

MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 21 SEPTEMBER 2020
--

HOURL CALLED: 7.00pm

PRESENT: The meeting commenced at 7.01pm 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
S von Bertouch
J Walker
B Warren; present.

1. APOLOGIES J Peers

ORDER OF BUSINESS Items 1 – 13

IN ATTENDANCE

General Manager
(Mr I Nelson)

Chief Financial Officer
(Ms M Coleman)

Principal Engineer
(Mr R Grierson)

Manager City Planning
(Mr R Lovell)

Manager Health and Community Development
(Mr J Toohey)

Executive Officer to the General Manager
(Ms J Ellis)

The Meeting closed at 9.02pm.

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 21 SEPTEMBER 2020

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1. ATTENDANCE AND APOLOGIES

Refer to cover page.

2. ***CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Special Council Meeting held on 26 August 2020 and the Council Meeting held on 31 August 2020, as circulated, be taken as read and confirmed.

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

“That the Minutes of the Special Council Meeting held on 26 August 2020 and the Council Meeting held on 31 August 2020, as circulated, be taken as read and confirmed”.

CARRIED

FOR

Ald Chipman
Ald Blomeley
Ald Chong
Ald Edmunds
Ald Ewington
Ald James
Ald Kennedy
Ald von Bertouch
Ald Walker
Ald Warren

AGAINST

Ald Mulder (abstained)

3. MAYOR'S COMMUNICATION

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

Mayor

- 2 September: Coal River Valley Business Networking Event;
- 7 September: ABC Radio;
Minister Ferguson – Hobart Airport Interchange;
- 8 September: ABC and Channel 7 News – Kangaroo Bay;
- 10 and 11 September: Mayor's Professional Development Workshop (LGAT);
- 12 September: Battle of Britain Remembrance Service;
- 13 September: Battle of Britain 80th Anniversary Laying of Wreath;
- 15 September: Greater Hobart Mayor's Forum;
- 16 September: Win News Interview; and
- 21 September: TasWater Owners' Representative Group.

/ contd on Page 6...

MAYOR'S COMMUNICATION /contd...

Deputy Mayor

- 10 September: Exhibition Opening Rosny Barn (on behalf of the Mayor); and
- 17 September: OP Shop Opening – Ten Lives (on behalf of the Mayor).

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

Presentation – Kangaroo Bay Hotel and Hospitality School
Combined Sporting Facility Proposal

DATE

7 September

Draft Strategic Plan/Review of Committees
Hardship Application
South Arm Oval Master Plan

14 September

RECOMMENDATION:

That Council notes the workshops conducted.

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

“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

Alderman Chong	Item No. 11.3.2
Alderman von Bertouch	Item No. 11.3.3 and 11.7.4
Ald Blomeley	Item No. 13.5

6. *TABLING OF PETITIONS**

Nil.

7. PUBLIC QUESTION TIME

Public question time at ordinary Council meetings will not exceed 15 minutes. An individual may ask questions at the meeting. Questions may be submitted to Council in writing on the Friday 10 days before the meeting or may be raised from the Public Gallery during this segment of the meeting.

The Chairman may request an Alderman or Council officer to answer a question. No debate is permitted on any questions or answers. Questions and answers are to be kept as brief as possible.

7.1 PUBLIC QUESTIONS ON NOTICE

(Seven days before an ordinary Meeting, a member of the public may give written notice to the General Manager of a question to be asked at the meeting). A maximum of two questions may be submitted in writing before the meeting.

Mr Thomas Chick gave notice of the following question:

AUDIO-VISUAL DEPUTATIONS

Recent times have seen an uptick in the submission of text-based deputations, which has resulted in their needing to be summarised, if not for time then for the sake of the General Manager's throat. This has the unfortunate side effect of stripping those deputations of much of their context and all of their tone. In the interest of preserving both, and keeping in mind the existing limits (no more than five statements of no more than three minutes each) will members of the public be allowed to submit audio-visual deputations while (or even after) coronavirus restrictions continue to prevent in-person participation?

7.2 ANSWERS TO QUESTIONS ON NOTICE

The General Manager provided the following Answer to the Question listed at Item 7.1.

AUDIO-VISUAL DEPUTATIONS

During the COVID period council has had to operate with new arrangements including, for a period virtual attendance by Aldermen at meetings. Public attendance is still not possible due to the size of the chamber. As we are all aware, council has live-streamed meetings which has been well received. However, council's current systems do not enable Aldermen to electronically participate in a meeting within the chamber. This is because the systems used create a significant feedback loop. The same issue would exist for submitted audio-visual deputations. The only option is a significant upgrade of current systems and IT infrastructure to ensure all systems are completely integrated. With that in mind, I have requested that an investigation of possible upgrades be undertaken, including costs. It is also important to note that it is unclear how long the current arrangements will continue and whether there will be legislative change permitting virtual attendance once COVID restrictions end. With that in mind, any investigation will also need to consider cost of upgrade against the long term likelihood of such arrangements continuing as an option.

7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

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

At Council's Meeting of 31 August 2020 Ms Anne Boxhall of Seven Mile Beach asked the following questions:

INUNDATION – SEVEN MILE BEACH

1. Will Council be commissioning a study into the effects of building developments on existing properties in areas zoned as high risk of inundation in Seven Mile Beach?
2. When flooding occurs in an area zoned at high risk of inundation, where should the responsibility lie?

ANSWER

1. Council has no plans to commission a study in relation to the effects of building developments on existing properties in Seven Mile Beach. New developments are required to provide details of mitigating risk to future occupants (having sufficiently finished floor levels) and not adversely affecting other properties (requiring detention and providing overland flow paths).
2. Flooding is regarded as a natural disaster and responsibility is not assigned to a particular entity. Council's Climate Change Impacts on Clarence Coastal Areas – December 2008 Report indicates the risk of inundation and is a public document available to inform the community.

7.4 QUESTIONS WITHOUT NOTICE

Mr Victor Marsh of Bellerive asked the following question.

ROSNY HILL ROAD PATHWAY

Why weren't the light poles obstructing the recently constructed multi-user pathway beside Rosny Hill Road moved before the completion of the concreting works?

ANSWER

The light poles obstructing the path are the property of TasNetworks. Council was not able to get a definite timeframe for their relocation prior to installing the pathway, so it was determined that the pathway would be installed as planned and the light poles moved later. This approach enabled path users to utilise and enjoy the upgraded pathway without further delay.

8. DEPUTATIONS BY MEMBERS OF THE PUBLIC
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(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)

**DEVELOPMENT APPLICATION PDPLANPMTD-2020/010785 – 3 KELLATIE ROAD, ROSNY –
ADDITION TO DWELLING
(REFER ITEM 11.3.3)**

Ms Samira Hardwick provided a deputation regarding the above Development Application which was read out by the General Manager.

9. MOTIONS ON NOTICE

9.1 NOTICE OF MOTION - ALD MULDER LAUDERDALE DRAINAGE PLAN

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

“That the Lauderdale Drainage plan include consideration of a proposal to create outfalls to the Lauderdale Canal.”

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

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

“That, in accordance with obligations under the Urban Drainage Act pertaining to the proposed Lauderdale Stormwater Management Plan, Council directs the General Manager to take the necessary action to include an assessment of proposed alternative stormwater outfalls to the Lauderdale canal, and allocates an amount of up to \$10,000 in anticipation of the cost of this work. Further, Council requests that the work be undertaken as soon as practical and reported to council as part of the stormwater plan for Lauderdale.

Note – the allocation of funds are not included within the 2020/2021 Estimates and will require an Absolute Majority decision of council”.

Ald Blomeley left the Meeting at this stage (7.26pm).

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

FOR

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

AGAINST

Ald von Bertouch
Ald Warren

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 tabled the Action Sheet dated 15 September 2020.

10.2 *REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES**

LINDISFARNE COMMUNITY ACTIVITIES CENTRE MANAGEMENT COMMITTEE

- Ald Blomeley tabled the Minutes of a Meeting held on 17 September 2020 and the Annual Financial Report for the year ended 30 June 2020.

RICHMOND ADVISORY COMMITTEE

- Ald Chong tabled the Minutes of a Meeting held on 19 August 2020.

BELLERIVE COMMUNITY ARTS CENTRE

- Ald Kennedy tabled the Agenda for the Meeting held on 9 September 2020 and the Bank Statement for the period ending 31 August 2020.

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

The Weekly Briefing Reports of 31 August and 7 and 14 September 2020 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 31 August and 7 and 14 September 2020 be noted.

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

“That the Recommendation be adopted”.

CARRIED

FOR

Ald Chipman
Ald Chong
Ald Edmunds
Ald Ewington
Ald James
Ald Kennedy
Ald von Bertouch
Ald Walker
Ald Warren

AGAINST

Ald Mulder (abstained)

11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS
**11.2.1 PETITION – PLANNING APPLICATION PDPLANPMTD-2020-010800–
SHOP 5, 14 EDGEWORTH STREET, WARRANE**
(File No PDPLANPMTD-2020/010800)
EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the petition tabled at Council’s Meeting on 21 September 2020, relating to Development Application PDPLANPMTD-2020/010800 for a bottle shop in the Edgeworth Street shopping centre.

RELATION TO EXISTING POLICY/PLANS

The matter is related to the Clarence Interim Planning Scheme 2015.

LEGISLATIVE REQUIREMENTS

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

CONSULTATION

The petition was made during the consultation period set aside for the above development application, which was advertised between 8 August 2020 and 24 August 2020.

FINANCIAL IMPLICATIONS

Not applicable.

RECOMMENDATION:

That Council notes the intent of the petition and considers the matters raised by the petition as part of the Planning Authority determination of Development Application PDPLANPMTD-2020/010800.

Ald Blomeley returned to the Meeting at this stage (7.29pm).

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.3 PLANNING AUTHORITY MATTERS

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

**11.3.1 DEVELOPMENT APPLICATION PDPLANPMTD-2020/010715 – 6
SHORELINE DRIVE, HOWRAH - ALTERATION AND ADDITION TO
SUPERMARKET****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for alterations and additions to the Woolworths supermarket to provide a pick up facility for customers.

RELATION TO PLANNING PROVISIONS

The land is zoned General Business and subject to the Parking and Access Code under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires on 22 September 2020.

CONSULTATION

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

- parking insufficient;
- queuing;
- location of bus stop; and
- traffic control measures.

RECOMMENDATION:

A. That the Development Application for alterations and additions to Supermarket at 6 Shoreline Drive, Howrah (C1 Ref PDPLANPMTD-2020/010715) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN C1 – replace the first sentence with “3 additional car parking spaces making a total of 302 must be provided on-site prior to the commencement of the use”.

3. ENG M1 – DESIGNS DA.
- 4, ENG A5 – SEALED CAR PARKING.
5. GEN S7 – SIGN MAINTENANCE.

ADVICE: It is recommended that advice from a Building Surveyor is obtained to determine whether a Building Permit is required for the works.

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

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.3.2 DEVELOPMENT APPLICATION PDPLANPMTD-2020/010800 – SHOP 5, 14 EDGEWORTH STREET, WARRANE - CHANGE OF USE TO BOTTLE SHOP**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a change of use to Hotel Industries (bottle shop) at Shop 5, 14 Edgeworth Street, Warrane.

RELATION TO PLANNING PROVISIONS

The land is zoned Local Business and subject to the Parking & Access, Stormwater Management, Signs and Road & Railway Assets 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 23 September 2020.

CONSULTATION

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

- existing number of bottle shops;
- known harm of alcohol;
- proximity to school/community centre/recreation grounds;
- traffic and noise impacts; and
- site plan detail.

Following the advertising period, a petition containing 173 signatures against the proposal was also received.

RECOMMENDATION:

- A. That the Development Application for change of use to Bottle Shop at Shop 5, 14 Edgeworth Street, Warrane (C1 Ref PDPLANPMTD-2020/010800) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. GEN AM5 – Trading Hours
Trading hours must be within the following hours:
Monday – Saturday 9am to 8pm; and
Sundays and public holidays 10am to 6pm.
3. No additional signage is to be displayed on the site without further approval from Council.

ADVICE

- a) **ADVICE 6 – FOOD REGISTRATION ADVICE.**
 - b) A building change of use may be required. Please consult with a Building Surveyor and submit any appropriate documents.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

Ald Chong declared an Interest in this Item and left the Meeting prior to discussion (7.35pm).

Decision:	MOVED Ald James SECONDED Ald Mulder
	<p>“A That the Development Application for a change of use to a bottle shop at Shop 5, 14 Edgeworth Street, Warrane (Cl Ref PDPLANPMTD-2020/010800) be refused for the following reasons.</p> <ol style="list-style-type: none"> 1. The proposal does not satisfy the Performance Criteria 20.3.1 P1 as it is likely to result in an unreasonable impact on the residential amenity of the area, as hours of operation of the use within 50m of a residential zone. 2. The proposal does not satisfy the Performance Criteria 20.3.2 P1 as the noise emissions measured at the boundary will cause environmental harm within the adjoining residential zone. <p>B. That the reasons for Council’s decision in respect of this matter be recorded as follows.</p> <ol style="list-style-type: none"> 1. Representations received.

/ Decision contd on Page 21...

**DEVELOPMENT APPLICATION PDPLANPMTD-2020/010800 – SHOP 5, 14
EDGEWORTH STREET, WARRANE - CHANGE OF USE TO BOTTLE SHOP
/Decision contd...**

2. Petition containing 173 signatures objecting to a bottle shop in the Edgeworth Street, Warrane Shopping Centre.
3. Unreasonable impact on the residential amenity of the properties in close proximity to the bottle shop”.

PROCEDURAL MOTION**MOVED** Ald Ewington **SECONDED** Ald Blomeley“That the **MOTION** be **put**”.The **PROCEDURAL MOTION** was **put** and **LOST****FOR**Ald Chipman
Ald Blomeley
Ald Ewington
Ald Kennedy**AGAINST**Ald Edmunds
Ald James
Ald Mulder
Ald von Bertouch
Ald Walker
Ald WarrenThe **MOTION** was **put** and **LOST****FOR**

Ald James

AGAINSTAld Chipman
Ald Blomeley
Ald Edmunds
Ald Ewington
Ald Kennedy
Ald Mulder
Ald von Bertouch
Ald Walker
Ald Warren**FORESHADOWED MOTION****MOVED** Ald Ewington **SECONDED** Ald Blomeley

“That the officer’s Recommendation be adopted”.

/Decision contd on Page 22...

**DEVELOPMENT APPLICATION PDPLANPMTD-2020/010800 – SHOP 5, 14
EDGEWORTH STREET, WARRANE - CHANGE OF USE TO BOTTLE SHOP
/Decision contd...**

PROCEDURAL MOTION

MOVED Ald Mulder **SECONDED** Ald Kennedy

“That the **MOTION** be **put**”.

CARRIED

FOR

Ald Chipman
Ald Blomeley
Ald Ewington
Ald Kennedy
Ald Mulder
Ald Warren

AGAINST

Ald Edmunds
Ald James
Ald von Bertouch
Ald Walker

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

FOR

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

AGAINST

Ald James

11.3.3 DEVELOPMENT APPLICATION PDPLANPMTD-2020/010785 – 3 KELLATIE ROAD, ROSNY - ADDITION TO DWELLING**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for an addition to Dwelling at 3 Kellatie Road, Rosny.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42-day period which expires on 2 October 2020.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and five representations (including two in respect of 1 property) were received raising the following issues:

- loss of privacy;
- loss of property values;
- use of dwelling;
- noise;
- overshadowing;
- inaccuracy of plans;
- on-site parking; and
- density.

RECOMMENDATION:

- A. That the Development Application for addition to Dwelling at 3 Kellatie Road, Rosny (Cl Ref PDPLANPMTD-2020/010785) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.**ADVICE**

This Permit is issued for the purposes of a single dwelling use. In the event that conversion to visitor accommodation or multiple dwelling use were to be contemplated in the future, the owner should ascertain first whether planning approval is required.

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

Ald von Bertouch declared an Interest in this Item and left the Meeting prior to discussion (7.55pm).

Ald Chong returned to the Meeting at this stage (7.55pm).

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

Ald von Bertouch returned to the Meeting at this stage (8.01pm).

**11.3.4 SECTION 43A AMENDMENT APPLICATION PROPOSED ORDINANCE
AMENDMENT TO GENERAL RESIDENTIAL ZONE USE TABLE AND
CHANGE OF USE TO BUSINESS AND PROFESSIONAL SERVICES
(OFFICE) (PDPSPAMEND-2020/010193) – 7 GORDONS HILL ROAD,
BELLERIVE**

(File No PDPSPAMEND-2020/010193)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the application made for a combined Section 43A application for a planning scheme amendment and change of use to Business and Professional Services (Office) at 7 Gordons Hill Road, Bellerive.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential under the provisions of the Clarence Interim Planning Scheme 2015 (the Scheme). No change to the zoning of the land is proposed. It is also subject to the Road and Rail Assets Code, Parking and Access Code and Stormwater Management Code.

The use of the land for Business and Professional Services (Office) is currently Prohibited in the General Residential Zone.

Note: References to provisions of the Land Use Planning and Approvals Act 1993 (LUPAA) are references to the former provisions of the 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.

Essentially, the savings and transitional provisions apply to existing planning schemes in force prior to the approval of the Tasmanian Planning Scheme Local Provisions Schedule and includes the Scheme.

Section 43A(1) of LUPAA provides for the lodging of an application for a permit which would not be allowed if the planning scheme were not amended as requested.

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.

CONSULTATION

Applications made under Section 43A are not formally open for public comment until after Council has agreed to certify the Amendment and it has been publicly advertised. Draft Permit conditions would also be advertised for public comment as part of the public consultation process for the combined amendment and change of use.

RECOMMENDATION:

- A. That Council resolves, under Section 30O(1) of the Land Use Planning and Approvals Act 1993 that the draft Amendment PDPSPAMEND-2020-0010193 to amend the General Residential Use Table is:
- (i) limited to a local provision;
 - (ii) practical; and
 - (iii) consistent with the Southern Tasmanian Regional Land Use Strategy 2010-2035.
- B. That Council resolves, under Section 34(1) of the Land Use Planning and Approvals Act 1993 to initiate draft Amendment PDPSPAMEND-2020-010193.
- C. That Council resolves, under Section 35(1) of Land Use Planning and Approvals Act 1993 that draft Amendment PDPSPAMEND-2020-010193 meets the requirements specified under Section 32.
- D. That Council resolves, under Section 35(2) of Land Use Planning and Approvals Act 1993, to prepare and certify draft Amendment PDPSPAMEND-2020-010193, sign the instrument as required and to forward it to the Tasmanian Planning Commission.
- E. That the change of use to Business and Professional Services (Office) at 7 Gordons Hill Road, Bellerive be approved subject to the following conditions and advice.
- 1. GEN AP1 – ENDORSED PLANS.
 - 2. GEN C1 – ON-SITE CAR PARKING [6].
 - 3. ENG A1 – NEW CROSSOVER [5.5M] [TSD-R09 (Urban)].
 - 4. ENG A5 – SEALED CAR PARKING.
 - 5. ENG M1 – DESIGNS DA.
 - 6. GEN S1 – SIGN CONSENT.
 - 7. ENG S1 – INFRASTRUCTURE REPAIR.
 - 8. TASWATER CONDITION.
- F. 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 27 for Decision on this Item...

**SECTION 43A AMENDMENT APPLICATION PROPOSED ORDINANCE
AMENDMENT TO GENERAL RESIDENTIAL ZONE USE TABLE AND CHANGE OF
USE TO BUSINESS AND PROFESSIONAL SERVICES (OFFICE) (PDPSPAMEND-
2020/010193) – 7 GORDONS HILL ROAD, BELLERIVE /contd...**

Decision: **MOVED** Ald Mulder **SECONDED** Ald Walker

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

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 ADOPTION OF COUNCIL POLICY – NO SPRAY REGISTER POLICY****EXECUTIVE SUMMARY****PURPOSE**

To consider the adoption of a No Spray Register Policy.

RELATION TO EXISTING POLICY/PLANS

Council currently has no policy that governs the process for the receipt, assessment and acceptance of requests from property owners and residents for Council to desist from spraying their property frontages with herbicide as part of routine maintenance operations. A policy has now been developed for Council consideration.

LEGISLATIVE REQUIREMENTS

No legislative requirements to be addressed.

CONSULTATION

No specific public consultation has been undertaken on this matter.

FINANCIAL IMPLICATIONS

It is anticipated the financial implications as a result of adopting this policy will be minor and can be absorbed within council's current Annual Plan. Additional funds may be required beyond the initial period for ongoing management of the Register subject to uptake of applications and numbers of properties approved. These will be reported to council through future budget processes.

RECOMMENDATION:

That Council adopts the No Spray Register Policy.

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 TASNETWORKS CREATION OF EASEMENT – 65A HANCE ROAD, HOWRAH****EXECUTIVE SUMMARY****PURPOSE**

To consider a request from TasNetworks to create an easement over Council's public open space at 65a Hance Road, Howrah for the benefit of a private subdivision development at 40 Pass Road, Howrah.

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, Howrah 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 65a Hance Road, Howrah.
- B. That all costs associated with the creation of the easement, including compensation as determined by a registered valuer, Council's legal costs and valuation fee, are to be borne by the owner of the land at 40 Pass Road, Howrah.

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

"That the Recommendation be adopted".

CARRIED UNANIMOUSLY

11.7.2 CREATION OF PRIVATE RIGHT-OF-WAY – 90 GORDONS HILL ROAD, LINDISFARNE**EXECUTIVE SUMMARY****PURPOSE**

To consider a request from the owners of 92 Gordons Hill Road and 68 Henley Street, Lindisfarne to create an easement over Council's land at 90 Gordons Hill Road for the benefit of a private subdivision and to formalise vehicular access.

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 and the owners of 92 Gordons Hill Road and 68 Henley Street.

FINANCIAL IMPLICATIONS

Costs associated with the establishment of the easement will be borne by the owners of 92 Gordons Hill Road and 68 Henley Street and will not impact on Council's Annual Plan.

RECOMMENDATION:

- A. That Council approves the request from the owners of 92 Gordons Hill Road and 68 Henley Street, Lindisfarne to create a right-of-way easement over Council land at 90a Gordons Hill Road, Lindisfarne.
- B. That all costs associated with the creation of the easement, including compensation as determined by a registered valuer, Council's legal costs and valuation fee, are to be borne by the owners of 92 Gordons Hill Road and 68 Henley Street.

Decision: **MOVED** Ald Ewington **SECONDED** Ald Walker

"That the Recommendation be adopted".

CARRIED UNANIMOUSLY

11.7.3 EQUESTRIAN TASMANIA AND HOBART ARCHERS – LEASE OF PUBLIC LAND**EXECUTIVE SUMMARY****PURPOSE**

To consider entering into two separate lease agreements with Equestrian Tasmania and Hobart Archers for land at 147 Acton Road, Acton Park.

RELATION TO EXISTING POLICY/PLANS

Council's Leased Facilities Pricing and Term of Lease Policy and the Recreation Needs Analysis 2019 are applicable.

LEGISLATIVE REQUIREMENTS

Section 177 of the Local Government Act 1993 is applicable.

CONSULTATION

Consultation has occurred between Council officers, representatives from Equestrian Tasmania and Hobart Archers.

FINANCIAL IMPLICATIONS

The Recommendation has no direct implication on Council's Annual Plan.

RECOMMENDATION:

- A. That in accordance with Section 177A of the local Government Act 1993, Council gives notice of intention to lease public land at 147 Acton Road, Acton Park to Equestrian Tasmania and Hobart Archers.
- B. That, provided the notice of intention process to lease is finalised and no objections are received, Council authorises the General Manager to enter into two separate lease agreements with Equestrian Tasmania and Hobart Archers for a term of 10 years with an option for a further term of 10 years in accordance with Council's Leased Facilities Pricing and Term of Lease Policy.
- C. That, in the alternative to Recommendation B above, should objections be received, the proposed leases be referred to a future meeting of Council for consideration.

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

**EQUESTRIAN TASMANIA AND HOBART ARCHERS – LEASE OF PUBLIC LAND
/contd...**

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

11.7.4 CLARENCE CITY COUNCIL COMMUNITY RECOVERY GRANTS**EXECUTIVE SUMMARY****PURPOSE**

To consider the Grants Assessment Panel's recommendations for the allocation of financial assistance in respect of the Clarence City Council Community Recovery Grants 2020.

RELATION TO EXISTING POLICY/PLANS

Community Grants Policy, Strategic Plan, Community Grants Policy, Clarence City Council COVID-19 Social Recovery Action Plan and relevant social plans.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Nil.

FINANCIAL IMPLICATIONS

An allocation of \$100,000.00 is available.

RECOMMENDATION:

That Council approves the distribution of financial grants totalling \$55,916.59 to community groups and organisations, as detailed in the schedule attached to the Associated Report.

Ald von Bertouch declared an Interest in this Item and left the Meeting prior to discussion (8.18pm).

Decision:

MOVED Ald Chong **SECONDED** Ald Walker

- “A. That Council approves the distribution of financial grants totalling \$55,916.59 to community groups and organisations, as detailed in the schedule attached to the Associated Report.
- B. That Council considers offering a further round of community recovery grants in March 2021 if there are sufficient funds available in the Community Recovery Package.

/ Decision contd on Page 36...

**CLARENCE CITY COUNCIL COMMUNITY RECOVERY GRANTS /Decision
contd...**

C. That any future Community Recovery Grants and regular Community Grants are circulated to Aldermen for workshop discussion prior to being listed on the agenda of a Council meeting”.

CARRIED

FOR

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

AGAINST

Ald James (abstained)

Ald von Bertouch returned to the Meeting at this stage (8.31pm).

11.7.5 SPONSORSHIP POLICY**EXECUTIVE SUMMARY****PURPOSE**

To adopt the proposed Sponsorship Policy.

RELATION TO EXISTING POLICY/PLANS

The Clarence City Council Strategic Plan 2016 – 2026 is relevant.

LEGISLATIVE REQUIREMENTS

The Local Government Act 1993 is relevant.

CONSULTATION

Consultation with Aldermen has been undertaken.

FINANCIAL IMPLICATIONS

There are no additional financial implications arising from this policy. Funds are currently allocated within council's budget for sponsorship activities.

RECOMMENDATION:

That Council adopts the Sponsorship Policy.

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

“That the Recommendation be adopted”.

CARRIED

FOR

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

AGAINST

Ald James (abstained)

11.7.6 COUNCIL MEETING SCHEDULE**EXECUTIVE SUMMARY****PURPOSE**

To consider a proposed Council Meeting Schedule for 2020-22.

RELATION TO EXISTING POLICY/PLANS

The proposed schedule is consistent with Council's previous endorsement of a 3 weekly meeting cycle for Ordinary Council Meetings.

LEGISLATIVE REQUIREMENTS

Division 1, Clause 4 of the Local Government (Meeting Procedures) Regulations 2015 requires that an ordinary Meeting of Council is held at least once in each month.

CONSULTATION

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

RECOMMENDATION:

That the following Council Meeting Schedule be adopted:

**COUNCIL MEETING SCHEDULE 7 DECEMBER 2020 TO
19 DECEMBER 2022**

Monday, 7 December 2020
Annual General Meeting

Monday, 14 December 2020

2021

Monday, 18 January 2021

Tuesday, 9 February 2021
[Hobart Regatta Day Monday 8 February]

Monday, 1 March 2021

Monday, 22 March 2021

Monday, 19 April 2021
[Easter Break 2-6 April]

Monday, 10 May 2021

**COUNCIL MEETING SCHEDULE 7 DECEMBER 2020 TO
19 DECEMBER 2022 /contd...**

Monday, 31 May 2021

Monday, 7 June 2021

Special Meeting (tentative)

(for adoption of the Budget, Annual “Estimates” and Fees and Charges Schedule)

Tuesday, 15 June 2021

[Queen’s Birthday Monday, 14 June 2021]

Special Meeting (tentative)

(Fall back date for adoption of Budget, Annual “Estimates” and Fees and Charges Schedule)

Monday, 21 June 2021

Monday, 28 June 2021

Special Meeting (tentative)

[fall back date for Striking of Rates]

Monday, 12 July 2021

Monday, 9 August 2021

Monday, 30 August 2021

Monday, 20 September 2021

Monday, 11 October 2021

Monday, 1 November 2021

Monday, 22 November 2021

Monday, 6 December 2021

(Annual General Meeting)

Monday, 13 December 2021

2022

Monday, 17 January 2022

Monday, 7 February 2022

Monday, 28 February 2022

Monday, 21 March 2022

**COUNCIL MEETING SCHEDULE 7 DECEMBER 2020 TO
19 DECEMBER 2022 /contd...**

Monday, 11 April 2022
[Easter Break 15-19 April 2022]

Monday, 2 May 2022

Monday, 23 May 2022

Monday, 6 June 2022
Special Meeting (tentative)
(for adoption of the Budget, Annual “Estimates” and Fees and Charges Schedule)

Tuesday, 14 June 2022
[Queen’s Birthday Monday, 13 June 2022]
(fall back date for adoption of Budget, Annual “Estimates” and Fees and Charges
Schedule)

Monday, 20 June 2022
Special Meeting (tentative)
(for Striking of Rates)

Monday, 27 June 2022
Special Meeting (tentative)
(fall back date for Striking of Rates)

Monday, 4 July 2022

Monday, 25 July 2022

Monday, 15 August 2022

Monday, 5 September 2022

Monday, 26 September 2022

Monday, 17 October 2022

Monday, 7 November 2022

Monday, 28 November 2022

Monday, 5 December 2022
(Annual General Meeting)

Monday, 19 December 2022

/ Refer to Page 41 for Decision on this Item...

COUNCIL MEETING SCHEDULE /contd...

Decision:	MOVED Ald Ewington SECONDED Ald Walker “That the Recommendation be adopted”. CARRIED UNANIMOUSLY
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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 Mulder**

In regard to the Kangaroo Bay Hotel and Hospitality School:

1. Has the building and plumbing permit been applied for yet or the application submitted to council?

ANSWER

We have issued a staged building permit that is for the work that has already been undertaken but we have not issued any further permits apart from the initial staged permit.

Question contd...

Have they been applied for?

ANSWER

One building approval BPA-2018/323 was issued on 13 July 2018 for the early site works which have now been completed.

A second application for the next stage of works was lodged on 29 August 2018; this was for piling works. The application was not complete and so further information was requested on 10 September 2019, however this was not provided. As the associated Certificate of Likely Compliance has expired, their application has now lapsed.

2. Have the developers secured contracts with either a hospitality school operator, hotel operator or a construction company?

ANSWER

I have no formal notification of any of those arrangements at this time.

Question contd...

Or with the person to operate the hotel?

ANSWER

Not with any of those, UTAS, a hotel operator or construction company. I have had no formal notification of any of those.

Question contd...

The last time you said you were aware of tender negotiations ongoing. Are you aware of any tender being issued or contract being obtained?

ANSWER

I am aware that the construction tenders were out to market. I have had no advice as to who they have been let to or if they have been let at all. I know that they have been out to market.

Question contd...

What are the prospects of this proposal actually meeting its substantial construction requirements in nine weeks' time?

ANSWER

14 October is the critical date. I am able to advise Aldermen that this afternoon we confirmed a request from Chambroad and Hunter as the designers to present to council at a workshop on 7 September as an update.

Ald Kennedy

There was a matter that came before us in closed Meeting recently and there was a number of representations regarding this topic. The representors put a lot of time and effort into those representations so how do we intend to communicate the outcome with them given it was in Closed Meeting

ANSWER

We received your request this afternoon in regard to that matter and will prepare an Aldermen's advice for you. But the short answer is that without a decision by council to release its reasons then we are somewhat limited in terms of what we can say publicly. We will prepare that advice and provide it to you and that advice will be in a form that you can discuss safely without breaching the Local Government Act requirements.

Ald Ewington

Something has been in the media lately in relation to the Hobart Airport interchange. I know when we approved the development application that came before us a couple of months ago we were advised that negotiations were well underway with the owner of the land adjacent to the airport in Holyman Drive and they were told that the negotiations were well advanced to provide them with access to their land to allow them to develop it to its full potential. Now it appears that that has fallen over, so my question is were we advised that that had fallen over and that there were problems; that the Department of State Growth had withdrawn themselves from discussion with the consortium that owns the land?

ANSWER

I have had some discussions with the Department of State Growth in respect to that matter. The advice I have received was at the point in time when an appeal was lodged by the owners of the relevant land. DSG are now focussed on the appeal and are not of a mind to conduct negotiations on two fronts.

Question contd...

So we weren't advised before negotiations broke down?

ANSWER

It wasn't for either party to advise us.

Question contd...

Are we planning on doing anything to resolve the situation and ensure the developer gets the opportunity to develop their land to its highest potential?

ANSWER

The Mayor and I have a meeting with the landowners this week.

Ald Edmunds

Regarding Pipeclay Esplanade I heard that there was a grant given to the council to investigate some of the erosion issues there. Is there any detail as to whether there was a grant received and was it reported or what the status of that is?

ANSWER

I don't believe there was any grant but council did provide some funds last financial year to investigate some subsidence to the embankment. We have received a report from WRL and part of that may even be part of the discussion on the coastal policy when we bring it to a workshop this month.

Question contd...

So if the report exists and we are able to, can we have a look at it?

ANSWER

Yes, we can release that report with advice in relation to the coastal policy in terms of that and we will issue a briefing report to all Aldermen in terms of the issues related to it. I can follow-up also the previous workshop in terms of looking at a polymer surface and whether that was applicable to Pipe Clay Esplanade.

Further information: Council has received three documents from UNSW Water Research laboratory on seawall options to improve the existing rock/embankment along Pipe Clay Esplanade, Cremorne. The information will be provided to Aldermen prior to the workshop on the Draft Coastal Hazards Policy, as the information is relevant to the application of the proposed policy.

Ald Walker

1. A survey was undertaken in recent times and I believe is in the process of working through the results in relation to the South Arm master plan. Whilst no doubt a workshop will be forthcoming would I be able to get a rough ball park figure as to when the mitigation agreed on by council will likely to actually be put in place as the issues are still on-going and causing some profound challenges to certain residents?

ANSWER

A Briefing Report was issued to council last Friday. We are preparing a workshop to council which will discuss the mitigation options, possible timing and it is dependent on where council wants to take the review of the master plan as well.

2. How many electrons have we dispensed through our electric vehicle charging and if you want to round it up to kilowatts or something else that will be fine?

ANSWER

The figures for the period 1 July 2020 until 2 September 2020 are a charging time of 18 hours and usage of 116.64kWh.

Ald Blomeley

1. In relation to the legal action with the Hobart International Airport, and an email earlier this month from the General Manager regarding the August 6 Full Bench decision, I am just wondering how much to date, the associated legal action has cost the ratepayers of Clarence?

ANSWER

I took the opportunity to ask our Chief Financial Officer earlier today what those costs were. To date we have paid in terms of court costs, \$29,700, legal fees \$160,000 and that does not take into account any costs that we may get back through the successful appeal as that is still in play. To put that into perspective, currently on our calculation which obviously is the central issue of dispute, we say that the Hobart International Airport owes council outstanding rates in the order of \$4.1 million for the period 1 July 2014 to 31 August 2020.

2. Regarding the Howrah Men's Shed, I visited there today and there is an issue with the Men's Shed using the shed whilst the Howrah Bowls Club is playing outside. It is one regarding noise. I understand that council officers went there and that a council environmental health officer and workplace health and safety officer found that there was not a big issue there but clearly there are neighbours with activities side by side. The Men's Shed are very keen to find out if there is any support council may be able to provide to deal with that issue.

ANSWER

As I understand it this is not a compliance issue. The noise levels are compliant with relevant permits so in the context of any work that we might consider at this point I am not aware that we have done any work in that regard or have a budget.

(Mr Toohey)

In order to attenuate the sound issue to some extent we really need qualified or expert advice from a sound engineer in order to work out what would be a solution that might mitigate it, so it doesn't become an annoyance. At the moment it is not a nuisance and possibly it's an annoyance between those two. At the moment the budget does not provide for engagement of a sound engineer to do some preliminary investigation but what we could afford and could do is to initiate some further discussion between both organisations the bowls club and the Men's Shed to see if we can work around getting some greater understanding and appreciation so there is minimal effect on both sides.

(Mayor)

I wonder if the Men's Shed may be interested in looking at a project to put some sound proofing into the shed.

ANSWER

(Mr Toohey)

They might Mr Mayor but first of all we need that expert advice to make sure we weren't coming up with a solution that wouldn't work.

Question contd...

I understand that for a quote and for the work alone is \$1400.00 and I suppose that is really where they are seeking support from council.

(Ald Mulder on behalf of the Howrah Committee Centre Committee)

The issue has been raised a couple of times and although they have an assessment it has been done on a pro bono basis where all the Men's Shed have is a report which recommends installation of a sound wall/fence and that was discussed by the committee at its last meeting. It was decided that the \$1400.00 quote for a wall that would attenuate noise is probably not going to achieve very much at all given the cost of our South Arm arrangement. If you think about the noise of a skate board every now and then compared to a massive buzzing and at the meeting it was suggested that perhaps we should look at having a sound engineer come in and have a look at how you would sound proof that shed because the machines are located within sheds, those sheds have only tin walls which means they probably act as amplifiers, so the idea about internal attenuation is not as silly as it seems. That is where we stood with the Men's Shed at the last meeting so I think that discussion is actually in the minutes of the meeting which I am yet to receive and table so there is some progress in that area but we do need to have a look at that and if there is going to be attenuation we would be going to have a look at some costs. The proposal by the engineer, I don't know whether for \$1400 they could build a sound wall, I would think that would not be money well spent.

Question contd...

I do have a copy of the minutes here so it has been dealt with as reported by Ald Mulder but I go back to my original question, would the officers be able to give me an answer so that I can go back to the Men's Shed about what support if any, council are able to provide?

ANSWER

Council's preferred approach is to engage a sound engineer to assess the situation and make recommendations. We don't have a budget allocation to do that at this time. It is possible that another approach, such as an arrangement as to when machinery is used or not used, could be agreed as an interim step.

Ald Peers

1. I understand today there was a meeting with council officers about the Rosny Bowls Club, the RSL and the Croquet Club. When will we be brought up to date with what's happening there?

ANSWER

I will provide an update at the next workshop.

2. The Howrah Rec Centre and the school parking issue, have we got any more on that?

ANSWER

We have been corresponding with the Parents' association and the school and to be blunt everyone is pointing fingers at everyone other than themselves right now. The issue that we have and we have tried to correspond with the school on a number of occasions and with the Parents' Association is that this is an issue that prima facie resides with the school. Our concern as we raised originally was that parents picking up and dropping off children within the Howrah Community Centre carpark was inherently dangerous particularly when those children were unsupervised as they departed from cars or came towards them. That area is not designed for that purpose and the afternoon pickup time has a high volume of activity from centre users. We seem to be going around in circles in terms of creating a common understanding of the problem. I need to be very clear that our understanding and our view is the problem resides with the school and the way that their pickup is designed and operated. We are encouraging them to look at that issue. We have offered the assistance of council officers from a traffic management point of view in that regard.

Ald James

1. In relation to 19 Corinth Street in Howrah what is the current situation in relation to a minor amendment under Section 56 and where it stands at the Tribunal and also is Section 62 a consideration?

ANSWER

There is a briefing report on this matter, there is not much more I can add to it at this point. We are waiting on advice from the Tribunal as to whether an application has been lodged or will be lodged with it to seek approval for certain changes to the building at 19 Corinth Street. I have spoken to the lawyer representing the developer last week and they indicated to me that they would be lodging something in the next two weeks. We will not know which section of the Act an application will be lodged under because that is a matter for the applicant, and we will be notified by the tribunal as to what course of action they will be taking.

2. Is Mr Morris of Simmons Wolfhagen council's legal consultant/advocate at most or all matters in relation to mediation and the planning appeal process?

ANSWER

Mr Morris' firm represents us on most planning applications. He is not necessarily our only advocate as there are 2 or 3 other lawyers from Simmons Wolfhagen that also represent council.

Question contd...

Does that mean that Simmons Wolfhagen whether it's Mr Morris or any of the other legal representatives do they handle or are council's legal advocate on all matters pertaining to council's planning appeals process?

ANSWER

Simmons Wolfhagen have been engaged for some time as our principal legal representatives in planning matters unless they have a conflict in which case we look elsewhere. On some occasions we may require specialist advice from a different firm so we are not solely using Simmons Wolfhagen but for a majority of the time that would be the case.

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 T1385-20 DUNTROON DRIVE – ROAD RECONSTRUCTION WORKS

13.3 TENDER T1301-19 – ASPHALT SUPPLY CART AND LAY

13.4 LEGAL MATTER

13.5 HARDSHIP APPLICATION

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;
- information of a personal and confidential nature or information provided to the council on the condition it is kept confidential;
- applications by Aldermen for a Leave of Absence;
- matters relating to actual or possible litigation taken, or to be taken, by or involving the council;

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 Blomeley SECONDED Ald Chong	
	“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	
	FOR Ald Chipman Ald Blomeley Ald Chong Ald Edmunds Ald Ewington Ald Kennedy Ald Mulder Ald von Bertouch Ald Walker Ald Warren	AGAINST Ald James (abstained)

CLOSED MEETING /contd...

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

13.2 TENDER T1385-20 DUNTROON DRIVE - ROAD RECONSTRUCTION WORKS

(File No T1385-20 - ECM)

Decision:

MOVED Ald James **SECONDED** Ald Ewington

- “A. That the Tender Response from Downer Edi Works Pty Ltd for \$1,039,889.92, excluding GST, be accepted for the road reconstruction works in the section of Duntroon Drive, Rokeby.
- B. That, in accordance with Regulation 34(3) of the Local Government (Meeting Procedures) Regulations 2015, Council authorises for release of the Council’s decision (only) in respect to this item to the general public via the open minutes of this meeting and for communication to relevant parties”.

CARRIED UNANIMOUSLY

13.3 TENDER – ASPHALT SUPPLY CART AND LAY

(File No T1301-19 – 4418978)

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

- “A. That the Tender submitted by Downer EDI Works Pty Ltd for the provision of Asphalt Supply, Cart and Lay within the City of Clarence from 28 September 2020 to 31 December 2021 be accepted.
- B. That, in accordance with Regulation 34(3) of the Local Government (Meeting Procedures) Regulations 2015, Council authorises for release of the Council’s decision (only) in respect to this item to the general public via the open minutes of this meeting and for communication to relevant parties”.

CARRIED UNANIMOUSLY

The Meeting closed at 9.02pm.