advice and make recommendations;
- monitor progress and work to address the actions of the Plan according to their estimated timeframe and budgetary considerations;
- oversee strategies and actions across the 5 Domains of the Plan:
 - Enhancing Liveability;
 - Promoting Health;
 - Enhancing Connectivity, Community Participation and Lifelong Learning;
 - Care for Our Place;
 - Promoting and Enhancing Safety;
- promotion of the Plan within existing networks and community; and provide opportunities for feedback to Council from the community.

In working towards these goals, the Committee undertook a range of activities, which are set out below.

2. HEALTH PROMOTION WORKING GROUP

- Oral Health;
- Wellbeing Project;
- Help to Health Project;
- Neighbour Day;
- Christmas Brunch;
- Food Film Project;
- Workplace Health & Wellbeing;
- Fitness in the Park; and
- Better Event Toolkit.

3. INFORMATION/COMMUNICATION WORKING GROUP

- “Live” E-News;
- “Live” website;
- Social media;
- Merchandise; and
- Live Clarence.

4. LIVEABILITY/ENVIRONMENT WORKING GROUP

- Walkability Project;
- Community Safety Plan; and
- Design Improvement.

5. REVIEW OF THE PLAN

The Community Health and Wellbeing Plan 2013-2018 is due for review. The committee is preparing to undertake a review of the Plan by collating what has been achieved, who to consult with and how the review process will be undertaken.

6. GOVERNANCE MATTERS**Committee Meetings**

One committee meeting was held on 21 August 2019.

7. EXTERNAL LIAISON

Nil.

RECOMMENDATION:

That the Chairperson's Report be received by Council.

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

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

CARRIED UNANIMOUSLY

11. REPORTS OF OFFICERS

11.1 WEEKLY BRIEFING REPORTS

(File No 10/02/02)

The Weekly Briefing Reports of 9, 16 and 23 September 2019 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 9, 16 and 23 September 2019 be noted.

Decision: **MOVED** Ald Peers **SECONDED** Ald Ewington

“That the Recommendation be adopted”.

Ald Kennedy returned to the Meeting at this stage 8.30pm.

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

CHANGE TO ORDER OF BUSINESS

Decision: **PROCEDURAL MOTION**

MOVED Ald James **SECONDED** Ald Mulder

“That Item 13.5 regarding the Hobart City Deal Implementation Plan, which is listed in Closed Meeting be brought into Open Meeting and discussed under the Governance Section”.

The General Manager provided advice to the Meeting regarding the reasons for listing the matter in Closed Meeting.

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

FOR	AGAINST
Ald James	Ald Blomeley
Ald Mulder	Ald Chipman
	Ald Chong
	Ald Edmunds
	Ald Ewington
	Ald Kennedy
	Ald Peers
	Ald Walker
	Ald Warren

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 DEVELOPMENT APPLICATION – LOT 2, 188 COLEBROOK ROAD, RICHMOND (CT170543/2) WITH ACCESS OVER 142 AND 166 COLEBROOK ROAD, RICHMOND – AGISTMENT CENTRE INCLUDING DWELLING, ARENA AND ASSOCIATED OUTBUILDINGS

(File No D-2017/286)

EXECUTIVE SUMMARY

PURPOSE

The purpose of this report is to consider the application made for an agistment centre, arena and associated outbuildings at Lot 2, 188 Colebrook Road (CT170543/2) with access over 142 and 166 Colebrook Road, Richmond.

RELATION TO PLANNING PROVISIONS

The land is zoned Significant Agricultural and is subject to the Bushfire Prone Areas Code, Road and Rail Assets Code, Parking and Access Code and Stormwater Management Code under the Clarence Interim Planning Scheme 2015 (the Scheme). For the reasons detailed in Section 4.1 of this report, the proposal is a Prohibited use and must therefore be refused.

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*.

Note: References to provisions of the *Land Use Planning and Approvals Act 1993* (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and Transitional Provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The commencement day was 17 December 2015.

In the circumstance where an applicant purports to lodge a development application for a development which is prohibited, s.57(2) applies. It reads:

- “(2) *The planning authority may, on receipt of an application for a permit to which this section applies, refuse to grant the permit and, if it does so –*
- (a) it does not have to comply with subsection (3) ; and*
 - (b)*
 - (c) it must, within 7 days of refusing to grant the permit, serve on the applicant notice of its decision”.*

There is no time limit which applies to the making of a decision to refuse to grant a permit. In accordance with Council’s legal advice, the application has not been advertised on the basis the proposal is prohibited.

In the interests of determining the application in an expeditious manner so that the applicant may exercise the right of appeal to the Appeals Tribunal that is conferred by s.61(4) of the Act, the statutory notification process has been dispensed.

CONSULTATION

The proposal has not been advertised on the basis that the use is prohibited.

RECOMMENDATION:

- A. That the Development Application for an agistment centre including dwelling, arena and associated outbuildings at Lot 2, 188 Colebrook Road, Richmond CT170543/2) with access over 142 and 166 Colebrook Road, Richmond (D-2017/286) be refused for the following reasons:
1. The proposal is for “Domestic animal breeding, boarding or training” which under the Clarence Interim Planning Scheme 2015 is a Prohibited use class in the Significant Agricultural 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 Peers SECONDED Ald Walker	
	“That the Recommendation be adopted”.	
	CARRIED	
	FOR	AGAINST
	Ald Blomeley	Ald Ewington (abstained)
	Ald Chipman	Ald James (abstained)
	Ald Chong	Ald Mulder (abstained)
	Ald Edmunds	
	Ald Kennedy	
	Ald Peers	
	Ald Walker	
	Ald Warren	

11.3.2 DEVELOPMENT APPLICATION PDPLANPMTD-2019/002859 – 39 CAMBRIDGE ROAD, BELLERIVE (WITH VEHICLE ACCESS THROUGH 3 CLARENCE STREET AND 2 PERCY STREET, BELLERIVE) – CHANGE OF USE FROM OFFICE TO “FOOD SERVICES” (CAFÉ) AND “GENERAL RETAIL AND HIRE” (SHOP) INCLUDING BUILDING ALTERATIONS**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Change of Use from office to “Food Services” (Café) and “General retail and hire” (Shop) including building alterations at 39 Cambridge Road, Bellerive (with vehicle access through 3 Clarence Street and 2 Percy Street, Bellerive).

RELATION TO PLANNING PROVISIONS

The land is zoned General Business and is subject to the Road and Rail Assets Code, Parking and Access and Stormwater Management Code 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.

Note: References to provisions of the Land Use Planning and Approvals Act 1993 (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and Transitional Provisions of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The commencement day was 17 December 2015.

Council is required to exercise a discretion within the statutory 42-day period which expires on the 8 October 2019.

CONSULTATION

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

- support for application;
- implications of former development approvals for the site upon residential amenity;
- timing for completion of works; and
- car parking and access arrangements.

RECOMMENDATION:

- A. That the Development Application for a Change of Use from offices to “Food services” (Café) and “General retail and hire” (Shop) including building alterations at 39 Cambridge Road, Bellerive (with vehicle access through 3 Clarence Street and 2 Percy Street, Bellerive (C1 Ref PDPLANPMTD-2019/002859) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. The area allocated to the “Food services” (Café) use for Tenancy 1 must not exceed 73.61m².
 3. GEN S1 – SIGN CONSENT.
 4. GEN C2 – CASH-IN-LIEU [\$30,000, 3 spaces].
 5. GEN C1 – ON-SITE CAR PARKING [6 spaces].
 6. Prior to the commencement of the use of the carpark, parking spaces P1 and P2 must be marked and signed for resident only parking.
 7. ENG A5 – SEALED CAR PARKING.
 8. ENG M1 – DESIGNS DA [access arrangements, carpark and driveways construction, resident parking signage, lighting of car parking to satisfy relevant Australian Standards, service upgrades or relocations].
 9. Any requirement for modifications to the Cambridge Road and Clarence Street frontages that result in adjustments to levels and the public footpath to suit must be detailed within the engineering design drawings required by Condition 8.
 10. ENG S1 – INFRASTRUCTURE REPAIR.
 11. The development must meet all required Conditions of Approval specified by TasWater notice dated 2 September 2019 (TWDA 2019/01147-CCC).
- 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.

/ Refer to Page 28 for Decision on this Item...

DEVELOPMENT APPLICATION PD PLANPMTD-2019/002859 – 39 CAMBRIDGE ROAD, BELLERIVE (WITH VEHICLE ACCESS THROUGH 3 CLARENCE STREET AND 2 PERCY STREET, BELLERIVE) – CHANGE OF USE FROM OFFICE TO “FOOD SERVICES” (CAFÉ) AND “GENERAL RETAIL AND HIRE” (SHOP) INCLUDING BUILDING ALTERATIONS /contd...

Ald Kennedy Declared an Interest in this Item and left the Meeting prior to discussion (8.46pm).

Decision:	MOVED Ald Blomeley SECONDED Ald Walker	
	<p>“A. That Council adopts the officer’s recommendation, subject to the following additional condition:</p> <p>12. The walkway abutting the east side of the site and the right-of-way access to the proposed carpark must remain easily accessible for pedestrians and must not be impeded by any building work associated with construction activities on 39 Cambridge Road.</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"> • Site inspection shows the importance of pedestrian access along walkway beside 1/5 Clarence Street (Abundance on The Quay) and over the right-of-way between the public car parking area and the rear of 30 Cambridge Road. • During construction of 39 Cambridge Road, it will therefore be important to ensure that existing pedestrian access is uninterrupted”. 	
	CARRIED	
	<p>FOR</p> <p>Ald Blomeley Ald Chipman Ald Chong Ald Edmunds Ald Ewington Ald James Ald Peers Ald Walker Ald Warren</p>	<p>AGAINST</p> <p>Ald Mulder</p>

Ald Kennedy returned to the Meeting at this stage (8.59pm).

**11.3.3 AMENDMENT APPLICATION A-2019/1 – MODIFICATION TO THE
CAMBRIDGE INDUSTRIAL ESTATE SPECIFIC AREA PLAN**
(File No A-2019/1)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider an application made for a planning scheme amendment to modify the Clarence Interim Planning Scheme 2015's Cambridge Industrial Estate Specific Area Plan (SAP).

The land subject to the provisions of the SAP is:

- 1 Kennedy Drive, Cambridge;
- 1, 2, 4, and 7 Abernant Way, Cambridge;
- 1 and 2 Railway Court, Cambridge;
- Council's Public Open Space at 8 Spark Drive Cambridge; and
- The Abernant Way, Railway Court and Spark Drive road reservations.

A location plan showing the extent of the SAP is included in the Attachments.

RELATION TO PLANNING PROVISIONS

The majority of the site is zoned Light Industrial, partially zoned Particular Purpose Zone 2 - Future Road Corridor and partially zoned Open Space. Additionally, the site is subject to the provisions of the Bushfire Prone Areas and Waterway and Coastal Protection Areas codes and the Cambridge Industrial Estate Specific Area Plan.

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.

Note: References to provisions of the Land Use Planning and Approvals Act 1993 (LUPAA) are references to the former provisions of LUPAA as defined in Schedule 6 – Savings and Transitional Provisions of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The commencement day was 17 December 2015.

CONSULTATION

Applications made under Section 33 of LUPAA are not formally open for public comment until after Council has agreed to certify the Amendment and it has been publicly advertised.

The proposal was referred to TasWater who advised that it did not have any formal comments for the Tasmanian Planning Commission and that they did object to the proposal.

RECOMMENDATION:

- A. That Council resolves, under Section 34(1)(a) of the Land Use Planning and Approvals Act, 1993 to initiate draft Amendment A-2019/1 relating to the Clarence Interim Planning Scheme 2015's Cambridge Industrial Estate Specific Area Plan.
- B. That Council resolves, under Section 35(1)(b) of the Land Use Planning and Approvals Act 1993 that draft Amendment A-2019/1 satisfies the provisions of Section 32 of the Land Use Planning and Approvals Act, 1993.
- C. That Council resolves, under Section 35(2) of the Land Use Planning and Approvals Act, 1993 to prepare and certify draft Amendment A-2019/1 and sign the instrument as required and forward it to the Tasmanian Planning Commission.
- D. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

Ald Blomeley Declared an Interest in this Item and left the Meeting prior to discussion (8.59pm).

Decision:

MOVED Ald Chong **SECONDED** Ald Warren

"That the Recommendation be adopted".

Ald Walker left the Meeting at this stage (9.00pm).

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

FOR

Ald Chipman
Ald Chong
Ald Edmunds
Ald Ewington
Ald Kennedy
Ald Mulder
Ald Peers
Ald Warren

AGAINST

Ald James

Ald Peers left the Meeting at 9.08pm.

Ald Blomeley returned to the Meeting at 9.08pm.

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 LEGISLATIVE COUNCIL SELECT COMMITTEE – GREATER HOBART TRAFFIC CONGESTION**

(File No 3629877)

EXECUTIVE SUMMARY**PURPOSE**

To consider and approve a submission to the Legislative Council Select Committee on Greater Hobart Traffic Congestion.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016 – 2026 is relevant.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Nil.

FINANCIAL IMPLICATIONS

There are no direct financial implications for Council.

RECOMMENDATION:

That Council authorises the General Manager to provide the submission referred to at Attachment 2 of the Associated Report to the Legislative Council Select Committee on Greater Hobart Traffic Congestion by 4 October 2019.

Decision: **MOVED** Ald Ewington **SECONDED** Ald Blomeley

“That the Recommendation be adopted”.

Ald Walker returned to the Meeting at 9.09pm.

Ald Peers returned to the Meeting at 9.10pm.

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

11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 QUARTERLY REPORT TO 30 JUNE 2019****EXECUTIVE SUMMARY****PURPOSE**

To consider the General Manager's Quarterly Report covering the period 1 April 2019 to 30 June 2019.

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 30 June 2019 be received.

Decision: **MOVED** Ald Chong **SECONDED** Ald Edmunds

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.7.2 REQUEST FOR ASSISTANCE – EASTSIDE SQUASH CENTRE, 69 CAMBRIDGE ROAD, BELLERIVE
(File No C004-69)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider a request from the Tasmanian Squash Academy, including via a petition, to “*consider purchasing the Eastside Squash Centre and negotiating a long-term operational lease with the Tasmanian Squash Academy or provide substantial financial support to the Tasmanian Squash Academy to enable it to purchase the Eastside Squash Centre*”.

RELATION TO EXISTING POLICY/PLANS

The Sport and Active Recreation Strategy Guiding Principles 2014, the Recreation Needs Analysis 2019 and Strategic Plan 2016-2026 are relevant.

LEGISLATIVE REQUIREMENTS

The *Local Government Act 1993* is relevant. Section 175 provides a Council may purchase land for any purpose which it considers to be of benefit to the Council or the community.

CONSULTATION

Consultation has occurred between Council and the Tasmanian Squash Academy. No public consultation has occurred.

FINANCIAL IMPLICATIONS

Should Council otherwise resolve to purchase the property at 69 Cambridge Road, Bellerive or provide substantial financial support via another means, the decision will necessarily be subject to financial considerations in regard to the appropriate funding sources to support the resolution. This will require a further report to Council for consideration.

RECOMMENDATION:

That Council:

- A. Resolves not to purchase the property at 69 Cambridge Road, Bellerive on the basis that the land is not a strategically important land acquisition for council and that there is no clear broad-based community benefit arising from the purchase.
- B. Resolves not to provide other substantial financial support to the Tasmanian Squash Academy because such support is not for a significant community benefit and is unable to be adequately secured.
- C. Authorises the General Manager to write to the Tasmanian Squash Academy and advise of Council’s decision.

/ Refer to Page 36 for Decision on this Item...

REQUEST FOR ASSISTANCE – EASTSIDE SQUASH CENTRE, 69 CAMBRIDGE ROAD, BELLERIVE /contd...

Decision:	MOVED Ald Kennedy SECONDED Ald Warren	
	<p>“A. That the Council authorises the General Manager to explore the potential purchase and or lease with the Executor of the Estate of the owner of the property at 69 Cambridge Road, Bellerive along with relevant stakeholders – Eastside Squash Centre and Tasmanian Squash Academy.</p> <p>B. That the General Manager provides a further report to Council on the outcome of the negotiations and relevant recommendations.</p> <p>C. That the reasons for Council’s decision in respect to this matter are as follows:</p> <ul style="list-style-type: none"> • The Eastside Squash Centre has been self-funded since commencing operation. The operators are now unable to maintain a financially viable operation without assistance. • Council owns other sporting assets within the City which it then leases to specialised operators. • Council enters into lease arrangements with sporting clubs, consistent with Council’s Pricing Term of Lease Policy and its Strategic Plan. • It is considered important that the sport of squash retains a presence in Clarence. • Having a venue for competitive squash will attract visitors (competitors and spectators) to Clarence”. 	
	CARRIED	
	FOR Ald Blomeley Ald Chipman Ald Chong Ald Edmunds Ald Kennedy Ald Peers Ald Walker Ald Warren	AGAINST Ald Ewington Ald James Ald Mulder

**11.7.3 REVIEW OF TASMANIA'S LOCAL GOVERNMENT LEGISLATION
FRAMEWORK – COUNCIL RESPONSE**
 (File No)

EXECUTIVE SUMMARY
PURPOSE

The Tasmanian Government is conducting a review into the Local Government Legislation Framework. The purpose of this report is to endorse Council's response to the Directions Paper published by the Department of Premier and Cabinet.

RELATION TO EXISTING POLICY/PLANS

There is no relation to existing policies or plans.

LEGISLATIVE REQUIREMENTS

The Local Government Act 1993 and a range of other legislative instruments apply to the functions and operations of local Councils in Tasmania.

CONSULTATION

The matter has been the subject of previous Workshops.

FINANCIAL IMPLICATIONS

No significant issues of a financial nature have been identified.

RECOMMENDATION:

That Council endorses the proposed response to the Directions Paper survey questions ("the submission") and authorises the General Manager to provide the endorsed submission to the Local Government Division before 1 October 2019.

Decision:	MOVED Ald Walker SECONDED Ald Edmunds "That the Officer's recommendation be adopted, subject to the following amendments to the submission: Page 4 /29 Reform #7: Mayoral Election Add an additional paragraph to the response after the third paragraph.
------------------	---

/ Decision contd on Page 38...

REVIEW OF TASMANIA'S LOCAL GOVERNMENT LEGISLATION FRAMEWORK – COUNCIL RESPONSE /Decision contd...

‘With Council terms now lasting four years it would be desirable to avoid by-elections when a casual Mayoral vacancy arises. Several By-elections occurred in Tasmanian Councils through the 2014-2018 term. By-elections are costly and a significant disincentive to a Mayor stepping down when health, personal or other commitments might make it necessary. It would be preferable for casual Mayoral vacancies to be filled in the same way that casual Deputy Mayoral vacancies are currently filled’.

Page 5 /29

Reform #9: The voting process should be amended to only require a minimum of 1-5 boxes to constitute a formal vote.

Change second sentence in response:

From

“Council supports making voting papers across different Government elections consistent”.

To

‘Council supports a minimum of one numbered box on the Councillor ballot paper constituting a formal vote. This would provide greater consistency across the Mayor, Deputy Mayor and Councillor ballots. It would also decrease the significantly higher rates of informal voting on Councillor ballot papers compared with Mayor and Deputy Mayor papers’.

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

FOR

Ald Edmunds
Ald Kennedy
Ald Walker
Ald Warren

AGAINST

Ald Chipman
Ald Chong
Ald Ewington
Ald James
Ald Mulder
Ald Peers
Ald Blomeley (abstained)

/ Decision contd on Page 39...

**REVIEW OF TASMANIA'S LOCAL GOVERNMENT LEGISLATION FRAMEWORK
– COUNCIL RESPONSE /Decision contd...**

Decision:

FORESHADOWED MOTION

MOVED Ald Mulder **SECONDED** Ald James

“That the Recommendation be adopted”.

CARRIED

FOR

Ald Chipman
Ald Chong
Ald Edmunds
Ald Ewington
Ald James
Ald Kennedy
Ald Mulder
Ald Peers
Ald Walker
Ald Warren

AGAINST

Ald Blomeley (abstained)

11.7.4 MEMORANDUM OF UNDERSTANDING REGARDING LITTER AND DUMPING MANAGEMENT SYSTEM

(File No)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to enable Council to consider authorising the Mayor to sign a Memorandum of Understanding regarding the reporting of littering and utilising offenders on community corrections orders to undertake clean-ups of littering.

RELATION TO EXISTING POLICY/PLANS

The Strategic Plan 2016-2026 provides that Council will work collaboratively with relevant agencies to enhance and protect the natural environment.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Nil.

FINANCIAL IMPLICATIONS

There is no financial cost to Council to participate in the Litter and Dumping Management System.

RECOMMENDATION:

That Council authorises the Mayor to sign the Memorandum of Understanding regarding the Litter and Dumping Management System.

Decision: **MOVED** Ald Chong **SECONDED** Ald Ewington

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.7.5 LAUDERDALE YACHT CLUB – LEASE OF PUBLIC LAND

(File No. K014-5)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to enable Council the opportunity to consider submissions in relation to the proposed lease of a portion of public land located at 5 Kirra Road, Roches Beach to the Lauderdale Yacht Club.

RELATION TO EXISTING POLICY/PLANS

Council unanimously resolved at its Meeting of 17 June 2019 to give notice of its intention to lease public land to the Lauderdale Yacht Club in accordance with Section 177 of the Local Government Act 1993.

LEGISLATIVE REQUIREMENTS

Section 178 of the Local Government Act details the process Council must follow in determining to lease public land.

Section 178 provides that (in part):

“... if a Council intends to lease ... public land the General Manager is to:

(a) publish that intention on at least 2 separate occasions ...; and

(b) display a copy of the notice on the property; and

(c) notify the public that objection to the proposed lease may be made within 21 days”.

Further, the Council must consider any objection lodged. A decision to lease public land requires an absolute majority of Council.

CONSULTATION

Council has advertised in accordance with Section 178 of the Act.

FINANCIAL IMPLICATIONS

Nil.

RECOMMENDATION:

- A. That Council resolves to lease public land as depicted in Attachment 1 of the Associated Report to the Lauderdale Yacht Club for a period of 10 years with an option for a further period of 10 years.
- B. That the General Manager be authorised to undertake the necessary actions to negotiate and finalise lease arrangements in accordance with this report and the requirements of the Local Government Act.

- C. That the General Manager advises all parties who lodged an objection to the proposed lease of Council's decision and their rights to appeal Council's decision in accordance with Section 178A of the Local Government Act.

Decision:**MOVED** Ald Edmunds **SECONDED** Ald Kennedy

- "A. That Council resolves to lease public land as depicted in Attachment 1 of the Associated Report to the Lauderdale Yacht Club for a period of 10 years with an option for a further period of 10 years.
- B. That the General Manager be authorised to undertake the necessary actions to negotiate and finalise lease arrangements in accordance with this report and the requirements of the Local Government Act.
- C. That the General Manager advises all parties who lodged an objection to the proposed lease of Council's decision and their rights to appeal Council's decision in accordance with Section 178A of the Local Government Act.
- D. That, Council communicates the timeframe for changeover of use of the land to affected residents and the Lauderdale Yacht Club, to assist to minimise disruption".

CARRIED UNANIMOUSLY

11.7.6 REVISED AUSTRALIA DAY AWARDS COMMITTEE CONSTITUTION

(File No 22-03-01)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is for Council to adopt a revised constitution for the Australia Day Awards Committee.

RELATION TO EXISTING POLICY/PLANS

- Strategic Plan 2016-2026; and
- Clarence Events Plan 2014–2018.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Consultation has occurred with the Australia Day Awards Committee.

FINANCIAL IMPLICATIONS

Nil.

RECOMMENDATION:

That Council adopts the revised Australia Day Awards Committee Constitution.

Decision: **MOVED** Ald Kennedy **SECONDED** Ald Blomeley

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.7.7 TASMANIAN DRAFT WASTE ACTION PLAN

(File No)

EXECUTIVE SUMMARY**PURPOSE**

To consider the Department of Primary Industries, Parks, Water and Environment's Draft Waste Action Plan.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016/2026 is relevant.

LEGISLATIVE REQUIREMENTS

Nil at this time.

CONSULTATION

The Draft Waste Action Plan is undergoing community consultation at present.

FINANCIAL IMPLICATIONS

There are no financial implications associated with Council's response to this consultation.

RECOMMENDATION:

- A. That Council notes the Department of Primary Industries, Parks, Water and Environment's Tasmanian Draft Waste Action Plan be released for public comment.
- B. That Council authorises the General Manager to prepare a submission to the Department of Primary Industries, Parks, Water and Environment noting the key principles Council considers relevant to the Draft Waste Action Plan (DWAP); as set out in Attachment 2 to the Associated Report.
- C. That Council authorises the General Manager to provide a submission to the Department of Parks, Water and the Environment on the seven key areas of the Draft Waste Action Plan, as set out in Attachment 2 to the Associated Report.

Decision:

MOVED Ald Ewington **SECONDED** Ald Blomeley

- "A. That Council notes the Department of Primary Industries, Parks, Water and Environment's Tasmanian Draft Waste Action Plan be released for public comment.

/Decision contd on Page 45...

TASMANIAN DRAFT WASTE ACTION PLAN /Decision contd...

- B. That Council authorises the General Manager to prepare a submission to the Department of Primary Industries, Parks, Water and Environment noting the key principles Council considers relevant to the Draft Waste Action Plan (DWAP); as set out in Attachment 2 to the Associated Report.
- C. That Council authorises the General Manager to provide a submission to the Department of Primary Industries, Parks, Water and Environment on the seven key areas of the Draft Waste Action Plan, as set out in Attachment 2 to the Associated Report”.

CARRIED UNANIMOUSLY

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.

12.5 ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING

The following answers are provided to questions asked by Aldermen at the Council Meeting of 9 September 2019.

Ald Mulder
Kangaroo Bay Development

Has a Building Application been lodged with Council yet regarding the Kangaroo Bay Development?

We have previously been advised that a staged development would probably require a new Planning approval and that there had to be substantial commencement of the building by November.

In light of those 2 things could I have a further explanation about what gap there is likely to be between Stage 1 and Stage 2?

Answer

A staged permit approval BPA-2018/323 - for early site works has been issued.

Building Permit Application 1a has been completed and this satisfies the requirements for substantial commencement.

A sub stage 1b permit (BPA-2018/323/1) for the piling was lodged on 28 August 2018 but has been deferred pending additional information. This permit has not yet been issued.

Any gap between building permit stages is a matter for the developers.

The developer has not yet achieved substantial commencement under the land sale contract, which is more onerous than the substantial commencement requirement under LUPAA.

Ald Kennedy
Stormwater works – Bangalee Street, Lauderdale

Has any stormwater work commenced in Bangalee Street in Lauderdale, in particular, the property on the corner of Grafton and Bangalee Streets where the residents are still sand-bagging?

Answer

Quotes for construction closed 18 September 2019 and the selection of a quotation is underway. The construction program will be clarified following evaluation and acceptance of a quote.

Ald Walker**1. Electric Car Charging Point – Council premises**

In regard to the advice provided by the General Manager relating to the installation of an electric car charger at the Council premises, could the General Manager enlighten Council on how that model will be funded, by user pays or ratepayer subsidised?

Answer

The cost of the charger itself (\$2,500) is funded through a grant. Council will fund the \$5,000 installation cost. There will be payment provisions included in the electric vehicle charging station. Any remission in charging costs would require a decision of Council as Council sets Fees and Charges with any remissions required to be determined by absolute majority decision of Council.

2. Funding – Fitness in the Park Program

Council funds a range of projects and activities, some of these can be seen to be quite similar to those offered in the private sector by different entities around Clarence. Could I be provided with a quantum of the funding provided to Fitness in the Park given that this is not like some of the other activities that we fund in this space, it is not a targeted activity so what level of funding has Council put into that this year and how does this compare with the \$24,000 that Council decided not to provide to Business East.

Answer

The funding for Fitness in the Park was \$24,600. Council's previous funding to Business East to provide a specific youth enterprise program was \$24,000.

Ald Warren**Bellerive Oval Transport Plan Committee**

Is the community representative appointment on the Bellerive Oval Transport Plan Committee still vacant?

Answer

Nominations were called and one application was received. The applicant has been interviewed and his appointment is currently being formalised.

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 JOINT AUTHORITY MATTER
- 13.3 TENDER T1313/19 – ASPHALT RESURFACING WORKS 2019/20
- 13.4 TENDER T1294/19 – DERWENT AVENUE ROAD UPGRADE
- 13.5 HOBART CITY DEAL IMPLEMENTATION PLAN
- 13.6 GENERAL MANAGER REVIEW

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;
- contracts and tenders for the supply of goods and services;
- information provided to the council on the condition it is kept confidential;
- 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.

Ald James left the Meeting at this stage and did not return (10.17pm).

Decision:	<p>PROCEDURAL MOTION MOVED Ald Peers SECONDED Ald Chong</p> <p>“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”.</p> <p style="text-align: right;">CARRIED UNANIMOUSLY</p>
------------------	---

CLOSED MEETING /contd...

The following Closed Meeting Motion has been authorised by Council for publication in the public Minutes.

13.3 TENDER T1313/19 – ASPHALT RESURFACING WORKS 2019/20

(File No T1313-19)

Decision:

MOVED Ald Kennedy **SECONDED** Ald Peers

- “A. That the Tender from Roadways Pty Ltd for the sum of \$1,294,527.56 excluding GST, be accepted for the 2019/2020 Asphalt 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 publishes its decision only in regard to this matter in the open Minutes of this Meeting”.

CARRIED UNANIMOUSLY

13.4 TENDER T1294-19 – DERWENT AVENUE ROAD UPGRADE

(File No T1294/19)

Decision:	MOVED Ald Peers SECONDED Ald Ewington
	“A. That the Tender from JDM Contracting Pty Ltd for \$688,198.75 excluding GST, be accepted for the Derwent Avenue upgrade Stage 1 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 publishes its decision only in regard to this matter in the open Minutes of this Meeting.”.
	Ald Walker left the Meeting at this stage (10.20pm).
	The MOTION was put and CARRIED UNANIMOUSLY

The Meeting closed at 10.50pm.