

MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, Blich Street, Rosny Park, on Monday 13 January 2020

HOUR 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
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)
Group Manager Engineering Services
(Mr R Graham)
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 8.38pm.

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 13 JANUARY 2020

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1. ATTENDANCE AND APOLOGIES

Refer to cover page.

2. CONFIRMATION OF MINUTES

(File No. 10/03/01)

RECOMMENDATION:

That the Minutes of the Council Meeting held on 2 December 2019, as circulated, be taken as read and confirmed.

Decision: **MOVED** Ald Peers **SECONDED** Ald Kennedy

“That the Minutes of the Council Meeting held on 2 December 2019, as circulated, be taken as read and confirmed”.

CARRIED

FOR

Ald Blomeley
Ald Chipman
Ald Edmunds
Ald Ewington
Ald James
Ald Kennedy
Ald Mulder
Ald Peers
Ald von Bertouch
Ald Walker
Ald Warren

AGAINST

Ald Chong (abstained)

3. MAYOR'S COMMUNICATION

The Mayor reported on the following meetings and attendances since the last Council Meeting:

- 4 December: One Community Together Art Project;
Retail Safety Campaign – Crimestoppers;
- 6 December: LGAT General Meeting;
- 11 December: Rokeby Neighbourhood Centre – 40th Anniversary Celebrations;
- 13 December: Launch of Tasmanian Heritage Markers Map;
End of Year Assembly – Rose Bay High School
- 14 December: Presentation of Life Member Award – Graham Brinkman – Clarence District Band;

/ contd on Page 5...

MAYOR’S COMMUNICATION /contd...

- 15 December: Hobart Model Aero Club Christmas Function;
- 16 December: End of Year Assembly – St Cuthberts Catholic School;
- 17 December: Greater Hobart Mayor’s Forum;
- 18 December: International Migrant Day Christmas Celebrations;
- 19 December: End of Year Assembly – Howrah Primary School;
- 21 December: Carols under the Stars;
- 4 January: Opening Summer Solstice Art Show;
- 7 January: Australia Day Briefing;
- 9 January: Exhibition Opening – Schoolhouse Gallery;
- 10 January: Inspection of Waverley Flora Park (following fire 9 January 2020);
Briefing on Emergency Management Framework.

The Mayor invited the General Manager to provide an update on the Eastside Squash Centre.

The General Manager advised that Council has now completed the purchase of the Eastside Squash Centre in Bellerive following a decision at its Meeting on 11 November 2019. The site was purchased for \$900,000 plus \$30,000 in stamp duty and leased back to the Tasmanian Squash Academy under similar conditions to those negotiated with many other clubs operating from Council owned facilities in the City of Clarence.

4. COUNCIL WORKSHOPS

An Aldermen’s Meeting Briefing (workshop) was conducted on the Friday immediately preceding the Council Meeting.

Decision:	MOVED Ald von Bertouch SECONDED Ald Peers
	“That the Aldermen’s Meeting Briefing (workshop) conducted on the Friday immediately preceding the Council Meeting be adopted”.
	CARRIED

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

INTEREST DECLARED: **NIL.**

6. TABLING OF PETITIONS

(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 tabled the following petition which complies with the Act requirements:

- Received from 102 signatories requesting Council amend the current application for the proposed development 2019/003190 at St Johns Circle, 9 Prossers Road and 41 Wellington Street, Richmond by reducing the number of lots proposed so as not to overburden current infrastructure and to appropriately meet community expectations.

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.

Jenny Rayner has given notice of the following question:

ROSNY HILL

On 20 October 2019, the Sunday Tasmanian quoted Mr Jock Campbell, as former Mayor of Clarence, as follows: *“The cost of trying to maintain the (Rosny) hill for just a select few is too much for all tiers of government”*.

The statement is clearly linked to Mr Campbell’s former role as Mayor.

Does the current Council endorse this statement?

7.2 ANSWERS TO QUESTIONS ON NOTICE

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

ROSNY HILL

Council is the appointed Managing Authority for Rosny Hill and undertakes its statutory duties to manage the reserve for all Tasmanians. The cost of managing the Reserve is subject to budgetary consideration each year, in the usual way. It is not appropriate for Council to express any view regarding Mr Campbell’s statement of 20 October 2019.

7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

7.4 QUESTIONS WITHOUT NOTICE**DEAD TREES**

Joanne Marsh of Bellerive stated that there are a number of dead trees located in parks and near tracks and multi-user pathways. One large dead tree in Bellerive Beach park has been cut down, one remains in Correa Street park, one remains beside the dune track near Lower River Street and one remains beside the multi-user road pathway on Kangaroo Bluff. My question is, considering this is a community safety issue what responsibility does Council have for risk assessments of dead trees located in parks, or near tracks or multi-user pathways.

ANSWER

The General Manager advised that Council considers the safety of trees as part of its regular inspections and as notified by members of the public. The General Manager further advised if Mrs Marsh would provide those details, Council would have those trees inspected.

BELLERIVE OVAL CONSOLIDATION OF PERMITS

Joanne Marsh of Bellerive stated that Permit Condition 36 for Bellerive Oval consolidation of permits 2019 stated that external facing signs are not to be displayed without separate approval. Has approval been granted for the external facing signs in Derwent and Church Street, if so, what is the reason for approving them?

ANSWER

The General Manager advised that approval for those signs was granted prior to Christmas and approval was granted because he thought it was reasonable to do so in the circumstances of the events coming up.

Mrs Marsh sought further clarification to which the Mayor advised that Council would write to her with further explanation on this matter.

TRAFFIC MANAGEMENT PLAN

Victor Marsh of Bellerive stated while monitoring the Traffic Management Plan, just after the start of the Big Bash event at Bellerive Oval on 3 January 2020, he had to make his way through cigarette smoke in Derwent Street outside the oval as a result of smokers disregarding the new smoking regulations. My question is how is the Clarence City Council ensuring that the new regulations are complied with?

ANSWER

The General Manager advised that Council is at this point in time taking an educative approach to enforcement of the new requirements. Officers are in the area whenever there is a significant game, speaking to people who are smoking and asking them to move out of the area or to put their cigarettes out. That process will continue for a period of time before enforcement begins.

Mr Marsh further stated that he has not witnessed anybody doing that as yet.

The Manager Health and Community Development advised that at the last event they had four staff working and tonight he believed there were six.

8. DEPUTATIONS BY MEMBERS OF THE PUBLIC

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

SUBDIVISION APPLICATION SD-2018/57 – 12 AQUA PLACE, SEVEN MILE BEACH – 15 LOT SUBDIVISION
(REFER ITEM 11.3.3)

Mr James Polanowski and Mr Phil Gee addressed the Meeting regarding the above Subdivision Application.

9. MOTIONS ON NOTICE

9.1 NOTICE OF MOTION - ALD VON BERTOUCHE NATIONAL AND TASMANIAN BUSHFIRES – CLARENCE CITY COUNCIL SUPPORT FOR REPARATION, ADAPTATION AND MITIGATION MEASURES (File No 10-03-05)

In accordance with Notice given it was:

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

“That Council:

1. writes, through the Mayor, to the Local Government Association of Tasmania (LGAT) expressing its grave concern as to the scale and severity of the National and Tasmanian bushfires, and urges LGAT to advocate for co-ordinated policies and actions from the three levels of Government, as to bushfire reparation, adaptation and mitigation;
2. donates, on behalf of the citizens of Clarence, \$20,000 to the Australian Red Cross Disaster Relief Fund, utilising funds from Council’s General Reserve (noting that the donation is not budgeted within the FY2019/20 Estimates);
3. writes, through the Mayor, to other Tasmanian Councils currently affected by bush-fire, offering in-kind support and resources to those communities”.

CARRIED

FOR

Ald Blomeley
Ald Chipman
Ald Chong
Ald Edmunds
Ald Ewington
Ald Kennedy
Ald Peers
Ald von Bertouch
Ald Warren

AGAINST

Ald James
Ald Mulder
Ald Walker (abstained)

10. REPORTS FROM OUTSIDE BODIES

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

10.1 REPORTS FROM SINGLE AND JOINT AUTHORITIES

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

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

- **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**

An Initiation Workshop was held on Friday, 29 November 2019. The Meeting summary was attached.

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

“That the Meeting summary for the Initiation Workshop held on Friday, 29 November 2019 be noted”.

CARRIED UNANIMOUSLY

10.2 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES

COMMUNITY HEALTH AND WELLBEING ADVISORY COMMITTEE

- Ald Chong tabled the Minutes of a Meeting held on 21 August 2019.

CLARENCE CULTURAL HISTORY ADVISORY COMMITTEE

- Ald Chong tabled the Minutes of a Meeting held on 28 August 2019

RICHMOND ADVISORY COMMITTEE

- Ald Chong tabled the Minutes of a Meeting held on 13 November 2019.

CLARENCE POSITIVE AGEING ADVISORY COMMITTEE

- Ald von Bertouch tabled the Minutes of a Meeting held on 17 October 2019.

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

The Weekly Briefing Reports of 2, 9 and 16 December 2019 and 6 January 2020 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 2, 9 and 16 December 2019 and 6 January 2020 be noted.

Decision: **MOVED** Ald Blomeley **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 AMENDMENT APPLICATION A-2019/1 – MODIFICATION TO THE
CAMBRIDGE INDUSTRIAL ESTATE SPECIFIC AREA PLAN**
(Application No A-2019/1)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to review Council’s decision of 30 September 2019 in light of the representations received during the public exhibition period in accordance with the requirements of Section 39 of the Land Use Planning and Approvals Act, 1993 (LUPAA).

The representations relate to a Section 33 application made for a planning scheme amendment to modify the Clarence Interim Planning Scheme 2015 Cambridge Industrial Estate Specific Area Plan (SAP).

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

The proposal was advertised in accordance with statutory requirements and one representation was received from the Department of State Growth (DSG).

The DSG’s concern relates to reduced setbacks to lots abutting “Precinct C” and is discussed within the body of this report.

RECOMMENDATION:

- A. That Council resolves, under Section 39(2) of the Land Use Planning and Approvals Act, 1993 to advise the Tasmanian Planning Commission that it considers the merits of the representations relating to the Clarence Interim Planning Scheme 2015 Cambridge Industrial Estate Specific Area Plan warrant the following modifications to Draft Amendment A-2019/1.
1. Amend F15.7.2.2 A2 to refer to a “10m” setback to “Precinct C” instead of “3m” as certified.
 2. Modify the corresponding performance criteria at F15.7.2.2 P2 to include an additional consideration (f) *“any the written advice from the Department of State Growth or its successor”*.
 3. Amend F15.7.2.2 A2 to refer to “Precinct C” instead of “Area C” as certified.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

The General Manager advised the Meeting that an application had been received to withdraw Item 11.3.1.

Decision:	PROCEDURAL MOTION	
	MOVED Ald Peers SECONDED Ald Walker	
	“That Council consent to withdrawal of the application”.	
	CARRIED	
	FOR	AGAINST
	Ald Blomeley	Ald James (abstained)
	Ald Chipman	
	Ald Chong	
	Ald Edmunds	
	Ald Ewington	
	Ald Kennedy	
	Ald Mulder	
	Ald Peers	
	Ald von Bertouch	
	Ald Walker	
	Ald Warren	

11.3.2 DEVELOPMENT APPLICATION PDPLANPMTD-2019/001837 – 158 BICHENO STREET, CLIFTON BEACH - CHANGE OF USE TO VISITOR ACCOMMODATION AND NEW OUTBUILDING**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Change of Use to Visitor Accommodation and new Outbuilding at 158 Bicheno Street, Clifton Beach.

RELATION TO PLANNING PROVISIONS

The land is zoned Rural Living and subject to the Bushfire Prone Area, Waterway & Coastal Protection, Inundation Prone Area, Coastal Erosion Hazard, On-site Wastewater Management, 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 20 January 2020.

CONSULTATION

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

- visitor accommodation use;
- fire risk;
- risk to wildlife;
- vegetation removal; and
- future use of visitor accommodation.

RECOMMENDATION:

- A. That the Development Application for Change of Use to Visitor Accommodation and new Outbuilding at 158 Bicheno Street, Clifton Beach (Cl Ref PDPLANPMTD-2019/001837) be approved subject to the following conditions and advice.

11.3.3 SUBDIVISION APPLICATION SD-2018/57 – 12 AQUA PLACE, SEVEN MILE BEACH - 15 LOT SUBDIVISION**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 15 Lot Subdivision at 12 Aqua Place, Seven Mile Beach.

RELATION TO PLANNING PROVISIONS

The land is zoned Village and subject to the Bushfire Prone Areas, Inundation Prone Areas, Airport Buffer and Road 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 15 January 2020.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 39 representations were received (37 in support and 2 against) raising the following issues:

- pedestrian access to beach/firetrail;
- flooding;
- underground services; and
- traffic management.

RECOMMENDATION:

A. That the Development Application for 15 Lot Subdivision at 12 Aqua Place, Seven Mile Beach (C1 Ref SD-2018/57) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN POS 4 [5%] [1-14].
3. ENG A1 – NEW CROSSOVER [TSD-R09].

4. A constructed gravel access path must be provided from the newly constructed section of Woodhurst Road, for both vehicles and pedestrians, to the constructed trail on the land at the rear of Lots 7 - 11. Details are to be included with detailed engineering drawings to the satisfaction of Council's Group Manager Engineering Services.
 5. ENG M2 – DESIGNS SD.
 6. ENG M8 – EASEMENTS.
 7. ENG R2 – URBAN ROAD.
 8. ENG R5 – ROAD EXTENSION.
 9. ENG S4 – STORMWATER CONNECTION.
 10. All stormwater for the development must be designed and constructed to include 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 the MUSIC model) must be submitted to Council for approval by the relevant/delegated officer for approval prior to the issue of the approved engineering drawings. This report is to include the maintenance management regime/replacement requirements for any treatment facilities.
 11. ENG S1 – INFRASTRUCTURE REPAIR.
 12. ENG S10 – UNDERGROUND SERVICES.
 13. The development must meet all required Conditions of Approval specified by TasWater notice dated 7 May 2019 (TWDA 2018/02034-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 21 for Decision on this Item...

SUBDIVISION APPLICATION SD-2018/57 – 12 AQUA PLACE, SEVEN MILE BEACH - 15 LOT SUBDIVISION /contd...

Decision:	MOVED Ald Mulder SECONDED Ald Kennedy																						
	“That the Recommendation be adopted”.																						
	CARRIED																						
	<table><tr><td>FOR</td><td>AGAINST</td></tr><tr><td>Ald Blomeley</td><td>Ald James</td></tr><tr><td>Ald Chipman</td><td>Ald von Bertouch</td></tr><tr><td>Ald Chong</td><td></td></tr><tr><td>Ald Edmunds</td><td></td></tr><tr><td>Ald Ewington</td><td></td></tr><tr><td>Ald Kennedy</td><td></td></tr><tr><td>Ald Mulder</td><td></td></tr><tr><td>Ald Peers</td><td></td></tr><tr><td>Ald Walker</td><td></td></tr><tr><td>Ald Warren</td><td></td></tr></table>	FOR	AGAINST	Ald Blomeley	Ald James	Ald Chipman	Ald von Bertouch	Ald Chong		Ald Edmunds		Ald Ewington		Ald Kennedy		Ald Mulder		Ald Peers		Ald Walker		Ald Warren	
FOR	AGAINST																						
Ald Blomeley	Ald James																						
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Ald Ewington																							
Ald Kennedy																							
Ald Mulder																							
Ald Peers																							
Ald Walker																							
Ald Warren																							

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 ROSNY HILL ROAD MULTIPLE-USER PATH FUNDING – AMENDMENTS TO 2019/2020 ROADS CAPITAL BUDGET**

(ECM: 3727531)

EXECUTIVE SUMMARY**PURPOSE**

To approve an amendment to the 2019/2020 Roads Capital Budget by reallocating funds from the “Howrah Road, Caltex to Beach Access” multiple-user path project to the “Rosny Hill Road Bike Path” multiple-user path project.

RELATION TO EXISTING POLICY/PLANS

Council’s Strategic Plan 2016/2026 is relevant.

LEGISLATIVE REQUIREMENTS

Approval of the reallocation of funds requires a simple majority of Council in accordance with the Local Government Act 1993, s.82(5).

CONSULTATION

No public consultation has occurred on either of these projects to date.

Internal consultation has been undertaken with Council’s Bicycle Advisory Committee and the Committee is supportive of the proposed reallocation of funds.

FINANCIAL IMPLICATIONS

The proposed reallocation of funds will not result in any substantive change to the Roads Capital Budget. Funding for the deferred “Howrah Road, Caltex to Beach Access” project will be considered in future capital budget estimates.

RECOMMENDATION:

That Council reallocate funds within the 2019/2020 Roads Capital Budget as follows:

Defer the following project and reallocate funds:

- Howrah Road, Caltex to Beach Access \$106,000

Re-allocate these funds to:

- Rosny Hill Road Bike Path (current funding) \$420,000

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.5.2 TASMAN HIGHWAY – HOBART AIRPORT TO MIDWAY POINT CAUSEWAY, REVISED CONCEPT
(ECM: 3727808)**EXECUTIVE SUMMARY****PURPOSE**

To consider the Department of State Growth's (DSG) revised concept for the South East Traffic Solution Project, Tasman Highway – Hobart Airport to Midway Point causeway following a period of further consultation with affected parties.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016/2026 is relevant.

LEGISLATIVE REQUIREMENTS

While final assessment and decisions relating to the project will be made by DSG, it is likely the project will require Development Approval under the Land Use Planning and Approvals Act 1993.

CONSULTATION

DSG consulted on two alternative designs for this project in June 2019. Both options provided two highway standard lanes in either direction, separated by either barrier or median. Both options provided connection to Barilla Bay Oysters/Tasmania Golf Club and Pittwater Road via a large diameter roundabout. Concerns were raised regarding each design and following a period of further consultation and design consideration, a revised option has been provided for consideration and feedback.

FINANCIAL IMPLICATIONS

There are no known financial implications in relation to this matter.

RECOMMENDATION:

A. That Council notes the Department of State Growth's revised South East Traffic Solution concept design for the Tasman Highway, from the Hobart Airport Interchange to the Midway Point causeway.

B. That Council authorises the General Manager to prepare a revised submission to the Department of State Growth covering the following points:

In principle Council supports:

- the use of dual lanes in each direction to reduce local traffic congestion;
- the use of traffic signals at the intersection of the Tasman Highway and Barilla Bay Oysters/Tasmania Golf Club and Pittwater Road to provide safe means of access from the side roads; and

- the alignment of the proposed intersection has been designed to mitigate impact on adjacent land, noting that the new design encroaches upon Commonwealth land which is considered appropriate in the circumstances.

Council further notes:

- the preferred alignment will also provide continuous walkway and cycling connections from the Airport Interchange to Sorell as part of a long-term aim of providing an active transport linkage between the eastern and western shores; and
- officers from the Department of State Growth inform Council, at a future Workshop, of the final design including any changes, should the design differ significantly from that currently subject to consultation.

Ald Edmunds left the Meeting at this stage (8.04pm).

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

“That the Recommendation be adopted”.

Ald Edmunds returned to the Meeting at this stage (8.06pm).

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

11.5.3 WELLINGTON STREET, RICHMOND ROADWORKS UPGRADE - AMENDMENTS TO 2019/2020 ROADS AND STORMWATER CAPITAL BUDGETS

(ECM: 3731378)

EXECUTIVE SUMMARY

PURPOSE

To approve an amendment to the 2019/2020 Roads and Stormwater Capital Budgets by reallocating funds to the “Wellington Street Roadworks on the Eastern Approach of the Richmond Bridge” Budget Estimate.

RELATION TO EXISTING POLICY/PLANS

Council’s Strategic Plan 2016/2026 is relevant.

LEGISLATIVE REQUIREMENTS

Approval of the reallocation of funds requires a simple majority of Council in accordance with the Local Government Act 1993, s.82(5).

CONSULTATION

Consultation has occurred with the residents adjacent to the roadworks, the bus operator and the Richmond Advisory Committee.

FINANCIAL IMPLICATIONS

The proposed reallocation of funds will not result in any substantive change to the Roads and Stormwater Capital Budget.

RECOMMENDATION:

That Council reallocate funds within the 2019/2020 Roads and Stormwater Capital Budgets as follows:

- allocate funds to the Wellington Street, Richmond road upgrade from savings in the Bangalee Street Stormwater Project: \$60,000;
- allocate funds from Roads Major Digout programme to Wellington Street, Richmond upgrade: \$100,000.

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 CODE OF CONDUCT DETERMINATION REPORT**

(File No 10-01-07)

EXECUTIVE SUMMARY**PURPOSE**

To list a determination report received from the Code of Conduct Panel on 18 December 2019.

RELATION TO EXISTING POLICY/PLANS

Nil.

LEGISLATIVE REQUIREMENTS

Section 28ZK(4) of the Local Government Act 1993 (Tas) provides that the General Manager must ensure a copy of a determination report is included within an item on the agenda at the first Council Meeting which is practicable to do so and is open to the public.

CONSULTATION

Nil.

FINANCIAL IMPLICATIONS

The complainant, Alderman Brendan Blomeley, is entitled to a full refund of the lodgement fee (\$81.00) in accordance with Section 28ZO of the Local Government Act 1993.

RECOMMENDATION:

That the Council receives and notes the Code of Conduct Determination Report attached to the Associated Report as Attachment 1.

The General Manager provided a brief outline of Council's responsibility under the Act.

Decision: **MOVED** Ald Blomeley **SECONDED** Ald Mulder

“That the Recommendation be adopted”.

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 ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING**Ald James**

When representors submit representations following advertising of a development application is there any means by which the representors can be advised that the item is coming up for consideration at a Council Meeting because at the moment a lot of them do not know about the issue, there is no contact between Council staff and the representor. Is there a means by which either in writing or a telephone call that they can be advised that the item is coming up for Council consideration following lodgement of their representation in accordance with the statutory process?

Answer

In responding to this question, it should be noted that there is in fact contact between staff and representors about the status of an application.

Once a representation is received, a response letter is sent to the representor confirming the representation has been received; that they will be informed of Council's decision; and that if they have any queries, the name of the relevant contact officer for the application. Using this information, representors are free to contact the relevant officer about progress and Council Meetings (if applicable).

While it would be possible to notify representors of the meeting date, it is considered that such a system would need to be implemented efficiently and consistently, in order to avoid reputational damage resulting from any unsatisfied representor expectations.

It is considered currently impossible to consistently and efficiently implement such an arrangement, due to logistical factors. These include:

- It is usually unknown whether an application will be submitted to Council for decision, until the advertising period closes, and the number of representations are known.
- There is no guarantee that an item will go on a particular agenda, until the agenda is finalised for printing (the Wednesday prior to the meeting). This is because even though a report may be prepared with the intention of meeting a particular meeting, it may not actually be published if it is deferred for some reason – such as the applicant requesting delay in order to submit more information; respond to representations; talk to Aldermen etc). This does not leave adequate time to prepare/ post letters and for representors to receive those letters in time for them to make plans to come to a meeting. It is likely that often such letters would actually be received after the meeting date, which would cause unnecessary annoyance.
- Although representors may provide email or phone numbers, this is not always the case, which would lead to inconsistencies with those who provide a physical address only.
- Meeting current level of service obligations for statutory planning functions is currently stressed due to the volume and growing complexity of planning applications and processes. Additional non statutory processes will have work output ramifications.

In considering the implications of this matter, the following aspects are also relevant:

- The Act does not require representors to be notified of the meeting date – only the decision.
- Representors may choose to monitor the Council website to see if the item they are interested in is listed on the Council agenda.

Ald Edmunds

1. I am aware that there has been a delay with the All-abilities swing because of issues with the delivery company, could we please be provided with an update?

Answer

The All-abilities swing was installed on 3 December 2019.

2. I have some concerns that some small businesses that rely on the passing traffic, the communication they got from our contractor was very vague about how the interruptions would work and these businesses basically had no passing traffic and no business between 9.00 and 3.30 so perhaps when these roadworks have concluded there could be a review about how that happened and specifically if we could find out if there will be a full road closure again and if there is could we pass it on and I would reiterate my appreciation and support for Mr Graham's feedback and support to date.

Answer

An investigation on the consultation undertaken with the recent Clarence Street road works has been reported through a Memo to the Aldermen.

Ald Blomeley

1. Has Council taken steps to identify what port infrastructure is required on the Eastern Shore to support a Sullivan's Cove to Bellerive Ferry Service?

Answer

Preliminary work has been carried out by the State Government and that has included Tas Ports in terms of ferry terminal infrastructure, Department of State Growth in terms of the strategic planning for those assets and involvement from Metro in terms of public transport. While Council has been consulted and informed progress is still at a conceptual stage. We are not aware of any firm commitments at this point in time. We expect further consultation and more detail to emerge through the City Deal Implementation Plan processes.

2. Has Council considered if the expanded Bellerive Marina will impact on wharf access for a commuter ferry service?

Answer

The commuter ferry service that is being considered by DSG is proposed to use the Kangaroo Bay Hotel site as a terminal point. MAST have indicated they are satisfied with the conceptual proposal, at least at this preliminary stage. There is certainly no detail regarding size of vessel but certainly MAST are comfortable with the Bellerive Yacht Club development application, and Council's proposed wave attenuator development in terms of where they are located and the entry points for ferry operations. There has been some discussion with the operators of the MONA ferry because they periodically come into the marina but they deliver passengers to a different area. We expect to have on-going consultation with the ferry operator in order to maximise the benefits and use of the proposed developments within Kangaroo Bay.

Ald Peers

1. We heard earlier tonight that there is to be another rubbish bin on Rosny Hill could it be placed further away from the existing one because it is a mess up there at times?

Answer

The additional bin installed at the Rosny Hill lookout was a recycling bin and as with current practice this was installed adjacent the existing general bin.

2. Because it looks like we will get some development around the Kangaroo Bay area the fence around the sports oval still worries me, cricket balls can go onto the road they can injure a person and if there is some development then there will be a lot more traffic. I have raised this before and I fear that a cricket ball is going to be hit out of that ground at Kangaroo Bay and really hurt somebody. Could fencing of the area be investigated?

Answer

Council in the 2019/2020 budget process did not approve fencing of Kangaroo Bay Oval to manage the risk of errant cricket balls. We have written to Clarence District Cricket Club and Cricket Tasmania in relation to this risk and will advise Council in due course on the joint discussion and management options of this risk. One option may include a fence which will require budget approval.

Ald Walker

1. Victoria Esplanade – Bellerive Bluff Foreshore Plan - Are we on track to be looking at actually discussing budget items for the upcoming budget to be doing some actual enhancements and improvements in the area?

Answer

Council officers have considered options in delivering the Bellerive Bluff Foreshore Master Plan and will discuss with Aldermen at a workshop early next year.

2. Could I have the complete cost to date of the South Arm Skate Park project including tender/construction costs, legal, consultation costs and itemising these costs and other costs that have been involved to date? This matters because we have got a lot of conjecture in the area about the project in general, coupled with the fact that we have seen what we can spend for around one million dollars and I am fearing that this project is going to exceed these costs, given that we have a brilliant skate park in Rosny.

Answer

The costs for the South Arm Oval skate park including the skate park design, construction, tree removals, landscaping, consultation, consultants and legal fees are \$445,605.

Ald Ewington

1. When was the last time we reviewed our land clearing policies in relation to bushfire prone areas?

Answer

Further to the verbal answer provided at the meeting, these matters were reviewed as part of the 2016-2021 Clarence Fire Management Strategy.

2. Have we had any situations where residents have made complaints about not being able to clear around their properties, their own private land or Council land that has not been cleared to a standard that they thought was appropriate to protect their properties?

Answer

Council receives complaints about vegetation fuel, however this is mostly in relation to neighbouring houses. Inspections are undertaken and where necessary our rangers issue an abatement notice advising of a fire risk which needs to be addressed.

Council advises residents to create and manage a defensible space on their property in accordance with TasFire service standards. There may be situations where a permit condition applies to a previous development application and specifies for vegetation on the property to be retained. Residents can contact Council if they have queries in relation to their property.

At times we receive queries about vegetation on our land in relation to a possible fire risk. We manage vegetation fuel on Council land by inspections, planned burning and clearing in accordance with the 2016-2021 Clarence Fire Management Strategy. This strategy was endorsed by TasFire.

Ald Mulder

1. Regarding the ferry which has often been touted by the State Government for some time now as a park and ride solution to our traffic problems, in terms of the parking component of that park and ride where is that parking to be located and what measures will be taken to deal with the expected high level traffic problems in both Clarence Street and Cambridge Road?
If we are talking about alternatives such as buses, are people going to get on a bus to go to the ferry terminal and then get on a ferry when they could have stayed on the bus and been in town earlier.

Answer

It is understood that the State Government are not considering park and ride scenarios for the proposed Bellerive ferry service as its approach is to capture commuters that will walk or ride a bicycle to the ferry terminal. However, we are still waiting for the State Government to provide further detail beyond initial concept planning.

2. In the Closed Meeting Agenda under a “sporting project” at the last Council meeting a decision was made to inform interested parties of the decision. In the absence of any community consultation around this issue when if ever, will the community be advised of our decision.

Answer

The Closed Meeting item specified that when the transaction was complete there would be a report to Council and that the decision relating to that report would be publicly disclosed. At the time of the Council Meeting of 2 December the transaction was not complete.

12.5 QUESTIONS WITHOUT NOTICE

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

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

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

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

13. CLOSED MEETING

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

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

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

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

- personnel matters; and
- 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 Kennedy

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

CARRIED UNANIMOUSLY

The Meeting closed at 8.38pm.