

MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL CONDUCTED ELECTRONICALLY, ON MONDAY 29 JUNE 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
W Kennedy
T Mulder
J Peers
S von Bertouch
J Walker
B Warren; present.

1. APOLOGIES R H James

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)

Manager Communication and Strategic Development
(Mr A Saddler)

Executive Officer to the General Manager
(Ms J Ellis)

The Meeting closed at 8.49pm.

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 29 JUNE 2020

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ROAD RECONSTRUCTION WORKS

1. ATTENDANCE AND APOLOGIES

Refer to cover page.

2. *CONFIRMATION OF MINUTES****RECOMMENDATION:**

That the Minutes of the Council Meeting held on 9 June 2020, as circulated, be taken as read and confirmed.

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

“That the Minutes of the Council Meeting held on 9 June 2020, as circulated, be taken as read and confirmed”.

CARRIED UNANIMOUSLY

3. MAYOR'S COMMUNICATION

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

- 12 June – Meehan Range Track Opening – Media Event;
- 16 June – Greater Hobart Mayors' Forum;
- 23 June – RDA Tasmania Committee Meeting; and
- 26 June – Photo Opportunity – Bellerive Public Pier.

4. *COUNCIL WORKSHOPS**

In addition to the Aldermen's Meeting Briefing (workshop) conducted on Friday immediately preceding the Council Meeting the following workshops were conducted by Council since its last ordinary Council Meeting:

PURPOSE	DATE
Presentation on Kangaroo Bay Boulevard Site Finalisation of Budget Consideration City Heart Consultation Revised Timeline	15 June
Rates Resolution Update Victoria Esplanade Concept Plan Bayview Secondary College Draft Masterplan Geilston Bay Sport Precinct Masterplan	22 June

RECOMMENDATION:

That Council notes the workshops conducted.

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

5. DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE

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 24 signatories requesting Council to remove the large eucalypts adjacent to 26 Moirunna Road, Lindisfarne and replace them with more suitable species.

The General Manager further advised that the Petition also contained 3 pages which were scanned copies only, containing 7 signatures.

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.

Dr Josephine Castillo has given notice of the following questions:

KANGAROO BAY DEVELOPMENT

1. What communication has Council had since 1 April 2020 with the Kangaroo Bay proponents and University of Tasmania on the likely commencement date for the development or the necessity for an extension from November 2020?
2. When will Council have advice on the process to follow in activating the contract's buy-back clause?

7.2 ANSWERS TO QUESTIONS ON NOTICE

The General Manager provided the following Answers to the Questions listed at Item 7.1

KANGAROO BAY DEVELOPMENT

1. Communication with the Kangaroo Bay Hotel development proponents is on-going. Communication at this stage is commercial-in-confidence.
2. Advice will be provided to Council prior to 14 October should it become necessary to provide any advice.

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.

Nil.

7.4 QUESTIONS WITHOUT NOTICE

Mrs Denise Hoggan of Rosny asked the following questions:

ROSNY HILL NATURE RECREATION AREA

In June 2018, Greening Australia, in a Natural Values Report of the Rosny Hill Nature Recreation Area, brought to Council's attention the presence of six Declared Weeds, their GPS locations and their densities.

1. Have these Declared Weeds been eradicated as required by law?
2. If no, why not and if yes, what was the precise cost of such eradication?

ANSWER

The Mayor took the Questions on Notice.

Ms Ella Van Tienen asked the following question:

COVID-19 – DINE IN MEAL AVAILABILITY

The COVID crisis and temporary cessation of dine in meal availability has seen a significant increase in take-away food consumption. Take-away coffees have also been the only option, with disposable cups being provided and the option of taking your own keep cup being discontinued for hygiene reasons. Some stores which were previously allowing customers to bring their own containers for purchasing items at the butcher or deli have also reverted to providing single use plastic packaging. I am asking whether the Clarence City Council will consider a single use plastic ban like the Hobart and Launceston City Councils have done?

ANSWER

The Mayor took the Question on Notice.

8. DEPUTATIONS BY MEMBERS OF THE PUBLIC

Nil.

9. MOTIONS ON NOTICE

9.1 NOTICE OF MOTION - ALD EDMUNDS COUNCIL MEETING ARRANGEMENTS POST COVID

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

“That Council:

1. determines, in-principle, to continue live streaming of Council Meetings on an ongoing basis;
2. requests that the General Manager investigates options to allow for deputations and questions from the public to be submitted audio-visually;
3. requests that the General Manager investigates what will be required to live-stream meetings from the Council Chamber, including the cost of such arrangements, and report back to Council via a workshop as soon as practical; and
4. submits the following motion to the next Local Government Association of Tasmania General Meeting for decision:

“That the Local Government Association of Tasmania, on behalf of Tasmanian Councils request the Tasmanian Government urgently amend the Local Government Act 1993 to make legislative provision for Elected Members to attend Council Meetings via electronic means, subject to any specified limitations, post the COVID crisis”.

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

Decision:	MOVED Ald Edmunds SECONDED Ald Kennedy
	“That Council:
	<ol style="list-style-type: none"> 1. determines, in-principle, to continue live streaming of Council Meetings on an ongoing basis; 2. requests that the General Manager investigates options to allow for deputations and questions from the public to be submitted audio-visually; and

/ Decision contd on Page11...

**NOTICE OF MOTION - ALD EDMUNDS
COUNCIL MEETING ARRANGEMENTS POST COVID /Decision contd...**

3. requests that the General Manager investigates what will be required to live-stream meetings from the Council Chamber, including the cost of such arrangements, and report back to Council via a workshop as soon as practical”.

CARRIED

FOR

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

AGAINST

Ald Peers
Ald von Bertouch

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

None pending.

Representative Reporting

- **TASWATER CORPORATION**
- **GREATER HOBART COMMITTEE**
The Mayor provided draft notes from the meeting of the Greater Hobart Committee Forum held on 16 June 2020.

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 24 June 2020.

CLARENCE POSITIVE AGEING ADVISORY COMMITTEE

- Ald von Bertouch tabled the Minutes of a Meeting held on 27 February 2020.

CULTURAL HISTORY ADVISORY COMMITTEE

- Ald Chong tabled the Minutes of a Meeting held on 17 June 2020.

RICHMOND ADVISORY COMMITTEE

- Ald Chong tabled the Minutes of a Meeting held on 17 June 2020.

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

The Weekly Briefing Reports of 8, 15 and 22 June 2020 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 8, 15 and 22 June 2020 be noted.

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

“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-2020/008380 – 28
FRANKLIN STREET, RICHMOND – AWNING AND CARPORT ADDITIONS****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a carport and awning addition at 28 Franklin Street, Richmond.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Historic Heritage Code and the non-spatial Codes Parking & Access and Stormwater Management 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 has been extended with the applicant's consent until 1 July 2020.

CONSULTATION

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

RECOMMENDATION:

- A. That the Development Application for a carport and awning addition at 28 Franklin Street, Richmond (CI Ref PDPLANPMTD-2020/008380) be refused for the following reasons.
1. The proposal does not comply with Clause 10.4.2 P2 as the proposed carport is not compatible with the existing front setbacks of carports and garages within Franklin Street.

2. The proposal does not comply with the Performance Criteria of E13.8.2 P1 of the Scheme as the siting of the carport does not make a positive contribution to the streetscape and results in a detriment to the historic cultural heritage significance of Richmond.

- B. That the details and conclusion included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

Decision:**MOVED** Ald Mulder **SECONDED** Ald Ewington

- “A. That the Development Application for Awning and Carport at 28 Franklin Street, Richmond (CI Ref PDPLANPMTD-2020/008380) 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 and the following be recorded as the reasons for Council’s decision in respect of this matter.

1. General Residential Zone – Clause 10.4.2
Clause 10.4.2 that required carports and garages to be compatible with existing front setbacks in Franklin Street however, a feature of the Richmond Village architecture is that walled buildings are often built on, or in close proximity to, the front boundary.

Therefore, the siting of an open (unwalled) carport in close proximity to the front boundary is not of determining weight.

2. Historic Heritage Code – Clause E13.8.2 – P1
Design and siting of buildings and works must not result in detriment to the historic cultural heritage of significance of the precinct.

Franklin Street contains a mix of modern and older buildings with a new large modern home under construction. This building has no features compatible with the Georgian architecture of Richmond. The proposed carport is a minimalist structure with no walls and therefore has minimal visual impact. The proximity of two large trees further reduces the visual impact of the carport.

/ Decision contd on Page 18...

DEVELOPMENT APPLICATION PDPLANPMTD-2020/008380 – 28 FRANKLIN STREET, RICHMOND – AWNING AND CARPORT ADDITIONS /Decision contd...

3. Representations No representations were received”.		CARRIED
FOR	AGAINST	
Ald Blomeley	Ald Chong	
Ald Chipman	Ald Peers	
Ald Edmunds	Ald von Bertouch	
Ald Ewington	Ald Warren	
Ald Kennedy		
Ald Mulder		
Ald Walker		

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

11.4 CUSTOMER SERVICE

Nil Items.

11.5 ASSET MANAGEMENT

Nil Items.

11.6 FINANCIAL MANAGEMENT**11.6.1 ESTIMATES, CAPITAL EXPENDITURE PROGRAMME, FEES AND CHARGES 2020/2021**

(File No 10-02-04)

EXECUTIVE SUMMARY**PURPOSE**

To consider the Estimates, incorporating the Capital Expenditure Programme, for the 2020/2021 financial year, together with an updated List of Fees and Charges.

RELATION TO EXISTING POLICY/PLANS

Consistent with Council's adopted Strategic Plan.

LEGISLATIVE REQUIREMENTS

Section 82 of the Local Government Act requires the General Manager to prepare Estimates of the Council's revenue and expenditure for each financial year.

CONSULTATION

Nil.

FINANCIAL IMPLICATIONS

The Estimates provide statutory authorisation for recurrent and capital expenditure for 2020/2021. Based on the draft estimates, the required increase in rating effort to meet the proposed functional outcomes is 0.3% net of growth and the effects of the State Government Fire Services Contribution.

RECOMMENDATION:

- A. That the Estimates for financial year 2020/2021 attached as Attachment 1 be adopted.
- B. That the Capital Expenditure Programme for financial year 2020/2021 attached as Attachment 2 be adopted.
- C. That the new List of Fees and Charges attached as Attachment 3 be adopted.

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.6.2 RATES AND CHARGES FINANCIAL YEAR 2020/2021**EXECUTIVE SUMMARY****PURPOSE**

To set rates and charges applying to properties within the City for financial year 2020/2021.

RELATION TO EXISTING POLICY/PLANS

Consistent with adopted Rates and Charges Policy and adopted Estimates for financial year 2020/2021.

LEGISLATIVE REQUIREMENTS

Recommendation complies with rating provisions of the Local Government Act 1993.

CONSULTATION

No issues to be addressed.

FINANCIAL IMPLICATIONS

The proposed resolutions give effect to the rating requirements inherent in Council's adopted Estimates for financial year 2020/2021 and are therefore critical to the on-going operations of Council.

RECOMMENDATION:

- A. That the Clarence City Council makes the following General Rate, Service Rates and Service Charges under the *Local Government Act, 1993* and the *Fire Service Act, 1979* for the financial year 1 July 2020 to 30 June 2021 in respect to land in the municipal area which is separately valued under the Valuation of Land Act, 2001.

Definitions and Interpretation

- 1 Unless the context otherwise requires, in the following resolutions, words and expressions defined in the *Local Government Act, 1993* have the same meanings as they have in that Act.

Unless the context otherwise requires, in the following resolutions, the following words and expressions have the meanings set out below.

“**Act**” means the *Local Government Act, 1993*;

“**conservation protection arrangements**” means formal arrangements the owner of land in the municipal area has entered into for the preservation of flora or fauna or other recognised conservation values or purposes under the *Nature Conservation Act, 2002* or by formal arrangement with Council regarding that land;

“**CPR**” means a plan registered at the register at the Central Plan Office, Hobart for the lodgement and registration of plans, and included in the Central Plan Register;

“domestic refuse” means any domestic refuse and other rubbish collected by Council’s normal refuse collection service from land in the municipal area and expressly excludes biohazardous waste, controlled waste, noxious refuse and trade waste;

“land used for commercial purposes” means land used or predominantly used for commercial purposes and includes all land coded “C” in the valuation list;

“land used for industrial purposes” means all land used or predominantly used for industrial purposes and includes all land coded “I” in the valuation list;

“land used for primary production” means all land used or predominantly used for primary production and includes all land coded “L” in the valuation list;

“land used for public purposes” means all land used or predominantly used for public purposes and includes all land coded “P” in the valuation list;

“land used for quarrying or mining” means all land used or predominately used for quarrying or mining and includes all land coded “Q” in the valuation list;

“land used for residential purposes” means all land used or predominantly used for residential purposes and includes all land coded “R” in the valuation list;

“land used for sporting or recreation facilities” means all land used or predominantly used for sporting or recreation facilities and includes all land coded “S” in the valuation list;

“locality areas” means areas defined by those locality boundaries as published in the Locality and Postcode Areas Dataset as contained in the Tasmanian Spatial Data Directory on the Tasmanian Government LIST website;

“municipal area” means the municipal area of Clarence;

“non-used land” means all land coded “V” in the valuation list;

“refuse” means any domestic refuse, biohazardous waste, controlled waste, noxious refuse, trade waste and other rubbish, debris, litter, recyclable materials or any other similar materials, articles or things;

“the map” means the map attached to these resolutions and marked as schedule 1;

“valuation list” means, in respect of the financial year, the valuation list, supplementary valuation list or particulars of adjustment factors last provided to the Council by the Valuer-General under Section 45 of the *Valuation of Land Act 2001*; and

“waste management services” means refuse, recycling and/or green organics collection services provided by Council to land in the municipal area.

2. General Rate

2.1 Pursuant to Sections 90 and 91 of the Act Council makes the following General rate on all rateable land (excluding land which is exempt pursuant to the provisions of Section 87) within the municipal area of Clarence for the period commencing 1 July 2020 and ending 30 June 2021 which consists of 2 components as follows:

(a) a rate of 0.54595 cents in the dollar on the capital value of the land; and

(b) a fixed charge of \$300.00.

2.2 That pursuant to Section 107 of the Act, by reason of the use or non-use of land, Council declares, by absolute majority, that component (a) of the General rate is varied for the financial year as follows:

- (a) for land used for primary production, the rate is varied by decreasing it by 0.35455 cents in the dollar to 0.19140 cents in the dollar;
- (b) for land used for residential purposes, the rate is varied by decreasing it by 0.35455 cents in the dollar to 0.19140 cents in the dollar;
- (c) for land used for sporting or recreation facilities, the rate is varied by decreasing it by 0.35455 cents in the dollar to 0.19140 cents in the dollar; and
- (d) for land which is non-used land, the rate is varied by decreasing it by 0.35455 cents in the dollar to 0.19140 cents in the dollar.

3. Services Rates and Charges

Pursuant to Sections 93, 93A, 94 and 95 of the Act Council makes the following service rates and service charges on all rateable land within the municipal area of Clarence (including land which is otherwise exempt from rates pursuant to Section 87 but excluding land owned by the Crown to which Council does not supply any of the following services) for the period commencing 1 July 2020 and ending 30 June 2021 as follows.

- 3.1 A service rate for stormwater removal on all lands which drain into Council's drain, or where the nearest boundary of the land is within 30m of Council's drain, of 0.03910 cents in the dollar on the capital value of the land. Pursuant to Section 93(3) Council sets a minimum amount payable in respect of this rate in the sum of \$88.40.
- 3.2 A service charge for waste management in respect of all land for the making available by Council of waste management services of \$209.20 per service provided.
- 3.3 That pursuant to Section 107 of the Act, Council, by absolute majority, varies the service rate for stormwater removal (but not the minimum amount, if applicable) for the financial year in relation to the following land within the municipal area according to the locality of the land and/or the use of the land as follows:
 - (a) the Rate is varied by decreasing it by 0.03910 cents to 0.00 cents in the dollar of the capital value of the land if:
 - i. the land is not located within an area coloured red on the map; or

- ii. the land is not within a sewerage district, defined as at 30 June 2009, being the Clarence Limited Sewerage District, the Richmond Limited Sewerage District (together with land outside that District and which is within the locality areas described as Richmond, Dulcott and Grasstree Hill but excluding properties 353 and 391 Grasstree Hill Road) and the Cambridge Industrial Limited Sewerage District.
- (b) for land which is used:
- i. for primary production;
 - ii. for residential purposes;
 - iii. for private aged care purposes;
 - iv. for sporting or recreational facilities; or
 - v. which is non-used land
- and which is not the subject of the variation at Clause 3.3(a) the Rate is varied by decreasing it by 0.02276 cents to 0.01634 cents in the dollar of the capital value of the land.
- 3.4 That pursuant to Section 94 of the Act, Council, by absolute majority, varies the Waste Management Service Charge for the financial year within the municipal area according to the use of land and/or according to the level of service provided to the land as follows:
- (a) in respect of land used for primary production, land used for residential purposes, non-used land or land used for sporting or recreational facilities, where a 120 litre mobile bin has been provided by Council for the domestic refuse component of the waste management services, the Waste Management Service Charge is varied to \$246.20;
 - (b) in respect of land used for primary production, land used for residential purposes, non-used land or land used for sporting or recreational facilities, where a 240 litre mobile bin has been provided by Council for the domestic refuse component of the waste management services, the Waste Management Service Charge is varied to \$417.00;
 - (c) in respect of land used for primary production, land used for residential purposes, non-used land or land used for sporting or recreational facilities, where no 240 litre mobile greenwaste bin has been provided by Council, the Waste Management Service Charge is varied by decreasing the charge otherwise applicable by \$53.20, this variation being in addition to any other variation which may apply to the land;

- (d) in respect of land used for primary production, land used for residential purposes, non-used land or land used for sporting or recreational facilities, where an additional 240 litre mobile greenwaste bin has been provided by Council, the Waste Management Service Charge is varied by increasing the charge otherwise applicable by \$53.20 in respect of each greenwaste bin provided, this variation being in addition to any other variation which may apply to the land; and
- (e) in respect of land used for primary production, land used for residential purposes, non-used land or land used for sporting or recreational facilities, where a 240 litre mobile bin has been provided by Council for the domestic recycling component of the waste management services, the Waste Management Service Charge is varied by increasing the charge otherwise applicable by \$33.50, this variation being in addition to any other variation which may apply to the land;
- (f) in respect of land used for commercial purposes, land used for industrial purposes, land used for public purposes or land used for quarrying or mining, where a 240 litre mobile bin has been provided by Council for the domestic refuse component of the waste management services (or such other uses requiring a bin of this size approved by the General Manager), the Waste Management Service Charge is varied to \$417.00.

4. Fire Service Rate

Pursuant to Section 93A of the Act, Council makes the following service rates in respect of the Fire Service contributions it must collect under the Fire Service Act 1979 for the rateable parcels of land within the municipal area as follows:

- 4.1 An Urban Fire Service Rate of 0.05498 cents in the dollar on the capital value of all lands within the Hobart Urban Fire District (ES) shown on CPR 3332. Pursuant to Section 93(3) Council sets a minimum amount payable in respect of this rate of \$41.00.
- 4.2 A District Fire Service Rate of 0.015108 cents in the dollar on the capital value of all lands within the Cambridge, Seven Mile Beach, Lauderdale, Richmond and South Arm Fire Districts shown on CPRs 3307, 3361, 3339, 3356 and 3366 respectively. Pursuant to Section 93(3) Council sets a minimum amount payable in respect of this rate of \$41.00.
- 4.3 A Rural Fire Service Rate of 0.01545 cents in the dollar on the capital value of all lands which are not within the Hobart Urban Fire District (E.S.) shown on CPR 3332 or the Cambridge, Seven Mile Beach, Lauderdale, Richmond, or South Arm Fire Districts shown on CPRs 3307, 3361, 3339, 3356 and 3366 respectively. Pursuant to Section 93(3) Council sets a minimum amount payable in respect of this rate of \$41.00.

5. Maximum Percentage Increase

- 5.1 Pursuant to Section 88A of the Act, the Council, by absolute majority, sets a maximum percentage increase for all rates payable on any rateable land within the municipal area of 50% above the amount payable in respect of that rateable land in the 2020/2021 financial year.
- 5.2 Pursuant to Section 88A(1)(b) Council declares, by absolute majority, that the maximum percentage increase varies within the municipal area according to the following factors:
- (a) for all rateable land used, or predominantly used, for residential purposes and is occupied as a principal dwelling by persons who are eligible pensioners within the meaning of the Local Government (Rates and Charges Remissions) Act 1991, the maximum percentage increase is varied to 10%;
 - (b) for all rateable land used or predominantly used for residential purposes and where the variation at sub-paragraph (a) does not apply, the maximum percentage increase is varied to 20%;
 - (c) for all rateable land which is used or predominantly used for primary production purposes and where sub-paragraph (a) does not apply, the maximum percentage increase is varied to 20%;
 - (d) for all rateable land which is used or predominantly used for commercial purposes, industrial purposes, public purposes, mining and quarrying purposes, or sporting or recreation facilities and where sub-paragraph (a) does not apply, the maximum percentage increase is varied to 30%;
 - (e) subparagraphs (a) to (d) do not apply to:
 - i. any increase in the value of rateable land the subject of a supplementary valuation pursuant to Section 92 of the Act made after 1 July 2014 if any increase in the value of the land is attributable to the undertaking of capital improvements or the subdivision of land; or
 - ii. where the general rate was not applied in full in the 2019/2020 financial year for any reason, including the exercise of any discretion or the grant of any remission: or
 - iii. where the land use code as provided by the Valuer General in respect of the 2020/2021 year varies from 2019/2020.

6. Remissions

- 6.1 Pursuant to Section 129 of the Act Council, by absolute majority, grants a remission of all or part of any rates paid or payable by the following classes of ratepayers:

- (a) for the class of ratepayers liable to pay the General Rate who lease land from the Crown and upon which there is constructed a boat shed or jetty used for private purposes, Council grants a Remission of \$175.00;
- (b) in respect of the class of ratepayers where the rateable land is 20 hectares or greater in area and is wholly or partially zoned pursuant to the Clarence Interim Planning Scheme 2015 as Significant Agricultural, Rural Living, Environmental Living or Rural Resource, Council grants the following Remissions in respect of component (a) of the General Rate, (as per clause 2.1):

Area of Land	Proportional Remission of component (a) of the General Rate
Not less than 20 hectares and not greater than 50 hectares	20% of component (a) of the general rate
Not less than 50 hectares and not greater than 80 hectares	30% of component (a) of the general rate
Greater than 80 hectares	40% of component (a) of the general rate

6.2 In respect of each class of ratepayers and in respect of rateable land which is used or predominantly used:

- (a) for commercial purposes;
- (b) for industrial purposes;
- (c) for mining and quarrying purposes;
- (d) for primary production purposes; or
- (e) for public purposes

and where such rateable land is liable to pay the Waste Management Service Charge, such charge is remitted to nil where;

- (i) the Waste Management Service Charge is not used in relation to the rateable land; and
- (ii) the ratepayer demonstrates to the satisfaction of the General Manager that there is in place an alternative Waste Disposal Service for the rateable land.

6.3 For all rateable land used or predominantly used by ratepayers who are eligible pensioners within the meaning of the Local Government (Rates and Charges Remissions) Act 1991 and where the rateable land is occupied as a principal dwelling by such ratepayers, a remission of 1.6% applies to all rates excluding any fire service rate.

6.4 The amount of the minimum stormwater service rate (if applicable) is remitted in respect of all properties to which Paragraph 3.3(a) above applies.

7. Separate Land

For the purposes of these resolutions the rates and charges shall apply to each parcel of land which is shown as being separately valued in the Valuation List prepared under the Valuation of Land Act 2001.

8. Adjusted Values

For the purposes of each of these resolutions any reference to the capital value of land includes a reference to that value as adjusted pursuant to Sections 89 and 89A of the Act, except where these resolutions otherwise provide.

9. Instalments

Pursuant to Section 124 of the Act Council decides:

- 9.1 Where rates are not paid by instalments, the date of payment is the 31st day after the issue of the rates notice;
- 9.2 All rates may be paid by all rate payers by 4 instalments, which must be of approximately equal amounts;
- 9.3 The dates by which instalments are to be paid shall be as follows:
 - (i) the first instalment on or before the 31st day after the issue of the rates notice;
 - (ii) the second instalment on or before the 61st day after the due date of the first instalment;
 - (iii) the third instalment on or before the 1st day of February 2021; and
 - (iv) the fourth instalment on or before the 29th day of April 2021.
- 9.4 If a rate payer fails to pay any instalment within 21 days of the due date, Council may determine that the entire balance of the rates payable becomes due.

10. Late Payments

That in accordance with Section 128 of the Act, and subject to the application of Council's relevant policies, Council decides as follows.

- 10.1 If any rate or instalment is not paid by the due date daily interest applies to the unpaid amount for the period during which it is unpaid from and including the day after it fell due.

- 10.2 Interest shall not apply to any rate or instalment that is not paid by the due date where a ratepayer makes regular payments through Council's direct debit system, or other formal system of regular payments, is not in arrears and does not default on such payments.
- 10.3 The amount of the interest is the maximum prescribed percentage under Section 128 of the Act, being 6.81% per annum.

Decision:	MOVED Ald Ewington SECONDED Ald Edmunds "That the Recommendation be adopted". CARRIED UNANIMOUSLY
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On behalf of Council the Mayor commended the efforts of the General Manager, Chief Financial Officer and staff in preparing this year's budget.

11.7 GOVERNANCE**11.7.1 RATES AND CHARGES POLICY**

(File No 23-01-00)

EXECUTIVE SUMMARY**PURPOSE**

To review Council's Rates and Charges Policy in accordance with the *Local Government Act 1993* (Tas).

RELATION TO EXISTING POLICY/PLANS

Consistent with existing rating policy, incorporating the outcome of Supreme Court of Appeal decision in *Southern Cross Care (Tasmania) v Andrew Paul* [2018] TASFC 9.

LEGISLATIVE REQUIREMENTS

Council is required to review its Rates and Charges Policy prior to, or at the same time as, introducing new or changed elements to its rating decisions. It may undertake a review at any other time.

CONSULTATION

No issues to be addressed.

FINANCIAL IMPLICATIONS

No direct financial implications.

RECOMMENDATION:

That Council adopt the updated Rates and Charges Policy.

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.7.2 FEES AND CHARGES (NON-RATES) POLICY

EXECUTIVE SUMMARY**PURPOSE**

To consider the formal adoption of a Fees and Charges (Non-rates) Policy.

RELATION TO EXISTING POLICY/PLANS

Council currently has no policy for the setting of fees and charges. A policy has been developed for Council's consideration.

LEGISLATIVE REQUIREMENTS

This policy is to be applied consistent with the *Local Government Act 1993*, Division 7 (Fees and Charges). In addition to the *Local Government Act 1993*, Council also has obligations including but not limited to:

- Section 81.5 of the *National New Tax System (Goods and Services Tax) Act, 1999* (Cth).
- *Competition and Consumer Act 2010*. (Cth) and associated Guidelines for Local Government.

CONSULTATION

No public consultation has been undertaken on this matter.

FINANCIAL IMPLICATIONS

This policy applies to all fees and charges detailed in the List of Fees and Charges reviewed and approved by Council each year as part of the annual Budget Estimates process.

RECOMMENDATION:

That Council adopts the Fees and Charges (Non-rates) Policy.

Decision:	MOVED Ald Blomeley SECONDED Ald Ewington
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“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.7.3 REVIEW OF COVID-19 FINANCIAL HARDSHIP POLICY**EXECUTIVE SUMMARY****PURPOSE**

To consider an extension of the “COVID-19 Financial Hardship Policy” approved by Council on 6 April 2020, with minor amendments.

RELATION TO EXISTING POLICY/PLANS

Nil.

LEGISLATIVE REQUIREMENTS

The *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* (Tas) and the *Local Government Act 1993* (Tas) (the Act) are relevant.

CONSULTATION

On 6 April 2020, Council adopted several measures to support the community in response to the pandemic crisis, including approving a COVID-19 Financial Hardship Policy that provides the basis to assess hardship claims in relation to payment of rates, fees and charges. The decision of 6 April requires the policy to be reviewed quarterly to assess continued applicability.

FINANCIAL IMPLICATIONS

There are significant immediate and long-term financial implications associated with the COVID-19 pandemic response. Balancing the provisions of the support package with the financial consequences associated with such measures has underpinned Council’s consideration of the 2020/21 Estimates and Annual Plan and will continue to influence budget and planning processes in subsequent years.

RECOMMENDATION:

That Council:

- A. Approves the updated COVID-19 Financial Hardship Policy for application during the period 1 July 2020 to 30 June 2021.
- B. Authorises the General Manager (or delegate) to assess and approve hardship claims in accordance with the policy.

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.7.4 LEASED FACILITY – ROSNY PARK PUBLIC GOLF COURSE

(ECM 4363983)

EXECUTIVE SUMMARY**PURPOSE**

To extend the YMCA lease of public land known as the Rosny Park Public Golf Course for a 10-month period, subject to agreed terms.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan applies.

LEGISLATIVE REQUIREMENTS

The Local Government Act 1993 is applicable.

CONSULTATION

No public consultation has occurred in relation to the proposed lease. The City Heart Project has included preliminary consultation in relation to future potential use of the golf course land.

FINANCIAL IMPLICATIONS

Funds of \$50,000 are included in the 2020/2021 Estimates.

RECOMMENDATION:

That Council authorises the General Manager to negotiate and agree a new lease with YMCA for the land known as Rosny Park Public Golf Course incorporating the following key terms:

- the proposed lease is to conclude on 30 April 2021;
- the YMCA to receive a financial contribution of \$2,500 per month toward operation of the golf course including its maintenance other than irrigation repair;
- the lease annual rental to be a nominal amount of \$1, if requested;
- the General Rates applicable to the Rosny Park Public Golf Course land is waived. All other service rates and charges shall continue to apply in accordance with Council's Leased Facilities Pricing and Term of Lease Policy;
- that Council assume responsibility for the maintenance and repairs of the irrigation system arising from general leaks or faults;
- that any major leaks or faults in relation to the irrigation system will, if in the opinion of Council officers is not economically repairable, provide Council with a right to end the lease with one months' notice to YMCA; and
- all other terms and conditions of the lease are to be in accordance with Council's usual terms of lease.

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

11.7.5 TASNETWORKS CREATION OF EASEMENT – 85 VIVIAN DRIVE, ROKEBY**EXECUTIVE SUMMARY****PURPOSE**

To consider a request from TasNetworks to create an easement over Council’s public open space at 85 Vivian Drive, Rokeby for the benefit of a private subdivision development at 40 Pass Road, Rokeby.

RELATION TO EXISTING POLICY/PLANS

Nil.

LEGISLATIVE REQUIREMENTS

As the proposed creation of 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, TasNetworks and the private developer.

FINANCIAL IMPLICATIONS

Costs associated with the establishment of the easement will be borne by the owner of 40 Pass Road, Rokeby and will not impact on Council’s Annual Plan.

RECOMMENDATION:

- A. That Council approves the request from TasNetworks and endorses the creation of an electricity easement over public open space at 85 Vivian Drive, Rokeby.
- B. 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 of the land at 40 Pass Road, Rokeby.

Decision: **MOVED** Ald Blomeley **SECONDED** Ald Walker

“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 QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING

Ald Warren

Could we have an update on two significant projects ie Kangaroo Bay and Rosny Hill, as to where they are sitting at the moment?

ANSWER

In relation to the Kangaroo Bay Hotel project we are awaiting for an update from the proponents. We have had some informal contact over the last week to indicate that they are nearing a conclusion and we expect to hear from them formally very shortly. In terms of the Rosny Hill project there was a decision from RMPAT about a week ago, deferring that hearing to a date in August but I don't believe that date has been accurately set. There is a Directions Hearing to be conducted on 15 June.

Ald Walker

1. My question relates to the Roches Beach to Seven Mile Beach coastal walk and I call it a walk even though when you go to the website it talks about it being an easy Mountain bike ride. I would hate to think of the cost of putting a fence along here let alone the degradation to the amenity if it was done. Given that this track is in parts narrower than the handle-bars of a mountain bike and given it is used by a variety of families for walking as well is it appropriate and reasonable that this is a walking and cycling pathway?

ANSWER

Usage of the coastal track has increased significantly during COVID 19. An informal footpad has developed alongside the Roches Beach to Seven Mile Beach coastal track, which has virtually doubled the usable width in some sections. We've also reclaimed back some Council land that was occupied by adjoining residents. This will provide an opportunity to realign a couple of sections of track further away from the cliffs and widen the track.

A budget proposal will be put forward to the Tracks & Trails Advisory Committee as a project for the 2021/22 budget to upgrade, realign and gravel the entire length of track.

Also an alternative route to the narrow section down onto Seven Mile Beach will be constructed in the next 6 months, which will connect to the Acton Creek Track.

While the comment in relation to bike usage of the track is understandable, our coastal tracks are multiuse, with the aim of being inclusive for walkers and casual cyclists. They are not intended for hard core mountain bikers, where the Meehan Range has specific tracks. The sight lines for this track are good and the above-mentioned future widening works will assist with the shared usage.

2. In relation to the role of the Mayor in deputising other Aldermen to fill in for his place at events, I wouldn't wish to be the Mayor and I understand that as a spoil of office it is the Mayor's gift as to how they determine who gets allocated to deputise in what positions but on the basis of transparency what is the downside of listing in the Quarterly Report which Aldermen were deputised to events and what those were?

ANSWER

(Mayor) I am happy to do that. I might add there have not been too many things to deputise over the last months but certainly if it helps my basic policy is if an issue involves business associated with someone being a committee chair then that would be a priority for representation but the first priority of course goes to the Deputy Mayor. I am happy to include a list of those deputisations.

Ald von Bertouch

1. When will the consultation on the revised south arm master plan begin and end?

ANSWER

The consultation on the south arm oval master plan will commence within the next 2 weeks and we are aiming for it to end in July.

Question contd

When in July? How long will the consultation go for?

ANSWER

The consultation is open for a total of five weeks and will conclude on 16 July.

2. What was the cost of the Bellerive pontoon and how much will it cost to transport it to and from the storage site?

ANSWER

The approximate cost of the pontoon including the buoys and consultants is about \$90,000 and the cost to transport the pontoon from the water through to the Council storage facility is approximately \$3,500.

Question contd

Is the transport cost to and from?

ANSWER

That is to the storage facility, when we return the pontoon in October it will be approximately another \$3,500.

Question contd

So that will be every year?

ANSWER

A total of approximately \$7,000 every year.

Ald Peers

1. The security fencing as directed by our insurers at ANZAC Park and Bellerive Bluff, what is happening there?

ANSWER

At the moment we are finalising our documents for contract pricing and they will then go out to contractors to obtain quotations.

2. There are a lot of cars parked on footpaths and I know it has been a difficulty for many people especially women with prams what can we do about it, if anything?

ANSWER

Council Rangers have been patrolling the area and to date have issued three cautions. The situation will continue to be monitored over the next few weeks.

Ald Mulder

1. What progress has there been on the Richmond By-pass and the duplication of the East Derwent Highway through Risdon? We were promised an on-line chat and workshop and I understand the time and the circumstances but I thought we might have squeezed in a little bit of time in the last week or two to get an on-line chat. My fear is that time is slipping away from us on this one.

ANSWER

We will try and provide that information to aldermen as soon as we can on the on-line chat forum.

2. My question relates to a something I have asked a couple of times now in relation to the costing of constructing school road and sealing it properly.

ANSWER

The answer will be provided with the responses to the questions raised as part of the budget review undertaken on 29 May. It will be included in that information which we are hoping to provide by the end of the week.

Ald Kennedy

As the level of traffic movement including heavy vehicles continues to increase through the Seven Mile Beach village and that commences around 6am finishing at best at 7 pm, there remains a few hours during the day when there is very little traffic. Can you please provide details of when traffic assessments in this area are undertaken specifically Traffic Impact Assessments for new developments?

ANSWER

Traffic Impact Assessments are required to be undertaken by qualified professionals. As part of the assessment they obtain peak hour usage of the specific road – looking at both the morning and afternoon peak periods. The professionals also generally ask council's engineers whether we have any historic traffic data which can assist with their assessments.

Ald James

1. With regard to 19 Corinth Street in Howrah, has Council been made aware of any revised plans that were endorsed by RMPAT that have been or are in the process of being provided to Council?

ANSWER

I believe we answered a question similar to this at the last meeting. We are not aware of any revised plans. Revised plans do not go back to RMPAT, they come to Council as the building authority. RMPAT has no involvement beyond the planning permit, this is a building matter. There have been no revised planning nor building plans lodged with Council that we are aware of.

2. Earlier this evening an urgency motion was put and considered does this relate to 1 Cremorne Avenue, Cremorne?

The General Manager advised that he is not at liberty to respond to that question.

Ald Edmunds

1. Could Aldermen have an explanation of the process the Council would have to go through if it was going to trigger the buy-back clause of the Kangaroo Bay land if further extension wasn't granted?

ANSWER

The buy-back clause essentially says that if the developer has not achieved substantial commencement, which is in this case defined as the commencement of in-ground works at the hotel site, by 14 October 2020, then it triggers the buy-back clause. There is no definition as to process around that so Council would need in my view to take advice on how to activate that.

2. Has the Council had any communications or discussions with the Minister for Local Government around an extension to the legislation and procedures around on-line meetings?

ANSWER

The Minister for Local Government has been made aware through regular Mayors' and General Managers' meetings that he has been holding every few weeks, that it is a concern for us. However, the legislation essentially says that from the cessation date of the emergency, sixty days after that the notices that have been issued cease to have effect. We have sixty days after a declaration that the crisis has ceased. At this point the earliest that might possibly be is around mid-July but as we all know anything could happen between now and then and there could simply be a decision to leave the arrangements in place. The short answer is we have sixty days from the cessation date to resume normal Council Meetings, not as I originally thought, an immediate return.

Ald Blomeley

My question relates to the Derwent River ferry project. Following on from the answer provided to my question at the last Council Meeting where we were advised the project has now been transferred to Programming and Delivery and a project manager has been allocated to manage this as part of an integrated approach to urban congestion management, in light of the RACT acknowledging this as one of their top five priorities for the State are we able to provide advice as to where this project, 3 weeks on, is now at?

ANSWER

We have not had any further meetings with the Department of State Growth in that intervening period. Those meetings have been generally following the City Deal functions and noting that DSG officers have been very heavily committed in terms of the COVID-19 response. I can undertake a follow-up and obtain an update.

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 be recorded in the following Agenda.

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

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

13. CLOSED MEETING

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

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

13.1 APPLICATIONS FOR LEAVE OF ABSENCE

13.2 TENDER T1361-20 SPINIFEX ROAD, RISDON VALE AND CLINTON ROAD, GEILSTON BAY – ROAD RECONSTRUCTION WORKS

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 Blomeley

“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 Motion has been authorised by Council for publication in the public Minutes.

13.2 TENDER T1361-20 SPINFEX ROAD, RISDON VALE AND CLINTON ROAD, GEILSTON BAY - ROAD RECONSTRUCTION WORKS

(File No T1361-20 – Ecm)

Decision:

MOVED Ald Peers **SECONDED** Ald Blomeley

- “A. That the Tender Response from Statewide Earthworks Pty Ltd for \$325,750.00, excluding GST, be accepted for the Road Reconstruction and associated works in the section of Spinifex Road, Risdon Vale and Clinton Road, Geilston Bay.
- B. That, in accordance with Regulation 34(3) of the Local Government (Meetings Procedures) Regulations 2015, Council authorises for release the Council’s decision (only) in respect to this item to the general public and for communication to relevant parties.
- C. That Council publishes its decision only in regard to this matter in the open Minutes of this Meeting”.

CARRIED UNANIMOUSLY

The Meeting closed at 8.49pm.