

MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 21 OCTOBER 2019

HOURL CALLED: 7.00pm

PRESENT: The meeting commenced at 7.00 pm 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
S von Bertouch
J Walker
B Warren; present.

1. APOLOGIES Nil.

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 Manager Health and Community Development
(Mr R Brennan)

Manager City Planning
(Mr R Lovell)

Executive Officer to the General Manager
(Ms J Ellis)

The Meeting closed at 10.26pm.

Prior to the commencement of the meeting, the Mayor will make 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 to advise 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 21 OCTOBER 2019

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
1.	ATTENDANCE AND APOLOGIES.....	5
2.	CONFIRMATION OF MINUTES	5
3.	MAYOR’S COMMUNICATION	6
4.	COUNCIL WORKSHOPS	7
5.	DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE	8
6.	TABLING OF PETITIONS.....	9
7.	PUBLIC QUESTION TIME.....	10
7.1	PUBLIC QUESTIONS ON NOTICE	10
7.2	ANSWERS TO QUESTIONS ON NOTICE.....	10
7.3	ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE.....	10
7.4	QUESTIONS WITHOUT NOTICE	12
8.	DEPUTATIONS BY MEMBERS OF THE PUBLIC	13
9.	MOTIONS ON NOTICE.....	14
9.1	NOTICE OF MOTION - ALD BLOMELEY LINCOLN STREET PEDESTRIAN SAFETY.....	14
9.2	NOTICE OF MOTION - ALD WARREN CLIMATE CHANGE EMERGENCY.....	15
9.3	NOTICE OF MOTION - ALD WARREN INTRODUCTION OF NO SPRAY REGISTER	18
10.	REPORTS FROM OUTSIDE BODIES	19
10.1	REPORTS FROM SINGLE AND JOINT AUTHORITIES	19
	• COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY	
	• TASMANIAN WATER CORPORATION	
	• GRATER HOBART COMMITTEE	
10.2	REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES.....	19

11.	REPORTS OF OFFICERS.....	20
11.1	WEEKLY BRIEFING REPORTS	20
11.2	DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS.....	21

11.3 PLANNING AUTHORITY MATTERS

11.3.1	DEVELOPMENT APPLICATION PDPLANPMTD-2019/002685 – 3 GUNNING STREET, BELLERIVE - DWELLING ADDITION.....	23
11.3.2	DEVELOPMENT APPLICATION PDPLANPMTD-2019/001061 – 1 RAILWAY COURT, CAMBRIDGE - WAREHOUSE	25

11.4 CUSTOMER SERVICE

11.4.1	CUSTOMER SERVICE CHARTER REVIEW	28
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11.5 ASSET MANAGEMENT

11.5.1	AMENDMENTS TO 2019/20 ROADS CAPITAL BUDGET	29
11.5.2	KANGAROO BLUFF HISTORIC SITE	31
11.5.3	MORTIMER BAY COASTAL RESERVE ACTIVITY PLAN – 2019-2023.....	33
11.5.4	CREMORNE COASTAL RESERVE ACTIVITY PLAN – 2019-2029	35
11.5.5	CLIFF TOP RISK ASSESSMENTS	37
11.6	FINANCIAL MANAGEMENT	38

11.7 GOVERNANCE

11.7.1	COMMUNITY SUPPORT GRANTS	39
11.7.2	CLARENCE POSITIVE AGEING ADVISORY COMMITTEE CONSTITUTION	41
11.7.3	CREATION OF EASEMENT – 24 KIRRA ROAD, ROCHES BEACH	42
11.7.4	CREATION OF EASEMENT – 526 OCEANA DRIVE, HOWRAH.....	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	50
13.1	APPLICATIONS FOR LEAVE OF ABSENCE	
13.2	QUOTATION Q1317-19 – RISDON VALE OVAL – SUBSOIL DRAINAGE – DESIGN AND CONSTRUCT	
13.3	TENDER T1295/19 – BLESSINGTON STREET STORMWATER UPGRADE STAGE 1	

BUSINESS TO BE CONDUCTED AT THIS MEETING IS TO BE CONDUCTED IN THE ORDER IN WHICH IT IS SET OUT IN THIS AGENDA UNLESS THE COUNCIL BY ABSOLUTE MAJORITY DETERMINES OTHERWISE

COUNCIL MEETINGS, NOT INCLUDING CLOSED MEETING, ARE AUDIO-VISUALLY RECORDED AND PUBLISHED TO COUNCIL’S WEBSITE

1. ATTENDANCE AND APOLOGIES

Refer to cover page.

2. CONFIRMATION OF MINUTES

(File No. 10/03/01)

RECOMMENDATION:

That the Minutes of the Special Council (Planning Authority) Meeting held on 25 September 2019 and the Council Meeting held on 30 September 2019, as circulated, be taken as read and confirmed.

Decision: **MOVED** Ald Chong **SECONDED** Ald Kennedy

“That the Minutes of the Special Council (Planning Authority) Meeting held on 25 September 2019 and the Council Meeting held on 30 September 2019, as circulated, be taken as read and confirmed, noting that future agendas are to include all questions and their responses asked by Aldermen during Aldermen’s Question Time”.

CARRIED

FOR

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

AGAINST

Ald von Bertouch (abstained)

3. MAYOR'S COMMUNICATION

The Mayor reported on the following activities undertaken since the last Council Meeting

- **1 October**
 - Along with 9 other Aldermen, hosted a Joint Regional Cabinet Meeting with the State Government
 - Attended Greater Hobart Mayor's Forum
- **3 October**
 - Along with other Greater Hobart Mayors, Minister Alan Tudge and Minister Michael Ferguson, attended the launch of the Greater Hobart City Deal Implementation Plan and hosted a luncheon after the launch.
 - Opened the Maurice Potter History Room at the South Arm Community Centre.
- **4 October**

With the General Manager, attended the SERDA Annual General Meeting. The Mayor advised that Mayor Kerry Vincent was re-elected President of the Association and Mayor Debby Wisby elected Vice President.
- **5 October**

Attended the Cambridge Hall *Dance Hall Days* event.
- **8 October**

Along with the Deputy Mayor and General Manager, met with the Committee of the Rokeby Neighbourhood Centre.
- **12 October**

Attended the Rokeby Neighbourhood Centre 40th Birthday celebrations
- **14 October**

Along with the General Manager, attended the STCA Regional Strategy Workshop as observers
- **16 October**
 - presented Term 4 badges to Corpus Christi School Leaders and SRC Members
 - Opened an Exhibition in the Rosny Barn featuring photographs from Dr Peta Cook's project *Visualizing the Future*
 - Attended the 2040 Documentary at the Eastlands Cinema
- **17 October**

Attended an Evening at Parliament House for the Order of St John
- **18 October**

Met with Bill Lawson as a follow up to his Workshop Briefing concerning a Council Reconciliation Action Plan
- **19 October**

Attended the Lindisfarne RSL Sub-Branch Annual Luncheon

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
Customer Service Charter	
Presentation regarding Sporting Facility	
Kangaroo Bluff Historic Site	
Strategic Plan Review	
Continuation of Foreshore Trail to Cleve Court	
Allocation of Funding – Lauderdale Primary School Fencing	7 October
Stormwater System Management Plan	
Community Engagement Policy	
Cliff Top Risk Assessment	
No Smoking Zone Bellerive Oval Consultation Results	14 October

RECOMMENDATION:

That Council notes the workshops conducted.

Decision:	MOVED Ald Peers SECONDED Ald Edmunds
	“That the Recommendation be adopted”.
	CARRIED
FOR	AGAINST
Ald Blomeley	Ald von Bertouch (abstained)
Ald Chipman	
Ald Chong	
Ald Edmunds	
Ald Ewington	
Ald James	
Ald Kennedy	
Ald Mulder	
Ald Peers	
Ald Walker	
Ald Warren	

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	Item No.
Ald Blomeley	11.3.2 and 11.7.4
Ald Ewington	11.3.1
Ald Walker	9.1

6. TABLING OF PETITIONS
(File No. 10/03/12)

(Note: Petitions received by Aldermen are to be forwarded to the General Manager within seven days after receiving the petition).

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

The General Manager provided advice regarding a petition received requesting establishment of a pedestrian crossing in Lincoln Street, Lindisfarne which does not comply with the Act requirements. The General Manager further advised that although non-compliant, a report will still be provided to Council regarding the issues raised.

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.

Nil.

7.2 ANSWERS TO QUESTIONS ON NOTICE

Nil.

7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

The General Manager provides the following answers to Questions taken on Notice from members of the public at previous Council Meetings.

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?

ANSWER

The Parks Maintenance crew had just completed top dressing and over sown the area in question, and it was decided to run the irrigation for a short time to wet the area down, to hold the fresh soil and seeding. At the time of setting the irrigation program the area was free of people and the timer was set without proper consideration of people who may be using the area at the time the irrigation turned on.

Council's Parks Maintenance crew have discussed the issues and understand in future if they need to run the irrigation during the day, then they need to stay in the area and alert people that the irrigation is about to activate.

ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE /contd...**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?

ANSWER

In the case of a lightning strike and a subsequent wild fire, Tas Fire Service is the leading body in the management of the incident. Council's responsibility for fires on Council land, is to ensure access for Tas Fire crews and, as an interim measure, Council will try and contain any fire within our capabilities (skills, experience and available resources) until Tas Fire arrive. Upon control/completion of the fire Council will amend our Bush Fire Management Plan for the fire effected area, to account for the change in fuel levels.

GLOBAL WARMING

Michael Figg of Lauderdale 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?

ANSWER

While together with Federal and State Governments, Clarence has undertaken significant research into the possible future impacts of climate change and has introduced many initiatives to prepare for increased risks from events such as inundation and coastal erosion.

These initiatives include the planning controls contained in the current and proposed planning schemes, which have been developed to ensure that new development is designed and located to withstand the possible impacts of climate change events. In effect this may be seen as defending the development by design.

However, for pre-existing development, there is of course no opportunity to ensure protection through design and in these cases, land owners may want to try protecting their buildings and land from certain events. Of course, in these situations, Council does not seek to discourage owners from doing so, except that certain physical methods, such as land filling, retaining walls and sea walls, will usually require a planning permit to comply with the planning scheme controls. This approach is appropriate for many reasons; for example, to ensure that any works are appropriately designed and fit for purpose; or to ensure that there are no unreasonable off-site consequences.

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.

ROSNY HILL

Mrs D Hoggan of Rosny asked the following Questions:

1. Has Clarence City Council entered into, or begun negotiations concerning any lease or pre-lease agreement related to 12 Akuna Street, Montagu Bay (Rosny Hill NRA) with an individual or business entity?
2. What is the legal significance of the “proposed lease area Drawing No 1421-DA04 revision C-WIP dated 9 May 2019” cited in Appendix B of the Frazer Read Planning report for DA2019-002/2428

GLOBAL WARMING AND RIGHT TO DEFEND PROPERTY

Mr M Figg of Lauderdale asked the following Questions:

1. In the agenda we have got an answer to a question that I raised and the Mayor took the question on notice. He also stated, which is not in the Minutes or Agenda that he thought that there were legal implications in the question and he needed to take advice on answering the question. Could the Mayor notify myself and others what the legal implications of that question are in writing, please?
2. Secondly your answer states that we can defend our land in relation to the Planning Scheme. The document that I have handed out shows the areas in red that are put aside by the Government which the Council has to adopt for the LPS, areas that will be designated to be inundated and eroded. The Planning Scheme goes against your answer. It says that we are not allowed to landfill, it says that we have to avoid barriers so that is part of the defence for inundation. It also says that you have to ensure the coastal processes of erosion can continue. If our land is lost to the Crown when it is over-run by the sea, can you please say yes or no to the original question, can we defend our land against climate change, erosion, inundation and everything that affects us, the owners of the land?

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)

LINCOLN STREET PEDESTRIAN SAFETY

(REFER ITEM 9.1)

Ms Danielle Newstead of D's Village News and Lotto in Lindisfarne, addressed the Meeting regarding pedestrian safety in Lincoln Street, Lindisfarne

9. MOTIONS ON NOTICE**9.1 NOTICE OF MOTION - ALD BLOMELEY
LINCOLN STREET PEDESTRIAN SAFETY**

(File No 10-03-05)

Ald Walker Declared an Interest in this Item and left the Meeting prior to discussion (7.18 pm)

In accordance with Notice given it was:

Decision: **MOVED:** Ald Blomeley **SECONDED:** Ald Peers

“That this Council:

- A. Recognises there is heightened community interest in ensuring the Lincoln Street pedestrian crossing in Lindisfarne, between the Eastern Shore Medical Centre and D’s Village News & Lotto, is safe and ‘fit for purpose’, particularly for our elderly residents.
- B. Calls for an Officer’s Report to review the current traffic management and pedestrian safety arrangements and for the findings of this Review to be presented to Aldermen at a workshop.
- C. Calls for the Report to include a recommendation on the appropriateness of a zebra crossing, together with flashing lights (that are solar powered), as a potential solution.
- D. Calls for Council Officers, as part of the Review, to engage with local businesses and residents to ascertain the level of support for traffic calming/pedestrian safety measures”.

CARRIED UNANIMOUSLY

Ald Walker returned to the Meeting at this stage (7.33 pm)

9.2 NOTICE OF MOTION - ALD WARREN
CLIMATE CHANGE EMERGENCY
 (File No 10-03-05)

In accordance with Notice given it was:

Decision: **MOVED:** Ald Warren **SECONDED:** Ald Kennedy

“That this Council:

1. Notes the latest report of the Intergovernmental Panel on Climate Change (IPCC):

 Notes the Federal Government’s latest emissions data showing we are increasing, not reducing our carbon emissions;

 Acknowledges that Clarence City Council is likely to be substantially affected by climate impacts, particularly floods, bushfires, drought, coastal erosion and sea level rise; and

 Publicly acknowledges that we are in a state of climate and biodiversity emergency that requires urgent action by all levels of government, including local Councils.
2. Declares its commitment to action on the devastating effects of climate change and by doing so joins over 1087 jurisdictions in 20 countries worldwide, including 60 Australian Councils.
3. Acknowledges that Clarence City Council has been taking action on sustainability through its Coastal Erosion Policy work, energy efficiency through lighting, heating and use of solar panels, and use of energy efficient design principles, thus setting a solid foundation for ramping up ambition and action to meet the moral and scientific urgency of climate change;
4. Requests the General Manager to ensure that any strategic financial management and development decisions consider climate change and that this is noted in Council reports and Council’s Strategic Plan.

/Decision contd on Page 16...

NOTICE OF MOTION - ALD WARREN
CLIMATE CHANGE EMERGENCY /Decision contd...

- 5 Requests the Mayor to write to the State Premier and Prime Minister including Clarence City Council's climate action record to date and urging them and their Governments to:
- a) declare a climate and biodiversity emergency; and
 - b) back this up with legislated programs to drive emergency action to reduce greenhouse gas emissions, meet the Paris Agreements and facilitate action on coastal management and climate change adaptation".

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

FOR

Ald Edmunds
 Ald James
 Ald Kennedy
 Ald Mulder
 Ald Peers
 Ald Warren

AGAINST

Ald Blomeley
 Ald Chipman
 Ald Chong
 Ald Ewington
 Ald von Bertouch
 Ald Walker

As the above Motion was Lost, Ald von Bertouch provided the following Motion without Notice - "Climate Change Impacts – Clarence City Council's Commitment to Mitigation and Adaptation Actions"

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

"That Council:

- 1 Reiterates its commitment to continue to progress mitigation and adaptation actions on the significant effects of climate change, particularly within the City of Clarence;
- 2 Reviews, expedites and fully implements as quickly as possible Strategy 4.5 of Council's Strategic Plan 2016 – 2026, i.e.:

Acknowledge and respond to the impacts of climate change by:

- continuing to work with all levels of government to meet national climate change objectives as agreed to following the 21st Conference of Parties (COP21, Paris) – the United Nations framework convention on climate change.
- developing climate change adaptation and mitigation action plans to meet the agreed response to climate change impacts.

/Decision contd on Page 17...

**MOTION WITHOUT NOTICE - “CLIMATE CHANGE IMPACTS – CLARENCE CITY COUNCIL’S COMMITMENT TO MITIGATION AND ADAPTATION ACTIONS
/Decision contd...**

- considering the impacts in all asset management plans and land-use planning strategies.
 - ensuring the community is well informed of potential impacts, particularly coastal communities.’;
- 3 Liaises with the State Premier and Prime Minister, via a Mayoral letter, acknowledging the other levels of government climate change mitigation and adaptation initiatives to date, and requesting their Governments to immediately embark on a collaborative approach to addressing the various climate change impacts by determining, via various tangible mechanisms, e.g. the Council of Australian Governments (COAG), the roles, responsibilities and financial resourcing of each level of Government;
- 4 Conducts an Aldermen’s Workshop as soon as possible to progress the actions in points 2 and 3 of this motion.”

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

FOR

Ald Blomeley
Ald Chipman
Ald Chong
Ald Edmunds
Ald von Bertouch
Ald Walker

AGAINST

Ald Ewington
Ald James
Ald Kennedy
Ald Mulder
Ald Peers
Ald Warren

**9.3 NOTICE OF MOTION - ALD WARREN
INTRODUCTION OF NO SPRAY REGISTER**
(File No 10-03-05)

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

- “A That Council establishes a No Spray Register where Clarence residents who do not want the road reserve in front of, or alongside their property, to be sprayed with Roundup can undertake to assume responsibility for management of weeds alongside and in front of their property.
- B That if a resident does not control weeds to a satisfactory standard, Council resumes responsibility and the use of Roundup”.

With the Leave of the Meeting Ald Warren amended her Motion and it was:

Decision:	MOVED: Ald Warren SECONDED: Ald Chong
“A	That Council investigates the establishment of a No Spray Register where Clarence residents who do not want the road reserve in front of or alongside their property to be sprayed with glyphosate herbicides can undertake to assume responsibility for management of weeds alongside and in front of their property.
B	That if a resident does not control weeds to a satisfactory standard, Council resumes responsibility and the use of herbicides.
C	That Council request officers to prepare a report on the current use of herbicides in Clarence, and include a comparison of No Spray Registers in other neighbouring councils”.
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

September Quarterly Report pending.

Representative Reporting

- **TASWATER CORPORATION**

- **GREATER HOBART COMMITTEE**

10.2 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES

- Ald Blomeley tabled Minutes of the Lindisfarne Community Activities Centre Annual General Meeting held on 17 October 2019
- Ald James provided a verbal report on the forthcoming Seafarers' Festival to be held on the Bellerive Boardwalk on Sunday 27 October 2019.

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

(File No 10/02/02)

The Weekly Briefing Reports of 30 September and 7 and 14 October 2019 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 30 September and 7 and 14 October 2019 be noted.

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

Nil.

11.3 PLANNING AUTHORITY MATTERS

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

11.3.1 DEVELOPMENT APPLICATION PDPLANPMTD-2019/002685 – 3 GUNNING STREET, BELLERIVE - DWELLING ADDITION**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Dwelling Addition at 3 Gunning Street, Bellerive.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Stormwater Management and Parking & Access Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

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 22 October 2019.

CONSULTATION

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

- design;
- overshadowing; and
- visual impact.

RECOMMENDATION:

A. That the Development Application for Dwelling addition at 3 Gunning Street, Bellerive (CI Ref PDPLANPMTD-2019/002685) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

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 24 for Decision...

**DEVELOPMENT APPLICATION PDPLANPMTD-2019/002685 – 3
GUNNING STREET, BELLERIVE - DWELLING ADDITION /contd...**

Ald Ewington Declared and Interest in this Item and left the Meeting prior to discussion (8.56 pm)

Decision:

MOVED: Ald Blomeley **SECONDED:** Ald Peers

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

Ald Ewington returned to the Meeting at this stage (8.57 pm)

11.3.2 DEVELOPMENT APPLICATION PDPLANPMTD-2019/001061 – 1 RAILWAY COURT, CAMBRIDGE - WAREHOUSE**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Warehouse at 1 Railway Court, Cambridge.

RELATION TO PLANNING PROVISIONS

The land is zoned Light Industrial and subject to the Parking and Access, Stormwater Management Codes and the Cambridge Industrial Estate Specific Area Plan 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 was extended with the consent of the applicant until 23 October 2019.

CONSULTATION

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

RECOMMENDATION:

- A. That the Development Application for a Warehouse at 1 Railway Court, Cambridge (CI Ref PDPLANPMTD-2019/001061) be refused for the following reasons.
1. The proposal does not comply with Clause F15.7.2.1 P1 as the proposal is not compatible with the scale of nearby buildings and has not demonstrated that is suitable for the site or positively contributes to the streetscape.
 2. The proposal does not comply with Clause F15.7.2.2 P1 as the reduction in the front building setback does not enhance the streetscape.

3. The proposal does not comply with Clause F15.7.2.2. P2 as the reduction in the side boundary setback does not enhance the streetscape and is not offset by additional landscaping on the opposite boundary.
 4. The proposal does not comply with Clause F15.7.2.3 P1 as the building design does not positively contribute to the streetscape as it presents large expanses of blank walls in the front façade with minimal architectural detail.
 5. The proposal does not comply with Clause F15.7.2.4 P1 as the landscaping with a minimum width of 4.5m is not provided along the whole of the southern boundary, excluding the access.
- 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.

Ald Blomeley Declared an Interest in this Item and left the Meeting prior to discussion (8.57 pm)

<p>Decision:</p>	<p>MOVED: Ald Peers SECONDED: Ald James</p> <p>“That the Recommendation be adopted.”</p> <p>The MOTION was put and LOST</p> <table> <tr> <td>FOR</td> <td>AGAINST</td> </tr> <tr> <td>Ald James</td> <td>Ald Chipman</td> </tr> <tr> <td>Ald Kennedy</td> <td>Ald Chong</td> </tr> <tr> <td>Ald Peers</td> <td>Ald Edmunds</td> </tr> <tr> <td>Ald von Bertouch</td> <td>Ald Ewington</td> </tr> <tr> <td>Ald Warren</td> <td>Ald Mulder</td> </tr> <tr> <td></td> <td>Ald Walker</td> </tr> </table> <p>FORESHADOWED MOTION MOVED: Ald Ewington SECONDED: Ald Mulder</p> <p>“A. That the Development Application for a Warehouse at 1 Railway Court, Cambridge (CI Ref PDPLANPMTD-2019/001061) be approved subject to the following conditions:</p> <ol style="list-style-type: none"> 1. GEN AP1 – ENDORSED PLANS. 2. ENG A5-SEALED CARPARKING 3. ENG M1 – DESIGNS DA 	FOR	AGAINST	Ald James	Ald Chipman	Ald Kennedy	Ald Chong	Ald Peers	Ald Edmunds	Ald von Bertouch	Ald Ewington	Ald Warren	Ald Mulder		Ald Walker
FOR	AGAINST														
Ald James	Ald Chipman														
Ald Kennedy	Ald Chong														
Ald Peers	Ald Edmunds														
Ald von Bertouch	Ald Ewington														
Ald Warren	Ald Mulder														
	Ald Walker														

/Decision contd on Page 27...

DEVELOPMENT APPLICATION PDPLANPMTD-2019/001061 – 1 Railway Court, CAMBRIDGE – WAREHOUSE /Decision contd...

4.	ENG S1 – INFRASTRUCTURE REPAIR
5.	For the purposes of protecting Council's stormwater system all stormwater runoff from impervious surfaces within the site must be treated and discharged from the site using Water Sensitive Urban Design principles to achieve stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010 and consistent with the Stormwater System Management Plan for the relevant catchment. Detailed engineering designs accompanied with a report on all stormwater design parameters and assumptions or a model using industry accepted proprietary software, such as MUSIC must be submitted to Council's Group Manager Engineering Services for approval prior to the issue of a building or plumbing permit. A Maintenance Management Schedule/Regime must also be submitted and the facility must be maintained in accordance with this schedule.
6.	LAND 1A-LANDSCAPE PLAN
7.	LAND 3 – LANDSCAPE BOND (COMMERCIAL)
8.	The development must meet all required Conditions of Approval specified by TasWater notice, dated 31 May 2019 (TWDA 2018/00721-CCC)".
CARRIED	
FOR	AGAINST
Ald Chipman	Ald James
Ald Chong	Ald Kennedy
Ald Edmunds	Ald Peers
Ald Ewington	Ald von Bertouch
Ald Mulder	Ald Warren
Ald Walker	

Ald Blomeley returned to the Meeting at this stage (9.16 pm)

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

11.4 CUSTOMER SERVICE**11.4.1 CUSTOMER SERVICE CHARTER REVIEW**

(File No)

EXECUTIVE SUMMARY**PURPOSE**

To adopt a revised Customer Service Charter (2019).

RELATION TO EXISTING POLICY/PLANS

The changes sought will not impact on any pre-existing policies or strategies of Council.

LEGISLATIVE REQUIREMENTS

In accordance with the *Local Government Act 1993*, Section 339F(4), a review of the Customer Service Charter is required to be undertaken within 12 months of the last council election.

CONSULTATION

Discussions undertaken with the Corporate Executive Committee and an Aldermen's Workshop were held to consider any changes.

FINANCIAL IMPLICATIONS

There will be some costs associated with the production of a new brochure, which will be funded within the current budget allocation.

RECOMMENDATION:

That Council adopts the Customer Service Charter (2019).

Decision: **MOVED:** Ald Warren **SECONDED:** Ald Chong

“That the Recommendation be adopted”

CARRIED UNANIMOUSLY

11.5 ASSET MANAGEMENT**11.5.1 AMENDMENTS TO 2019/20 ROADS CAPITAL BUDGET**

(File No T1294/19)

EXECUTIVE SUMMARY**PURPOSE**

To approve an amendment to the 2019/2020 Roads Capital Budget, whereby the projects Geilston Creek Road carpark, Geilston Bay, and Hadlow Road footpath and kerb and gutter, Lauderdale, are deferred. The funds from these deferred projects to be allocated to a new project; South Arm Road footpath upgrade, Ringwood Road to Lauderdale Primary School.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016/2026 is relevant.

LEGISLATIVE REQUIREMENTS

The Local Government Act is relevant.

CONSULTATION

The proposed amendments to the Roads Capital Budget impacts on three projects.

Council has received representations from the Lauderdale Primary School Parents & Friends Association requesting upgrading of the South Arm Road footpath due to safety concerns. Meetings have been held with the Parents and Friends Association and the Primary School Principal and these parties are in support of the proposed new project.

Council has received objections from residents situated along Geilston Creek Road to the proposed Geilston Creek carpark project. Both Aldermen and Council officers have met with residents on-site.

No consultation has been undertaken on the proposed deferral of the Hadlow Road footpath and kerb and gutter project.

FINANCIAL IMPLICATIONS

Council has allocated funds of \$100,000 as part of the 2019/20 Roads Capital Budget to the Geilston Creek Road carpark project. Council has similarly allocated funds of \$190,000 to the Hadlow Road footpath and kerb and gutter project. The proposal is to defer both of these projects and reallocate the funds to a new project within the 2019/20 Roads Capital Budget; South Arm Road footpath upgrade, Ringwood Road to Lauderdale Primary School.

Estimates have been prepared for the South Arm Road footpath upgrade, Ringwood Road to Lauderdale Primary School, project. The estimated cost for upgrading the footpath between Ringwood Road and the lower Primary School gate (refer Concept Plan – Attachment 1) is \$220,000. The estimated cost to upgrade the entire length of footpath from Ringwood Road to Acton Road is \$310,000.

Reallocation of funds from the above projects would provide \$290,000 for the new South Arm Road footpath project. It is proposed that the estimate be reviewed on completion of the detail design at which time a decision can be made on the extent of footpath which can be constructed for the available budget. As a minimum the section from Ringwood Road to the lower Primary School gate should be completed.

If necessary, additional funding in 2020/2021 could be considered to complete the footpath upgrade to Acton Road.

RECOMMENDATION:

- A. That the Geilston Creek Road carpark, Geilston Bay, and Hadlow Road footpath and kerb and gutter, Lauderdale, projects within the 2019/20 Roads Capital Budget be deferred for future budget consideration.
- B. That the budgeted funds allocated to the above projects be reallocated to a new project in the 2019/20 Roads Capital Budget, being the South Arm Road footpath upgrade, Ringwood Road to Lauderdale Primary School.
- C. That residents in the Geilston Creek Road and Hadlow Road areas be advised of Council's decision to defer each project for future budget consideration.

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.5.2 KANGAROO BLUFF HISTORIC SITE

(File No)

EXECUTIVE SUMMARY**PURPOSE**

To consider the formal taking over of the management of the Kangaroo Bluff Historic Site.

RELATION TO EXISTING POLICY/PLANS

- Strategic Plan 2016 – 2026;
- Cultural History Plan 2018 – 2023;
- Economic Development Plan 2016 – 2021; and
- Cultural Creative Precinct Development Framework 2018.

LEGISLATIVE REQUIREMENTS

The proposal is to transfer the managing authority of the Kangaroo Bluff Historic Site to Council under Section 29(2) of the National Parks and Reserves Management Act, 2002. This, in turn, would legally obligate Council to manage the site in accordance with the requirements stipulated under the Statutory Management Plan for the site (Registered Plan Number LM 146) on an on-going basis.

CONSULTATION

There has been correspondence, and meetings held with the State Government regarding this proposal for a number of years.

FINANCIAL IMPLICATIONS

There are potential financial implications for Council given the extent of works identified in the site management plan. The timelines and extent of such works could be managed over an extended timeframe should it agree to take on the management responsibilities. The extent and timing of works, and who will be responsible for these costs will be identified with the Tasmanian Parks and Wildlife Service prior to any agreement being reached.

RECOMMENDATION:

- A. That Council expresses its interest to Tasmanian Parks and Wildlife Service and/or the Crown in becoming the management authority of the Kangaroo Bluff Historic Site under the National Parks and Reserves Management Act 2002, subject to conditions.
- B. That Council authorises the General Manager to enter into negotiation with Tasmanian Parks and Wildlife Service and/or the Crown to identify the conditions that may apply, for example:
 - the scope of works;
 - respective responsibilities;
 - possible enhancements at the site that could increase the facility's use as a community cultural and tourism asset;

- funding that may be required; and
- sources of funding.

C. That the General Manager be requested to provide a further report once the negotiation is completed so that Council can consider its position in respect to any conditions that would apply should it become the management authority for the site.

Decision:	MOVED: Ald Mulder SECONDED: Ald Edmunds
“A.	That Council expresses its interest to Tasmanian Parks and Wildlife Service and/or the Crown in becoming the owner or Management Authority of the Kangaroo Bluff Historic Site under the National Parks and Reserves Management Act 2002, subject to conditions.
B.	That Council authorises the General Manager to enter into negotiation with Tasmanian Parks and Wildlife Service and/or the Crown to identify the conditions that may apply, for example: <ul style="list-style-type: none"> • the scope of works; • respective responsibilities (if any); • possible enhancements at the site that could increase the facility’s use as a community cultural and tourism asset; • funding that may be required; and • sources of funding.
C.	That the General Manager be requested to provide a further report once the negotiation is completed so that Council can consider its position in respect to any conditions that would apply should it become the owner or management authority for the site”.
	CARRIED
FOR	AGAINST
Ald Blomeley	Ald James
Ald Chipman	Ald Peers
Ald Chong	Ald von Bertouch
Ald Edmunds	Ald Walker
Ald Ewington	
Ald Kennedy	
Ald Mulder	
Ald Warren	

11.5.3 MORTIMER BAY COASTAL RESERVE ACTIVITY PLAN – 2019-2023

(File Nos 12-06-08:Ecm 3639073)

EXECUTIVE SUMMARY**PURPOSE**

To consider the adoption of the Mortimer Bay Coastal Reserve Activity Plan 2019-2023, incorporating amendments to the draft Plan, following community consultation.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016-2026, Clarence Bushland and Coastal Strategy 2011 and Community Participation Policy are relevant.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Extensive consultation was undertaken with the Mortimer Bay Coastcare Group Inc., Cremorne Community Group and the local community in accordance with Council's Community Participation Policy.

FINANCIAL IMPLICATIONS

The adoption of the Mortimer Bay Coastal Reserve Activity Plan 2019-2023 has no direct financial impact. The implementation of the Mortimer Bay Coastal Reserve Activity Plan 2019-2023 is planned to be staged over several financial years, subject to Council approval of future Annual Plans.

RECOMMENDATIONS:

That Council adopts the Mortimer Bay Coastal Reserve Activity Plan 2019-2023 Subject to the following amendments.

Amend either the text or priority of the following existing recommendations namely, TC8, TC9, TC11, DM1, IS2, IS5 and IS6, to the below new recommendations. Amendments are in **bold** text.

1. Extend the Mortimer Bay Reserve dual track corridor northwards through to the boundary of the Clifton Riding Club (CRC) leased area. **In consultation with the CRC**, fence and gate a 3-metre-wide track corridor aside of the CRC leased area to Rifle Range Road carpark. **(TC8 and TC10).**
2. Investigate the potential of extending the coastal track south of Palana Court through private land to South Arm (TC9) **(Change the priority from Medium to High).**
3. Retain horse float parking **at an appropriate location at** Clifton Riding Club **and consider need for improvements/signage. (TC11).**

4. Consider declaring the area from Palana Court to Sabre Place as “**Dog on-lead area only**” as part of the next review process for Clarence Dog Management Policy (DM1).
5. Replace the log barriers at the June Graham and Priscilla Park entrances with bike friendly gates **in consultation with experienced horse and bike riders. (IS2).**
6. Rationalise existing signage near main **entrances** to incorporate information about: multi-use tracks, natural values, cultural heritage as well as **recommended routes, illegal activities and penalties. (IS5).**
7. Provide a dog bag dispenser at the Priscilla Park entrance (E5) with **compostable bags** and signage “Take your rubbish home” at main entrances. (IS6).

Add the following new recommendation CH3 into the Plan:

1. Investigate the use of Aboriginal names to identify four unnamed Reserve entrances provided that the names are endorsed by the Aboriginal and local communities.

Delete the following Recommendation TC7 from the Plan.

2. Promote a selection of circuit walks and rides in Mortimer Bay eg Mortimer Bay – Calvert’s Lagoon Circuit.

Decision:	MOVED: Ald James SECONDED: Ald Ewington
	“That the Recommendation be adopted”
	Ald Mulder left the Meeting at this stage (9.41 pm)
	The Motion was put and CARRIED UNANIMOUSLY

11.5.4 CREMORNE COASTAL RESERVE ACTIVITY PLAN – 2019-2029

(File No 3604175)

EXECUTIVE SUMMARY**PURPOSE**

To consider the adoption of the Cremorne Coastal Reserve Activity Plan 2019-2029 following community consultation.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016-2026, Clarence Bushland and Coastal Strategy 2011 and Community Participation Policy are relevant.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Extensive consultation was undertaken with the Pipe Clay Coastcare Group Inc., Cremorne Community Group and the local community in accordance with Council's Community Participation Policy.

FINANCIAL IMPLICATIONS

The adoption of the Cremorne Coastal Reserve Activity Plan 2019-2029 has no direct financial impact. The implementation of the Cremorne Coastal Reserve Activity Plan 2019-2029 is planned to be staged over several financial years, subject to Council approval of future Annual Plans.

RECOMMENDATION:

That Council adopts the Cremorne Coastal Reserve Activity Plan 2019-2029 subject to the following amendments.

Amend Recommendations VM 3, VM 5 and IS 1 as follows:

1. **VM 3**
In consultation with the local community to develop an agreed coastal reserve beach access and parking plan for Pipe Clay Esplanade.
2. **WM 5**
Request community support to monitor for Chilean needle grass weeds following an identification and awareness program.
3. **IS 1**
Install new signage at the end of Forest Hill Road to cover geological information, distances and a note regarding a 'rock-hopping' requirement on Mays Beach track.

Add the following new Recommendations IS 10 into the Plan:

Recommendation IS 10:

Assess the interests of the Pipe Clay Esplanade residents to share the cost of road maintenance in accord with a beneficiary pays principle.

Add further information into the Report

- 1. Under Section 5.7.4 Page 38 include an additional dot point:**
Provide a Vegetation Management Plan to clarify where weed management is required, where pruning and revegetation should occur and what species to be planted.
- 2. Add new Section 4.2 on Pages 12 and 13.**

Decision: **MOVED:** Ald James **SECONDED:** Ald Blomeley

“That the Recommendation be adopted”

CARRIED UNANIMOUSLY

11.5.5 CLIFF TOP RISK ASSESSMENTS

(ECM. 3641682)

EXECUTIVE SUMMARY**PURPOSE**

To receive and note the Cliff Top Risk Assessments report from Jardine Lloyd Thompson (JLT) and to determine further immediate steps to address risks identified as “extreme”.

RELATION TO EXISTING POLICY/PLANS

Council’s Strategic Plan 2016 – 2026 is relevant.

LEGISLATIVE REQUIREMENTS

The *Local Government Act 1993* (Tas) provides that a function of a Council is “*to provide for the health, safety and welfare of the community*”. Council also has a common law duty of care to consider and address issues of public safety and risk.

CONSULTATION

No consultation has been undertaken at this stage.

FINANCIAL IMPLICATIONS

No funds have been allocated in the current 2019/2020 Capital Budget for addressing cliff top risks as recommended in the JLT report. Funding will need to be allocated and it is proposed that a further report be provided to Council’s 11 November 2019 Meeting to address this issue.

RECOMMENDATION:

- A. That Council receives and notes the Cliff Top Risk Assessments report from Jardine Lloyd Thompson.
- B. That a further report be presented at Council’s Meeting on 11 November 2019, providing recommendations to mitigate the hazards at each site assessed as “extreme” risk, including funding re-allocations within the current budget necessary to undertake works as soon as possible.
- C. That Council officers inform relevant stakeholders at each “extreme risk” site of proposed mitigation actions and receive feedback in respect to those proposed actions; to be reported to Council at its Meeting on 11 November 2019.

Decision:**MOVED:** Ald James **SECONDED:** Ald Edmunds

“That the Recommendation be adopted”.

Ald Mulder returned to the Meeting at this stage (9.43 pm)

CARRIED UNANIMOUSLY

11.6 FINANCIAL MANAGEMENT

The General Manager tabled the Audit Report and Financial Statements for the year ended 30 June 2019.

The General Manager thanked the Chief Financial Officer, her finance team and other staff involved for the effort that has gone into the preparation of this year's financial statement.

With the Leave of the Meeting the Mayor requested that the General Manager's comments in regard to the efforts of the staff be recognised.

11.7 GOVERNANCE**11.7.1 COMMUNITY SUPPORT GRANTS**

(File No 09-17-05A)

EXECUTIVE SUMMARY**PURPOSE**

To consider the Community Grants Assessment Panel's recommendations for the allocation of financial assistance in respect of the September 2019 round of Community Support Grants.

RELATION TO EXISTING POLICY/PLANS

To consider the Community Grants Assessment Panel's recommendations for the allocation of financial assistance in respect of the September 2019 round of Community Support Grants.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Nil.

FINANCIAL IMPLICATIONS

There is an annual budget for the Community Grants Program including the bi-annual Community Support Grants.

RECOMMENDATION:

That Council approves financial grants amounting to \$17,510.18 to community groups and organisations, as detailed in the schedule attached to the Associated Report.

Ald Kennedy left the Meeting at this stage (9.54 pm)

Decision:	MOVED: Ald Blomeley SECONDED: Ald Edmunds "That Council increases the grant funding to \$17,654.18, to include an increase in the grant to the Howrah Men's Shed of \$144". PROCEDURAL MOTION MOVED: Ald Mulder SECONDED: Ald James "That the Motion be put" The Procedural Motion was put and CARRIED UNANIMOUSLY
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/Decision contd on Page 40...

COMMUNITY SUPPORT GRANTS /Decision contd...

The Motion was put and LOST	
FOR	AGAINST
Ald Blomeley	Ald Chipman
Ald Edmunds	Ald Chong
	Ald Ewington
	Ald James
	Ald Mulder
	Ald Peers
	Ald von Bertouch
	Ald Walker
	Ald Warren
It was then	
MOVED: Ald Peers SECONDED: Ald Blomeley	
“That the Recommendation be adopted”.	
CARRIED UNANIMOUSLY	

Ald Kennedy returned to the Meeting at this stage (9.59 pm

11.7.2 CLARENCE POSITIVE AGEING ADVISORY COMMITTEE CONSTITUTION

(File No 09-08-04)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is for Council to endorse and adopt a revised Constitution for the operation of the Clarence Positive Ageing Advisory Committee (CPAAC).

RELATION TO EXISTING POLICY/PLANS

- Strategic Plan 2016-2026;
- Age Friendly Clarence Plan 2018-2022;
- Access and Inclusion Plan Draft 2019;
- Asset and Recreational Plans;
- Community Health and Wellbeing Plan 2013-2018;
- Cultural Arts Plan 2012-2016;
- Events Plan;
- Youth Plan.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

CPAAC members have had extensive discussions during committee meetings and have recommended the proposed changes. Corporate Governance have also provided input to ensure the constitution follows the standard format set for all Special Committees of Council.

FINANCIAL IMPLICATIONS

Nil.

RECOMMENDATION:

That Council endorses and adopts the revised Constitution for the Clarence Positive Ageing Advisory Committee (CPAAC).

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

“That the Recommendation be adopted”

CARRIED UNANIMOUSLY

11.7.3 CREATION OF EASEMENT – 24 KIRRA ROAD, ROCHES BEACH

(File Nos SD-2012/1; K14-24)

EXECUTIVE SUMMARY**PURPOSE**

To consider the creation of an easement in favour of TasWater over Council owned land at 24 Kirra Road, Roches Beach for the benefit of a private subdivision development.

RELATION TO EXISTING POLICY/PLANS

Nil.

LEGISLATIVE REQUIREMENTS

As the proposed creation of an easement represents a transaction of an interest in Council land, this decision is required to be dealt with under the *Local Government Act 1993* (Tas) and requires an Absolute Majority decision of Council.

CONSULTATION

Consultation has occurred between Council officers, the owners of 351 Acton Road and the owner's surveyor.

FINANCIAL IMPLICATIONS

Costs associated with the establishment of the easement will be borne by the owner of 351 Acton Road and will not impact on Council's Annual Plan.

RECOMMENDATION:

That Council:

- A. Approves the request from the owner of 351 Acton Road to create a pipeline and service easement over public open space at 24 Kirra Road, Roches Beach and that the owner pays Council compensation of \$7,200.00.
- B. Endorses the creation of a pipeline and service easement in favour of Tasmanian Water and Sewerage Corporation over the Council land at 24 Kirra Road, Roches Beach.
- C. Requires all costs associated with the creation of the easement, including Council's legal costs and valuation fee, to be borne by the owner.

/Refer to Page 43 for Decision...

CREATION OF EASEMENT – 24 KIRRA ROAD, ROCHES BEACH /contd...

Decision:	MOVED: Ald Ewington SECONDED: Ald Blomeley	
	“That Council:	
	A. Approves the request from the owner of 351 Acton Road to create a pipeline and service easement over public open space at 24 Kirra Road, Roches Beach.	
	B. Endorses the creation of a pipeline and service easement in favour of Tasmanian Water and Sewerage Corporation over the Council land at 24 Kirra Road, Roches Beach.	
	C. Requires all costs associated with the creation of the easement, including Council’s legal costs and valuation fee, to be borne by the owner”.	
	The MOTION was put and LOST	
	FOR	AGAINST
	Ald Ewington	Ald Blomeley
	Ald Mulder	Ald Chipman
		Ald Chong
		Ald Edmunds
		Ald James
		Ald Kennedy
		Ald Peers
		Ald von Bertouch
		Ald Walker
		Ald Warren
	It was then:	
	MOVED: Ald Peers SECONDED Ald James	
	“That the Recommendation be adopted”	
	CARRIED	
	FOR	AGAINST
	Ald Blomeley	Ald Mulder (abstained)
	Ald Chipman	
	Ald Chong	
	Ald Edmunds	
	Ald Ewington	
	Ald James	
	Ald Kennedy	
	Ald Peers	
	Ald von Bertouch	
	Ald Walker	
	Ald Warren	

11.7.4 CREATION OF EASEMENT – 526 OCEANA DRIVE, HOWRAH

(File Nos SD-2011/30; O01-526)

EXECUTIVE SUMMARY**PURPOSE**

To consider the creation of an easement in favour of TasWater over Council owned land at 526 Oceana Road, Howrah for the benefit of a private subdivision development at 473 Rokeby Road, Howrah.

RELATION TO EXISTING POLICY/PLANS

Nil.

LEGISLATIVE REQUIREMENTS

As the proposed creation of an easement represents a transaction of an interest in Council land, this decision is required to be dealt with under the *Local Government Act 1993* (Tas) and requires an Absolute Majority decision of Council.

CONSULTATION

Consultation has occurred between Council officers and the owner of adjacent land at Tunah Street, Howrah.

FINANCIAL IMPLICATIONS

Costs associated with the establishment of the easement will be borne by the Owner of the private sub-division and will not impact on Council's Annual Plan.

RECOMMENDATION:

- A. That Council approves the request from the owner of 9 lots in Tunah Street to create a pipeline and service easement over public open space at 526 Oceana Drive, Howrah.
- B. That Council endorses the creation of a pipeline and service easement in favour of Tasmanian Water and Sewerage Corporation over the Council land at 526 Oceana Drive, Howrah.
- C. That all costs associated with the creation of the easement, including compensation as determined by the Valuer General, Council's legal costs and valuation fee, are to be borne by the owner.

/Refer to Page 45 for Decision...

CREATION OF EASEMENT – 526 OCEANA DRIVE, HOWRAH /contd...

Ald Blomeley Declared and Interest in this Item and left the Meeting prior to discussion (10.12 pm).

Ald Walker left the Meeting at this stage (10.12 pm)

Decision:

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

“That the Recommendation be adopted”

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

Ald Blomeley returned to the Meeting at this stage (10.13 pm)

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.

Ald Walker returned to the Meeting at this stage (10.14 pm)

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 30 September 2019.

Ald Peers**Bayfield Street Footpath Maintenance**

1. Has Council now taken over responsibility for maintenance of the Bayfield Street footpath?
2. Could the General Manager investigate the clean up of leaves from trees along the median strip in Bayfield Street by Council staff?

Answer

1. The contractor engaged for the Bayfield Streetscape project has now successfully completed the twelve-month defect liability period, which included landscape maintenance. During the period the contractor was requested to complete maintenance on several items, including landscape maintenance obligations. All identified maintenance and repairs have been completed. Council's maintenance crews / contractors will continue their street cleaning regime.
2. At present Bayfield Street is swept on a Monday and Friday each week between the hours of 6 and 7am. Additional sweeping is done on a Wednesday during Autumn; again between the hours of 6 and 7am.

Ald Blomeley**1. Pedestrian Safety Lincoln Street, Lindisfarne**

Is Council aware of the heightened community concern surrounding the danger posed to pedestrians, mainly elderly residents, attempting to cross Lincoln Street, Lindisfarne from the Doctors' surgery across to the newsagents and near the turning to Franklin Street. There is a petition circulating in the village and a widely held view that the traffic island does not provide adequate safety particularly for those in motorised chairs, wheelchairs and those pushing prams etc. Whilst there is on occasion a police presence the 40 km speed limit is often ignored. Could the General Manager undertake to investigate this concern and engage the appropriate State Government instrumentality to ensure this issue is addressed appropriately.

2. Impact of Wildlife on Suburban Gardens

Is Council aware of the damaging and inconsiderate impact wildlife is having on the vegetation, lawns and gardens of residents, particularly those in Geilston Bay. Could Council officers please advise what measures if any, are being taken to curtail this trail of wilful destruction by wildlife, mainly wallabies, which hop from property to property feasting and defecating on lawns and flora grown by hardworking ratepayers. Could the General Manager investigate what action Council could take to address this issue?

Answer

1. It is proposed that a specialist traffic consultant be engaged to assess pedestrian safety issues in Lincoln Street and report on options for improvement. This could range from infrastructure works to upgraded signage and line marking. This process may take some weeks, depending on availability of the consultant.
2. Council has no authority to control wildlife numbers or movements. This is particularly so given that many native species are protected. Property owners may choose to protect their lawns and garden areas with fencing.

Ald Edmunds

All Access Playgrounds

Could I be provided with a full list of Council playground equipment that is ‘all access’?

Answer

Council has two parks that are specifically designed to be fully accessible to users of all ages and abilities – Simmons Park, Lindisfarne and Bellerive Beach Park, Bellerive. These two parks were designed with accessibility as the priority and all abilities users are provided for from the point of arrival (car parking/bus bay) all the way to each item of play equipment or park facility such as shelter, barbeque or bench. Key play equipment items provided include:

Simmons Park: Liberty swing, disability swing, basket swings, inground trampoline and various combination climbing and sliding units, a large rope climbing frame with slide and nature based play.

Bellerive Beach Park: Basket swing, musical bridge, carousel, large combination structure with slide, water pump and weirs, sand digger, sand play table, low maze, nature play and talking tubes.

Many of Councils other parks have elements that are ‘accessible’ such as Kangaroo Bay playground with water pumps and weirs and Carella Park in Howrah with a basket swing and nature play elements.

Ald James**Outstanding Building Permits**

It has come to my attention that the Lutheran School in Warrane has a number of outstanding building permits and it would seem that Council has only now brought this to the attention of the Project Manager for the site.

Is this a reflection that there are other buildings in the community and schools that have outstanding building permits and given that some consideration has been given to advising staff to follow up the matter, when can we expect these permits to be finalised and in particular, the one at the Lutheran School, Warrane.

Answer

The Lutheran School has several incomplete Building applications. Specifically:

- BPA-2018/686 – Alterations to classroom – an Occupancy Permit and a Certificate of Completion from the Building Surveyor are required (this was notifiable building work to alter a wet room area into toilets)
- BPA-2015/311- Hall alterations – this permit has expired being more than 2 years old and not extended beyond its last extension up to 11 August 2018. The building surveyor has issued up to Occupancy. The Building Surveyor is required to issue a Certificate of Final Inspection.
- BPA-2009/881 - Gym additions – this permit has expired being more than 2 years old and no extension has been granted. Council has on record that it is up to occupancy stage. The Building Surveyor is required to issue a Certificate of Final Inspection.
- BPA-2016/487 – Internal Office Alterations - this permit has expired being more than 2 years old and no extension has been granted – Council has only a “start of works” notice for this. An Occupancy Certificate and Certificate of Final Inspection are required.

In regard to the three expired applications, they may need to be re-lodged as Lapsed Permits. If the works are complete and it is just a matter of lodging the required forms, further application may not be required.

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 QUOTATION Q1317-19 – RISDON VALE OVAL – SUBSOIL DRAINAGE – DESIGN AND CONSTRUCT

13.3 TENDER T1295/19 – BLESSINGTON STREET STORMWATER UPGRADE STAGE 1

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;
- 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 Edmunds

“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 QUOTATION Q1317-19 – RISDON VALE OVAL – SUBSOIL DRAINAGE – DESIGN AND CONSTRUCT
(File No 3637860; Q1317-19)**RECOMMENDATION:**

- A. That the Quotation from Carteman Pty Ltd for \$302,101.00 excluding GST, be accepted for the design and construction of a Subsoil Drainage System at Risdon Vale Oval, 26 Sugarloaf Road, Risdon Vale.
- B. That, in accordance with Regulation 34(3) of the Local Government (Meetings Procedures) Regulations 2015, Council authorises for release of 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.

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

“That the Recommendation be adopted”

CARRIED UNANIMOUSLY

**13.3 TENDER T1295/19 – BLESSINGTON STREET STORMWATER UPGRADE
STAGE 1**
(File No T1295-19)**RECOMMENDATION:**

- A. That the Tender received from State-Wide Earthworks Pty Ltd for the amount of \$475,769.00 excluding GST, be accepted for the Blessington Street Stormwater Upgrade, Stage 1 works.
- B. That in accordance with Regulation 34(3) of the Local Government (Meeting Procedures) Regulations 2015, Council authorises for release of 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.

Decision: **MOVED:** Ald James **SECONDED:** Ald Kennedy

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

The Meeting closed at 10.26 pm