

MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 2 NOVEMBER 2020

HOURL CALLED: 7.00pm

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

B A Blomeley
H Chong
L Edmunds
D Ewington
R H James
W Kennedy
T Mulder
J Peers (arrived at 8.13pm)
S von Bertouch
J Walker
B Warren; present.

1. APOLOGIES J Peers (for late arrival)

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 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 9.01pm.

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 2 NOVEMBER 2020

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1. ATTENDANCE AND APOLOGIES

Refer to cover page.

2. ***CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Council Meeting held on 12 October 2020, as circulated, be taken as read and confirmed.

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

“That the Minutes of the Council Meeting held on 12 October 2020, as circulated, be taken as read and confirmed”.

CARRIED

FOR

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

AGAINST

Ald James

3. MAYOR'S COMMUNICATION

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

Mayor

- 12 October: ABC Interview regarding Richmond Bridge;
- 13 October: ABC Radio Interview;
- 16 October: WIN TV Interview;
- 19 October: TasWater Expert Advisory Group Meeting;
- 20 October: Triple M Radio Interview;
Greater Hobart Mayor's Forum;
- 24 October: ABC TV Interview;
- 26 October: ABC Radio Interview;
Reconciliation Collective Forum;
SERDA AGM;

/contd on Page 5...

MAYOR'S COMMUNICATION /contd...

- 27 October: Clarence Emergency Management Committee Meeting;
- 29 October: Opening Springhaven Lifestyle Village;
- 30 October: Citizenship Ceremony – Blundstone Arena; and
- 31 October: Rosny Park Tennis Club Site Visit.

Deputy Mayor

- 13 October: National Symposium on Homelessness and Mental Health;
- 15 October: Audit Panel Meeting;
- 16 October: Weekly Briefing with Mayor and GM;
- 26 October: Reconciliation Collective Forum;
- 28 October: Jazz Festival Working Group;
- 29 October: Help and Health Celebration Event;
Musical Production – St John's Catholic School;
- 30 October: Clarence Mountain Bike Park's 11th Anniversary; and
Citizenship Ceremony.

The Mayor acknowledged the recent passing of former Councillor Mr Andrew Charlton who served on Council between 1976 and 1982.

The Mayor also acknowledged the passing of Mr Dallas Hyland, a dedicated volunteer in the City of Clarence for over 30 years, member of the Bellerive Historical Society and Bellerive Bluff Land and Coastcare Group and recognised in 2020 as a Clarence Citizen of the Year.

On behalf of Council the Mayor expressed condolences to their respective families.

Decision: **MOVED** Ald Chong **SECONDED** Ald Mulder

“That Council officially recognise the contribution that Dallas Hyland made to the community over many years and send condolences to his family”.

CARRIED UNANIMOUSLY

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
Kangaroo Bay Hotel Site	
Flood Mapping	
Coastal Hazards Policy	
Food Van Policy	
Committee Budget Process	19 October
Reconciliation Action Plan	
Strategic Plan	26 October

RECOMMENDATION:

That Council notes the workshops conducted.

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

“That the Recommendation be adopted”.

CARRIED

FOR

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

AGAINST

Ald James

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**

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.

Nil.

7.2 ANSWERS TO QUESTIONS ON NOTICE

Nil.

7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

7.4 QUESTIONS WITHOUT NOTICE

Mrs Joanne Marsh of Bellerive asked the following question.

GATHERING AND MONITORING DATA IN RELATION TO FALLS IN CLARENCE

On 31 August I fell on a concrete/asphalt surface in Derwent Street I had walked over many hundreds of times and believed to be flat. I lacerated my chin, damaged a tooth and smashed my shoulder which required a total shoulder replacement to repair the damage. When Recounting my story, I have heard about other people who have fallen in the Bellerive area and sustained nasty injuries.

How are the Council gathering and monitoring data about the nature and location of falls in public places in the City of Clarence that have resulted in significant injuries?

What advice are the Council using to inform best practice in proactively maintaining surfaces to reduce the risk of pedestrian falls and to inform best practice in surface design for footpaths and boulevards?

/ contd on Page 9...

QUESTIONS WITHOUT NOTICE /contd...**ANSWER**

Council has a network of over 450kms of footpaths. An audit of our footpaths is conducted every 3 years. From this audit, a program of work is developed based on the condition rating from the audit and the likelihood of an incident. If council receives a report of a footpath hazard outside the audit process, the area is inspected to assess the hazard and determine priority for intervention.

Design of council's footpaths and boulevards is undertaken in accordance with Australian standards and Safety in Design requirements, which requires council to consider the potential risks involved in the life of a design, to ensure it is safe to build, use and maintain.

Mr Victor Marsh of Bellerive asked the following question.

TENDERING PROCESS – FOOTPATH AND LANDSCAPING WORKS

The tendering process for the variously names "footpath and landscaping" works in the western end of Bellerive Beach Regional Park has been delayed from early 2020 until late 2020.

My question is: During this time what has happened to the \$100,000 given to the Council in early 2019 by former Premier Will Hodgman for works in the park?

ANSWER

The General Manager took the Question on Notice.

SOUTH ARM OVAL MASTERPLAN

M/s Jenni McLeod asked the following questions.

1. In relation to the South Arm Oval Masterplan, October 2020, what amount of funds from the \$51,559 detailed in 7.1 of Item 11.5.2, 12 October 2020 Council Meeting, will be used to:
 - aid the Council Officers in preparing detailed designs, plans and costings for the play space; and
 - engage a designer to prepare detailed engineering plans and a cost estimate for the skatepark berm and fence?
2. Once these two design costing projects are completed, what will the remainder of the \$51,559 be used for?
3. When, and from what budget program, will the following be built and installed:
 - the play space; and
 - the skatepark berm/fence?

/contd on Page 10...

QUESTIONS WITHOUT NOTICE /contd...

ANSWER

1. No firm costs have been determined at this stage on the detailed design, plans and costings. Internal resources will be used for the berm and landscape design. External resources will be needed for the site survey, and acoustic modelling and engineering details to assist with the final berm and paling fence.
2. Any remaining budget funds will be advised for council to consider funding the next phase of the Master Plan implementation.
3. No firm costs have been determined at this stage on the detailed design, plans and costings. Internal resources will be used for the berm and landscape design. External resources will be needed for the site survey, and acoustic modelling and engineering details to assist with the final berm and paling fence.

8. DEPUTATIONS BY MEMBERS OF THE PUBLIC

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

DEVELOPMENT APPLICATION PDPLANPMTD-2020/009811 – 178 DELPHIS DRIVE, SANDFORD – TELECOMMUNICATIONS FACILITY
(REFER ITEM 11.3.3)

Mr Andrew McLane provided a deputation regarding the above Development Application which was read out by the General Manager.

DEVELOPMENT APPLICATION PDPLANPMTD-2020/009811 – 178 DELPHIS DRIVE, SANDFORD – TELECOMMUNICATIONS FACILITY
(REFER ITEM 11.3.3)

Mr David Turfrey provided a deputation regarding the above Development Application which was read out by the General Manager.

DEVELOPMENT APPLICATION PDPLANPMTD-2020/011811 – 228 DERWENT AVENUE, LINDISFARNE – FOOD VAN
(REFER ITEM 11.3.5)

Mrs Susie Flanagan 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 WARREN FLYING OF THE ABORIGINAL FLAG

In accordance with Notice given it was:

Decision: **MOVED** Ald Warren **SECONDED** Ald Walker

“That Council fly the Aboriginal flag outside Council Chambers on an ongoing basis, following NAIDOC week, from 16 November 2020.”

With the consent of the **Mover** and **Seconder** the Motion was amended as follows:

“That Council:

1. fly the Aboriginal flag outside Council Chambers on an ongoing basis, following NAIDOC week, from 16 November 2020;
2. fly the Torres Strait Islander Flag for NAIDOC week and Reconciliation week each year; and
3. request the General Manager develop a flag policy for presentation to council at an upcoming meeting.”

The Mayor asked the Deputy Mayor to **assume** the Chair while he entered the debate as an Alderman (7.43pm).

The Mayor resumed the Chair at (7.48pm).

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

FOR

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

AGAINST

Ald James

10. *REPORTS FROM OUTSIDE BODIES**

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

10.1 *REPORTS FROM SINGLE AND JOINT AUTHORITIES**

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

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

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

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

Quarterly Reports

September Quarterly Report pending.

Representative Reporting

- **TASWATER CORPORATION**

- **GREATER HOBART COMMITTEE**

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

TRACKS AND TRAILS ADVISORY COMMITTEE – QUARTERLY REPORT

Chairperson’s Report –Alderman D Ewington

Report to Council for the 3-month period 1 July 2020 to 30 September 2020.

RECOMMENDATION:

That the Chairperson’s Report be received by Council.

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

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

CARRIED

FOR

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

AGAINST

Ald James

BICYCLE ADVISORY COMMITTEE – QUARTERLY REPORT

Chairperson’s Report – Alderman D Ewington

Report to Council for the 3-month period 1 July to 30 September 2020.

RECOMMENDATION:
That the Chairperson’s Report be received by Council.

Decision:	MOVED Ald Blomeley SECONDED Ald Kennedy	
	“That the Chairperson’s Report be received by Council”.	
	CARRIED	
	FOR	AGAINST
	Ald Chipman	Ald James
	Ald Chong	
	Ald Blomeley	
	Ald Edmunds	
	Ald Ewington	
	Ald Kennedy	
	Ald Mulder	
	Ald von Bertouch	
	Ald Walker	
	Ald Warren	

NATURAL RESOURCE MANAGEMENT – QUARTERLY REPORT

Chairperson’s Report – Alderman Beth Warren

Report to Council for the 3-month period 1 July 2020 to 30 September 2020.

RECOMMENDATION:
That the Chairperson’s Report be received by Council.

Decision:	MOVED Ald Blomeley SECONDED Ald Kennedy	
	“That the Chairperson’s Report be received by Council”.	
	CARRIED	
	FOR	AGAINST
	Ald Chipman	Ald James
	Ald Chong	
	Ald Blomeley	
	Ald Edmunds	
	Ald Ewington	
	Ald Kennedy	
	Ald Mulder	
	Ald von Bertouch	
	Ald Walker	
	Ald Warren	

SPORT & RECREATION ADVISORY COMMITTEE – QUARTERLY REPORT

Chairperson's Report –Alderman D Ewington

Report to Council for the 3-month period 1 July 2020 to 30 September 2020.

RECOMMENDATION:

That the Chairperson's Report be received by Council.

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

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

CARRIED

FOR

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

AGAINST

Ald James

OTHER COMMITTEES**YOUTH ADVISORY COMMITTEE**

- Ald Chong tabled the Minutes of a Meeting held on 13 October 2020.

RICHMOND ADVISORY COMMITTEE

- Ald Chong tabled the Minutes of a Meeting held on 16 September 2020.

HOWRAH COMMUNITY CENTRE

- Ald Mulder tabled the Minutes of a Meeting held on 29 October 2020.

LINDISFARNE COMMUNITY ACTIVITIES CENTRE

- Ald Blomeley tabled the Minutes of the Annual General Meeting held on 15 October 2020.

11. REPORTS OF OFFICERS

11.1 ***WEEKLY BRIEFING REPORTS

The Weekly Briefing Reports of 12, 19 and 26 October 2020 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 12, 19 and 26 October 2020 be noted.

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

11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

11.2.1 PETITION – PLANNING APPLICATION PDPLANMTD-2019-006096– LAND ADJACENT TO 754 AND 798A DORANS ROAD, SANDFORD

(File No PDPLANPMTD-2020/010800)

EXECUTIVE SUMMARY

PURPOSE

The purpose of this report is to consider the petition tabled at Council’s Meeting of 12 October 2020, objecting to the Development Application for a jetty on land adjacent to 754 and 798A Dorans Road.

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

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

RECOMMENDATION:

That Council notes the intent of the petition and advises the petitioners of Council’s decision in relation to the Development Application.

Ald Blomeley left the Meeting at this stage (8.11pm).

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.2.2 PETITION – KANGAROO BAY HOTEL AND HOSPITALITY SCHOOL SITE**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the petition tabled at Council’s Meeting on 12 October 2020, requesting Council to activate the buy-back clause in the contract for the sale of Council land at Kangaroo Bay Drive, Bellerive.

RELATION TO EXISTING POLICY/PLANS

Not applicable.

LEGISLATIVE REQUIREMENTS

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

CONSULTATION

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

RECOMMENDATION:

That Council notes the intent of the petition and advises the petitioners of the outcome of Council’s consideration of the extension request.

Decision:

MOVED Ald Mulder **SECONDED** Ald James

“That the Recommendation be adopted”.

Ald Peers arrived at 8.13pm.

Ald Blomeley returned to the Meeting at 8.15pm.

The **MOTION** was **put** and **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-2020/012064 – 11 NORTH TERRACE AND 89A SOUTH TERRACE, LAUDERDALE - TOILET BLOCK**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Toilet Block at 11 North Terrace and 89A South Terrace, Lauderdale.

RELATION TO PLANNING PROVISIONS

The land is zoned Open Space and subject to the Parking and Access, Stormwater Management, Waterway and Coastal Protection, Inundation Prone Areas, and Coastal Erosion Hazard 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 10 November 2020.

CONSULTATION

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

- anti-social behaviour;
- potential flora impacts;
- blocking of traffic;
- alternative use of money; and
- upgrade of existing toilet block.

RECOMMENDATION:

A. That the Development Application for Toilet Block at 11 North Terrace and 89A South Terrace, Lauderdale (C1 Ref PDPLANPMTD-2020/012064) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. The existing toilet block on the site must be demolished and the area rehabilitated within 60 days of the commencement of the use of the proposed toilet block.
 3. The development must meet all required Conditions of Approval specified by TasWater notice dated 15/09/2020 (TWDA2020/01404-CCC).
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

<p>Decision: MOVED Ald Ewington SECONDED Ald Blomeley</p> <p> “That the Recommendation be adopted”.</p> <p style="text-align: right;">CARRIED UNANIMOUSLY</p>
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11.3.2 SECTION 43A AMENDMENT APPLICATION PROPOSED REZONING AND 13 LOT RESIDENTIAL SUBDIVISION (PDPSPAMEND-2020-004373) – 16 NAYUKA STREET AND 10 THOONA STREET, GEILSTON BAY**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to review Council's decision of 10 August 2020, in response to the representations received during the public exhibition period in accordance with the requirements of Section 39 of the Land Use Planning and Approvals Act, 1993 (LUPAA).

The representations relate to a Section 43A application made for a combined Section 43A application for a planning scheme amendment and 13 lot residential subdivision incorporating public open space and road lots at 16 Nayuka Street, Geilston Bay. The proposal also involves the adjoining Council reserve at 10 Thoona Street for the establishment of new stormwater infrastructure.

RELATION TO PLANNING PROVISIONS

The land is zoned Low Density Residential under the provisions of the Clarence Interim Planning Scheme 2015 (the Scheme). It is also subject to the Bushfire Prone Areas Code, Road and Rail Assets Code, Parking and Access Code and Stormwater Management Code.

The proposed subdivision layout is currently Prohibited under the Scheme.

LEGISLATIVE REQUIREMENTS

The proposal was submitted to Council in accordance with Section 43A of the LUPAA for a combined planning scheme amendment and development application. The certified amendment was advertised in accordance with the statutory requirements and pursuant to Section 39 of the LUPAA; Council is required to consider the merits of any representation received.

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

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

CONSULTATION

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

- density;
- future subdivision potential;
- impact on natural values;
- bushfire risk;
- stormwater management; and
- road design.

These issues are discussed within the body of the report.

RECOMMENDATION:

- A. That Council resolves, under Section 39(2) of the Land Use Planning and Approvals Act, 1993 to advise the Tasmanian Planning Commission that it considers the merits of the representations relating to the Clarence Interim Planning Scheme 2015 do not warrant modifications to draft amendment PDPSPAMEND-2020-004373.
- B. That Council resolves, under Section 43F(6) of the Land Use Planning and Approvals Act, 1993 to advise the Tasmanian Planning Commission that it considers the merits of the representations relating to the proposed subdivision do not warrant modifications to the draft permit PDPSPAMEND-2020-004373.
- C. 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 Chong **SECONDED** Ald Ewington

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.3.3 DEVELOPMENT APPLICATION PDPLANPMTD-2020/009811 – 178 DELPHIS DRIVE, SANDFORD - TELECOMMUNICATIONS FACILITY**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Telecommunications Facility at 178 Delphis Drive, Sandford.

RELATION TO PLANNING PROVISIONS

The land is zoned Rural Living and subject to the Landslide Hazard Area, Medium, Bushfire Prone Areas, Natural Assets, Landslide Hazard Area, Waterway and Coastal Protection Areas, Parking and Access and Stormwater Management 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 has been extended to 4 November 2020.

CONSULTATION

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

- building height;
- design;
- the proposal is contrary to the telecommunications code;
- visual amenity;
- the natural environment and Tangara trail;
- the need for the facility is unclear;
- health impacts, radiation, ARPANSA- guidelines and EME emissions; and
- impact on property values.

RECOMMENDATION:

- A. That the Development Application for Telecommunications Facility at 178 Delphis Drive, Sandford (C1 Ref PDPLANPMTD-2020/009811) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN M1 – [No trees are to be removed other than those necessary for the construction of the building, vehicular access and the connection of services].
- 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 Mulder

“That the Recommendation be adopted”.

CARRIED**FOR**

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

AGAINST

Ald James

11.3.4 DEVELOPMENT APPLICATION PDPLANPMTD-2020/011780 – 3/32 BRIDGE STREET, WITH ACCESS OVER 32 BRIDGE STREET, RICHMOND - VISITOR ACCOMMODATION**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Visitor Accommodation at 3/32 Bridge Street, with access over 32 Bridge Street, Richmond.

RELATION TO PLANNING PROVISIONS

The land is zoned General Business and subject to the Parking and Access and Historic Heritage 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 4 November 2020.

CONSULTATION

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

- parking and turning on the site;
- street parking; and
- privacy within the site.

RECOMMENDATION:

A. That the Development Application for Visitor Accommodation at 3/32 Bridge Street, with access over 32 Bridge Street, Richmond (Cl Ref PDPLANPMTD-2020/011780) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN S1 – SIGN CONSENT.

ADVICE 6 – FOOD REGISTRATION ADVICE.

- 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 Blomeley **SECONDED** Ald Chong
Ald Edmunds left the Meeting at this stage (8.35pm).
“That the Recommendation be adopted”.
The **MOTION** was **put** and **CARRIED UNANIMOUSLY**

**11.3.5 DEVELOPMENT APPLICATION PDPLANPMTD-2020/011811 – 228
DERWENT AVENUE, LINDISFARNE - FOOD VAN****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Food Van at 228 Derwent Avenue, Lindisfarne.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires on 4 November 2020.

CONSULTATION

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

- on-site car parking;
- pedestrian safety;
- noise and odour emissions;
- use classification;
- compliance with Zone Purpose Statements;
- signage;
- staff and customer amenities; and
- littering.

RECOMMENDATION:

- A. That the Development Application for a Food Van at 228 Derwent Avenue, Lindisfarne (Cl Ref PDPLANPMTD-2020/011811) be refused for the following reasons.

1. The proposal does not comply with Zone Purpose Statement 10.1.1.2 of the General Residential Zone as required by Clause 8.10.2(a) of the Scheme because the proposed non-residential use will not provide for a compatible use that primarily services the local community and it is not considered compatible with residential amenity.
 2. The proposal does not comply with Clause E6.6.1 P1(a) of the Clarence Interim Planning Scheme 2015; in that the proposal does not provide adequate on-site car parking to meet the reasonable needs of users of the use taking into account the level of parking available on and outside of the land.
- 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 James **SECONDED** Ald Mulder

“That the Recommendation be adopted”.

Ald Walker left the Meeting at 8.36pm.

Ald Edmunds returned to the Meeting at 8.38pm.

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

FOR

Ald Chipman
Ald Chong
Ald Edmunds
Ald Ewington
Ald James
Ald Kennedy
Ald Mulder
Ald Peers
Ald von Bertouch
Ald Warren

AGAINST

Ald Blomeley

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

Nil Items.

11.7 GOVERNANCE

Nil Items.

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).

Ald Edmunds has given notice of the following questions.

TASWATER – REMOVAL OF ARTWORK

1. Can Council, as an owner of TasWater, or TasWater advise the reasons for the removal of artwork/murals on the water reservoir on the corner of Ormond Street and Waverley Street, Bellerive.

FLYING OF ABORIGINAL FLAG

2. Mayor Doug Chipman told the ABC on October 24, 2020 that the Aboriginal flag will permanently fly at the Council chambers.

Given the Council's decision (Agenda item 9.2) on October 12, 2020, to not fly the flag permanently, how can Council officers enact that arbitrary announcement?

12.2 ANSWERS TO QUESTIONS ON NOTICE**TASWATER – REMOVAL OF ARTWORK**

TasWater is undertaking a major renovation of the water reservoir at Waverley Street. The renovation will ensure that the reservoir is fit for purpose for the next 20 years. Unfortunately, that will mean that the murals will be painted over, however, TasWater has advised that the project funds include an allowance for replacing the murals, which will be done in concert with local community groups.

FLYING OF ABORIGINAL FLAG

The Mayor provided the following response:

Firstly, Council did not make a decision to not fly the flag.

Indeed, it was clear that council did intend to fly the flag eventually, as part of the Reconciliation Action Plan.

The Motion at our last meeting was lost for several reasons, none of which in my view detracted from council's basic intentions.

It was also evident from the anger and hurt in the community that council's full intentions needed to be explained.

My use of the word "will" expressed those intentions and could not have been perceived by council officers to be an instruction.

12.3 ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING

Ald Mulder

1. In relation to the Kangaroo Bay Boulevard site, regarding sale of council land to the proponent can I seek information as to the value of that land in terms of the contractual arrangement and whether or not that value is for individual plots of land or whether that value is for the collective land because it is likely that the sum of the whole is greater than the sum of the parts?

ANSWER

In terms of the valuation for the land that is commercially confidential. I cannot disclose that publicly. I am quite happy to disclose that on a confidential basis privately via a memo and I will undertake to do that tomorrow. I will need to take that on notice in terms of how the valuation is made up.

2. I have been approached by a concerned tenant in the area, one of the occupiers of council property who has been told that her lease will expire in 2021. I note that there has been a long delay in submission of that application to council and we have not formally received that yet we have had a couple of briefings and a couple of alternatives and I wonder if it is beholden upon us as landlords to at least keep our tenants informed of what is happening with Kangaroo Bay Boulevard and the likely timelines?

ANSWER

The development application for the Kangaroo Bay Boulevard site has been submitted but is not yet valid because landowner consent has not been provided. Council officers have sought further information before the granting of landowner consent is considered. That further information was received last week and is current being reviewed.

In regard to the property leases, contact was made with PPM Real Estate, property managers for the tenancies, earlier this year to advise that residents were likely to be required to vacate residences early in 2021. This information was conveyed to tenants directly by the property managers. Given the recent outcome of the request for an extension of time, we are not able to provide the property manager with any timelines other than that previously advised. We will however provide an update as soon as the time frame becomes clearer.

Ald Kennedy

Could I be advised how many more villas we can expect to be built at One Hill Estate at Seven Mile Beach under the current approvals?

ANSWER

The developer has advised that the final units are currently being completed for occupation.

There are no additional villas to be developed under the relevant planning permit.

Ald Edmunds

Recently Council approved a roads priority list which was sent to the Infrastructure Minister. We should have at the time thought to send it to the Federal Infrastructure Minister and indeed anyone else whose election is relevant to our part of the world and if so could I request that the correspondence is sent to Canberra both sides of the House and also to Members for Franklin?

ANSWER

I will need to check who it has been circulated to. It has certainly been sent to Minister Ferguson. In terms of Federal Members, I think it has been sent to a number but I will have to confirm that.

Further update

The road priority list was not sent to Federal Members. We will provide that information to Federal Members for Tasmania as soon as possible.

Ald Walker

1. On Friday our household received the quarterly rates notice. It was the issue date 8 October so through speed mail we received it on 9 October so I assume that many people might only be getting it today. The due date is 19 October. This seems tighter than usual and doesn't meet a regular household's regular payment cycle. Am I misunderstanding this to be a shorter timeline and if I am not is this a really hard and fast arbitrary date or will they have a few days depending where they are with their fortnightly pay cycles.

ANSWER

In July the rates notices are issued and on the rates notices are the four instalment dates. They are not quarterly. There are statutory requirements as to the number of days for the first instalment to be due and the second to be due and then the spacing for the final 2 instalments is considered in terms of what is likely to be occurring in the community such as Christmas, school holidays, Easter, those sorts of considerations so it is not a neat quarterly timeframe given the legislative requirements in terms of setting those dates. With regard to the reminder notice we are not actually required by law to provide that. I do understand that the timing and receipt of those is a little bit of a surprise and short in terms of 19 October due date however we had some operational matters that halted us from having those out earlier, so we accept that.

(Mayor) The opportunity to be lenient in regard to that?

ANSWER

We can certainly consider requests should they come through formally in writing.

2. What are the professional development or refresher courses that our staff are required to undertake every year? I would like to know the different variety and usual amount of time that has to be allocated to this so first aid, diversity training for example.

ANSWER

Council staff undertake a variety of recurrent mandatory training, including:

- First aid 1 to 2 days
- CPR ½ day
- Traffic management 1 day
- Advanced traffic management 2 days
- Chainsaw operations 1 day
- Confined space entry/awareness 1 day
- Chemical certification 2 days
- Fire Warden 1 day
- Playground safety certification 2 days
- Forklift operations licence 2 days
- Asbestos identification/removal 1 day
- Fire Extinguisher ½ day
- Safe Dog Handling ½ day
- Fire Abatement 1 day

The training programs listed above have various expiration periods from 12 months to 5 years.

Some of the Professional Development training required for staff over the past 24 months include:

- Diploma of Leadership & Management 6 months
- Diploma of Human Resources Management 6 months
- Certificate IV in Project Management 6 months
- Managing Challenging People & Environments 1 day
- Public Speaking 5 days
- Heavy rigid/medium rigid licence 1 Day plus driving hours
- Mental Health Awareness 1 hour
- Safe Guarding Children Online 2 hours
- Certificate IV in Regulatory Services 15 months
- Certificate II in Horticulture 15 months
- Certificate III in Horticulture 24 months
- Certificate III in Civil Construction 36 months
- Certificate III in Business Administration 24 months
- Certificate III in Children Services 24 months
- Certificate III in Information Technology 24 months
- Certificate IV in Work Health & Safety 24 months
- Geometric Design 2 days
- Work Health & Safety for Managers 1 day
- National Construction Code Seminar 1 day
- Employee Safety Representative 5 days

The Professional Development qualifications listed above have minimal off the job training requirements

Ald Blomeley

1. Has a date been set for the Appeal Hearing for the Rosny Hill development?

ANSWER

The 10th, 11th and 14th December have been set down for the Hearing.

2. Is council in a position to provide an update as to where the announced Derwent River passenger ferry service trial is at? When will it start?

ANSWER

I have been in contact with the Department of State Growth today who have advised that there are a number of parties who have already pre-registered an interest in the project and there is a request for a proposal document being drafted at the moment and it is expected to be imminently released aiming for the end of the month.

Ald Peers

When we notify people of surrounding development more around housing development, should we be putting in more information without giving our planning staff too much extra work? Sometimes a house may have a height of 7m and people complain about the height but if they knew that in that area they could build to 8.5m I just wonder if we could cut down on some the representations we have by giving people a bit more information without giving our planning staff extra work. Could this be done or just discussed at a workshop?

ANSWER

We had in mind to bring a question of resourcing to a workshop and potentially the next workshop. There is no possibility of providing additional services without additional resources and at this point in time our planning area as with a number of other areas are significantly under resourced given the level of activity that we have. So, our plan is to talk to aldermen at the next workshop with a view to trying to address those resourcing issues within the constraints that we have at the moment.

Ald James

1. I have been provided with, I don't think that any of the other Aldermen have been provided with, a copy of the sale and development agreement that was part of discussions earlier this evening. On page 442 it says in relation to the contract attachment 5 sets out the terms of the buy-back contract and relatively this includes the buy-back of \$2.44M. Is attachment 5 available to the public or is that one of the confidential documents that I would have to put in writing in order to have the detail on what it implies in relation to the buy -contract?

ANSWER

The entire contract is commercial-in-confidence and therefore is confidential. That includes attachment 5. As I advised previously under Section 28 of the Local Government Act you can make application to me to view the contract and as I also advised that would need to be on provision of an undertaking that it remains confidential. It is not available for public distribution.

Question contd

It is just that in the officers' papers it does refer to attachment 5 and what the terms of the buy-back are so it has already hit in a sense the public at large.

ANSWER

(Mayor) I think the General Manager's advice is clear. It is to the General Manager's credit that he has been able to take an issue that would normally be dealt with in closed council into the public arena taking into account the sensitivities. The fact that we know about that clause does not mean that it is available to everyone to scrutinise it is commercial-in-confidence.

2. The \$14.5M monies that were part of the grant as part of COVID-19 what criteria is able to be accessed insofar as is it possible for all the monies for the sound attenuation wall at South Arm to be sourced from that source or are we locked into a particular project that would require certain conditions in order for us to access those funds?

ANSWER

The Local Government Loans Program Guideline provides examples of the types of projects that the Department of Treasury and Finance will consider under the program. The extensive list includes the development of, or improvements to, recreational and sporting grounds.

Eligibility criteria include:

- that the work must be undertaken in 2020/21,
- will provide Tasmanian employment opportunities,
- is procured through appropriate processes and,
- is financed through the approved loan from Tascorp.

Council has Department approval to draw down up to \$14.8 million in loan funds for a specific suite of council approved capital projects that were assessed against the Department's criteria.

Any variations to council's capital budget will require a decision of council. Amendments to the Department approved schedule of projects require a decision of council to alter the schedule and the revised schedule is then submitted to the Department for assessment against the eligibility criteria.

Ald Warren

I have already asked the General Manager about getting viewing stats for our public meetings and I would be particularly interested in adding to that our stats for tonight just for our information as to how well we are engaging with our community and the wonderful democracy of ours.

ANSWER

I will send everyone a link to the You Tube site.

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.

Ald Walker returned to the Meeting at this stage (8.41pm).

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 PROPERTY MATTER – GEILSTON BAY

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:

- proposals to acquire land; and
- applications by Aldermen for a Leave of Absence.

The content of reports and details of the Council decisions in respect to items listed in “Closed Meeting” are to be kept “confidential” and are not to be communicated, reproduced or published unless authorised by the Council.

Decision:

PROCEDURAL MOTION

MOVED Ald Peers **SECONDED** Ald Kennedy

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

CARRIED UNANIMOUSLY