

MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 18 JANUARY 2021

HOURL CALLED: 7.00pm

PRESENT: The meeting commenced at 7.02pm with the Mayor (Ald D C Chipman) in the Chair and with Aldermen:

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

1. APOLOGIES Nil

ORDER OF BUSINESS Items 1 – 13

IN ATTENDANCE

General Manager
(Mr I Nelson)

Group Manager Engineering Services
(Mr R Graham)

Chief Financial Officer
(Ms M Coleman)

Manager City Planning
(Mr R Lovell)

Manager Health and Community Development
(Mr J Toohey)

Acting Manager Communication and Strategic Development
(Ms T Doubleday)

Executive Officer to the General Manager
(Ms J Ellis)

The Meeting closed at 8.35pm.

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 18 JANUARY 2021

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- 13.7 GENERAL MANAGER REVIEW COMMITTEE

1. ATTENDANCE AND APOLOGIES

Refer to cover page

2. ***CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Council Meeting held on 14 December 2020 and the Special Council Meeting held on 21 December 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 14 December 2020 and the Special Council Meeting held on 21 December 2020, as circulated, be taken as read and confirmed”.

CARRIED UNANIMOUSLY

3. MAYOR'S COMMUNICATION

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

Mayor

- 15 December: Greater Hobart Mayors Forum and Luncheon;
- 17 December: RDA – Governance Committee Meeting;
- 22 December: ABC Tv Interview;
- 5 January: 7HO Interview;
Channel 7 Interview;
- 12 January: Channel 7 Interview – regarding Rosny Hill; and
- 15 January: ABC Radio Interview.

Deputy Mayor

- 16 December: Rokeby Neighbourhood Centre – Christmas Luncheon (on behalf of Mayor);
- 14 January: Exhibition Opening – UTAS – Fine Arts Honour Students (on behalf of Mayor);
- 17 January: World Religion Day (on behalf of Mayor).

4. ***COUNCIL WORKSHOPS

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

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

Chris Boron of Howrah has given notice of the following questions:

FUNDING OF GATES – SALACIA STREET ENTRANCE

Early September 2019, I advised Council that the Hooning Circuit at the Wentworth Children's Park, had been enlarged by the removal of strategically placed rocks.

I also advised at the time, that more rocks needed to be placed in front of the popular hut, closest to the Salacia Street entrance to the gravel carpark.

Mid December 2019, 17 large bluestone rocks were delivered and 1 week later, 15 rocks were taken away, without any placed in front of the hut (photo circulated to Aldermen).

Large vehicles gain access to the huts and park, via gaps in the rock perimeter, endangering the lives of children and their parents.

Today (28/12/19) in the Mercury Newspaper, Ald Blomeley proudly boasted positive news for ratepayers, that the CCC has funded \$496,000.00 for more staff.

My questions for CCC is how much would it cost to fund gates at the Salacia Street entrance to the Wentworth Children's Playground Car Park, with opening and closing times similar to the nearby Wentworth Sports Fields entrance gates? How soon can they be installed?

7.2 ANSWERS TO QUESTIONS ON NOTICE

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

FUNDING OF GATES – SALACIA STREET ENTRANCE

The Salacia Avenue carpark provides vehicle parking to the Wentworth Play Park and access to the Clarence Foreshore Trail for the public. Council does not gate carparks to public park areas.

A large rock will be placed in the carpark perimeter near the fore mentioned hut. The remaining perimeter rocks will be reviewed to ensure gaps are insufficient for vehicle access.

7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

7.4 QUESTIONS WITHOUT NOTICE

Mrs Joanne Marsh of Bellerive asked the following question.

TREES

Over a long period of time it has been very sad to see young trees stressed, dying and dead in Kangaroo Bay, Bellerive Beach Park, Rosny Hill Road, Bayfield Street, Wentworth Park playground and the South Street Reserve.

Why are the trees dying?

Why aren't they being promptly replaced?

ANSWER

The General Manager took the Question on Notice.

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-2020/013517 – 8 JACOMBE STREET, RICHMOND – DWELLING

(REFER ITEM 11.3.1)

Mr Benn Turner 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 TASMAN HIGHWAY – SORELL TO HOBART CORRIDOR PLAN

In accordance with Notice given it was:

Decision: **MOVED** Ald Mulder **SECONDED** Ald James

- “1. That Council notes the recently released *Tasman Highway – Sorell to Hobart Corridor Plan*, including:
1. the establishment of the Eastern Ring Road by linking the South Arm Highway at Mornington to the East Derwent Highway at Geilston Bay to encourage greater use of the Bowen Bridge and to bypass the congested eastern approaches to the Tasman Bridge; and
 2. addressing congestion issues at the roundabout at the junction of South Arm Highway and Cambridge Road at Mornington.
2. Seeks urgent clarification from the Minister for Infrastructure and Transport as to the current status of Clarence Council’s adopted road priorities, in particular:
1. Rosny Park access ramps linking the Rosny Park commercial areas with the Tasman Highway; and
 2. the eastern Richmond bypass (Prosser Road to Colebrook Road).”

Ald Blomeley left the Meeting at this stage (7.36pm).

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

FOR

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

AGAINST

Ald von Bertouch

10. *REPORTS FROM OUTSIDE BODIES**

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

10.1 *REPORTS FROM SINGLE AND JOINT AUTHORITIES**

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

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

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

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

Quarterly Reports

December Quarterly Report pending.

Representative Reporting

- **TASWATER CORPORATION**

- **GREATER HOBART COMMITTEE**

10.2 *REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES****BICYCLE ADVISORY COMMITTEE – QUARTERLY REPORT****Chairperson’s Report – Alderman D Ewington**

Report to Council for the three-month period 1 October to 31 December 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 UNANIMOUSLY

SPORT AND RECREATION ADVISORY COMMITTEE – QUARTERLY REPORT

Chairperson's Report –Alderman D Ewington

Report to Council for the three-month period for 1 October 2020 to 31 December 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 UNANIMOUSLY

TRACKS AND TRAILS ADVISORY COMMITTEE – QUARTERLY REPORT
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Chairperson's Report –Alderman D Ewington

Report to Council for the three-month period for 1 October 2020 to 31 December 2020.

RECOMMENDATION:

That the Chairperson's Report be received by Council.

Decision:	MOVED Ald Blomeley SECONDED Ald Kennedy
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“That the Chairperson's Report be received by Council”.

CARRIED UNANIMOUSLY

NATURAL RESOURCE MANAGEMENT – QUARTERLY REPORT**Chairperson's Report – Alderman Beth Warren**

Report to Council for the three-month period 1 October 2020 to 31 December 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 UNANIMOUSLY

OTHER COMMITTEES**LINDISFARNE COMMUNITY ACTIVITIES CENTRE MANAGEMENT COMMITTEE**

- Ald Blomeley tabled the Minutes of a Meeting held on 10 December 2020.

RICHMOND ADVISORY COMMITTEE

- Ald Chong tabled the Minutes of a Meeting held on 18 November 2020.

EVENTS SPECIAL COMMITTEE

- Ald Chong reminded Aldermen of the forthcoming Clarence Jazz Festival.

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

The Weekly Briefing Reports of 14 and 21 December 2020 and 11 January 2021 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 14 and 21 December 2020 and 11 January 2021 be noted.

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

Nil.

11.3 PLANNING AUTHORITY MATTERS

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

**11.3.1 DEVELOPMENT APPLICATION PDPLANPMTD-2020/013517 – 8
JACOMBE STREET, RICHMOND - DWELLING****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Dwelling at 8 Jacombe Street, Richmond.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Landslide Prone Code, Waterway and Coastal Protection Code, Historic Heritage Code, and the Stormwater Management and 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 has been extended till 20 January 2021.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 2 representations were received raising the following issues:

- privacy;
- siting of the dwelling on the lot;
- the appearance of the dwelling;
- retaining the historic character of Richmond;
- landscape plan; and
- incorrectly labelled elevation plans.

RECOMMENDATION:

A. That the Development Application for a Dwelling at 8 Jacombe Street, Richmond (Cl Ref PDPLANPMTD-2020/013517) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

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

Ald Blomeley returned to the Meeting at this stage (7.37pm).

Decision:	MOVED Ald Chong SECONDED Ald Kennedy “That the Recommendation be adopted”. CARRIED UNANIMOUSLY
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11.3.2 DEVELOPMENT APPLICATION PDPLANPMTD-2020/013989 – 6 AND 8 ROSALIE PLACE AND 61A SKILLION ROAD, HOWRAH - 8 MULTIPLE DWELLINGS**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 8 Multiple Dwellings at 6 and 8 Rosalie Place and 61A Skillion Road, Howrah.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Road and Railway Assets, Parking and Access and Stormwater 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 with the written consent of the applicant on 20 January 2021.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 2 representations were received raising the following issues:

- loss of value;
- disruption and risk to community;
- lack of services;
- lack of community consultation; and
- impact on residential amenity.

RECOMMENDATION:

A. That the Development Application for 8 Multiple Dwellings at 6 and 8 Rosalie Place and 61A Skillion Road, Howrah (CI Ref PDPLANPMTD-2020/013989) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. Prior to the issue of any building consent, building permit and/or plumbing permit pursuant to the Building Act 2016 (if applicable), Certificates of Title for the site Volume 178298 Folio 115, Volume 178298 Folio 116, and Volume 179691 Folio 405, must be adhered in accordance with Section 110 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, to the satisfaction of Council's Manager City Planning.
3. A landscape plan for the parking and circulation areas must be submitted to and approved by Council's Manager City Planning prior to the commencement of works. The plan must be to scale and show:
 - a north point;
 - existing trees and those to be removed;
 - proposed driveways, paths, buildings, car parking, retaining walls and fencing;
 - any proposed rearrangement of ground levels;
 - details of proposed plantings including botanical names, and the height and spread of canopy at maturity; and
 - estimated cost of the landscaping works.

All landscaping works must be completed and verified as being completed by council prior to the commencement of the use.

All landscape works must be maintained:

- in perpetuity by the existing and future owners/occupiers of the property;
- in a healthy state; and
- in accordance with the approved landscape plan.

If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity as the vegetation which has died or which was removed.

4. ENG A2 – CROSSOVER CHANGE [6m].
5. ENG A5 – SEALED CAR PARKING.
6. ENG A7 – REDUNDANT CROSSOVER.
7. ENG M1 – DESIGNS DA.
8. ENG S1 – INFRASTRUCTURE REPAIR.
9. ENG S3B – WATER SENSITIVE URBAN DESIGN PRINCIPLES – BODY CORPORATE. Delete last sentence and replace with "Evidence of either of these options being in place must be provided prior to the lodgement and approval of a strata plan by council."

10. The development must meet all required Conditions of Approval specified by TasWater notice dated 25 November 2020 (TWDA 2020/01916-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.

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.3.3 DEVELOPMENT APPLICATION - PDPLANPMTD-2020/008820 – 145 AND 163 PASS ROAD, ROKEBY – REQUEST TO VARY THE APPROVED STAGING AND MASTER PLAN**EXECUTIVE SUMMARY****PURPOSE**

At its meeting on 12 October 2020, council decided that community consultation should be undertaken prior to considering the request to vary the Master Plan and staging approved in the ParanVille Specific Area Plan (the SAP). The purpose of this report is to consider the comments made during the public consultation period.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential, Public Open Space, Community Purpose, Rural Resource and Local Business and subject to the Bushfire Prone Areas, Waterway & Coastal Protection, Inundation Prone Areas, Road and Railway Assets and Stormwater Management Codes under the Clarence Interim Planning Scheme 2015 (the Scheme).

Clause F4.8 of the SAP requires that the subdivision must be in accordance with the Master Plan (Figure 3) and that the land must be developed in accordance with the Staging Plan (Figure 4), unless otherwise approved in writing by council. This standard is an Acceptable Solution with no corresponding Performance Criteria and therefore this report is for council to consider the request and either approve or refuse the request to modify the Master Plan and Staging Plan.

LEGISLATIVE REQUIREMENTS

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

CONSULTATION

Public consultation was undertaken in December 2020, which consisted of an advertisement in the Eastern Shore Sun, through the “Your Say” engagement platform on council’s website, and notification to neighbouring property owners.

RECOMMENDATION:

- A. That the request to vary the Master Plan and staging approved in the ParanVille Specific Area Plan be agreed to and the applicant and respondents advised accordingly.
- B. That the applicant be advised that the proposed staging in the draft subdivision plan will not meet Council’s Public Open Space Policy as the public open space is proposed in Stage 10 of the subdivision application PDPLANPMTD-2020/008820 and an amended plan showing the Public Open Space to be provided in an early stage of the subdivision.

- 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 von Bertouch
	<p>“A That the request to vary the Master Plan and staging approved in the ParanVille Specific Area Plan be agreed to provided that:</p> <ol style="list-style-type: none">1. Planning Application PDPLANPMTD2020/008820 is amended to show the public open space provided as part of Stage 3, in order to meet the requirements of council's public open space policy; and2. The applicant and respondents are advised accordingly. <p>B. That the reasons for Council's decisions in respect of this matter be recorded as follows.</p> <ol style="list-style-type: none">1. As outlined in the report, the public open space should be provided at an early stage in the subdivision, to serve the needs of the locality and to meet the adopted public open space policy.2. It is appropriate to designate the stage at which the open space should be provided, to give certainty to the developer during the assessment of the subdivision, which is made possible by the requested variation to the Masterplan and staging plan”. <p style="text-align: right;">CARRIED UNANIMOUSLY</p>

11.3.4 MINISTER'S ROADMAP AND PROPOSAL TO AMEND THE SOUTHERN TASMANIAN REGIONAL LAND USE STRATEGY URBAN GROWTH BOUNDARY**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider a State Government proposal to introduce an amendment to the Southern Tasmanian Regional Land Use Strategy (STRLUS) to provide for consideration of applications involving urban rezoning outside of the Urban Growth Boundary (UGB).

RELATION TO PLANNING PROVISIONS

The proposal is limited to an amendment to the STRLUS to introduce a new Regional Policy (SRD 2.12) at 19.7 that provides for limited urban rezoning outside of the UGB.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

The proposal was referred to the Mayor seeking feedback on:

- the proposed amendment to the STRLUS as an interim measure; and
- the roadmap to a full review of the STRLUS.

RECOMMENDATION:

- A. That the Minister for Planning be thanked for his proposal to address uncertainties associated with the delays in the review of the Southern Tasmanian Regional Land Use Strategy and that council recommends the following modifications, to ensure that the intention of this timely initiative is met, without long term risk to the integrity of regional settlement strategy:
1. Prior to determining the appropriate maximum property sizes for rezoning (i.e. 2, 3 or 4 ha), the Planning Policy Unit should provide the Minister with indicative modelling of potential cumulative supply impact or a total additional supply to be provided through the proposed mechanism;
 2. Urban rezoning beyond the UGB should be restricted to the Greater Hobart metropolitan area;
 3. Measures should be introduced to ensure that any rezoned land is developed as intended rather than add to current land banking;
 4. Measures should be introduced to provide for urban anomalies separated from the UGB, such as retirement villages in non-urban zones; and
 5. The current Information Sheet on Amending the Regional Land Use Strategies prepared by the Planning Policy Unit should be revoked or amended to relevantly apply to proposals under the new initiative.

- B. That the Minister be requested to revise the roadmap to:
1. Allow review of the regional strategies concurrently with the completion of the TPS, noting that this is in the hands of the Tasmanian Planning Commission, whereas the Planning Policy Unit will oversee the implementation of the regional strategy review; and
 2. Specify a projected completion timeframe for the review and implementation of regional strategies in the roadmap; giving clarity to councils, relevant agencies, developers and the community.
- 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:	PROCEDURAL MOTION MOVED Ald James SECONDED Ald Blomeley “That consideration of this Item be deferred to the next council meeting to allow consideration at a workshop”. CARRIED UNANIMOUSLY
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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 COASTAL HAZARDS POLICY**

(Ecm No 4505138)

EXECUTIVE SUMMARY**PURPOSE**

To give consideration to the adoption of the Coastal Hazards Policy.

RELATION TO EXISTING POLICY/PLANS

The following are relevant:

- Council’s Strategic Plan 2016-2026;
- Council’s Risk Management Policy; and
- State Coastal Policy (as amended 2009).

LEGISLATIVE REQUIREMENTS

There are no specific legislative requirements.

CONSULTATION

No consultation has occurred in relation to the draft Coastal Hazards Policy. A promotion plan has been developed to inform the community of the Coastal Hazards Policy following adoption of the policy by council.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the adoption of the policy. Following adoption of the policy local coastal management plans will be developed in consultation with the community, subject to budget funding approval.

RECOMMENDATION:

That council adopts the Coastal Hazards Policy 2020.

Decision:	MOVED Ald von Bertouch SECONDED Ald Warren	
	“That council adopts the Coastal Hazards Policy 2021”.	
	FOR	AGAINST
	Ald Blomeley	Ald Mulder
	Ald Chipman	Ald James (abstained)
	Ald Chong	
	Ald Edmunds	
	Ald Ewington	
	Ald Kennedy	
	Ald Peers	
	Ald von Bertouch	
	Ald Walker	
	Ald Warren	
		CARRIED

11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 SALE OF COUNCIL LAND – PART OF 196 CLARENCE STREET, HOWRAH**
(File No C025-196)**EXECUTIVE SUMMARY****PURPOSE**

To consider the sale of part of the council owned land at 196 Clarence Street, Howrah to the adjacent property owners at 198 Clarence Street and 31 Allumba Street.

RELATION TO EXISTING POLICY/PLANS

Nil.

LEGISLATIVE REQUIREMENTS

As the proposed sale is a disposal of 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 31 Allumba Street and 198 Clarence Street.

FINANCIAL IMPLICATIONS

Costs associated with the sale of the council land will be borne by the owners of 31 Allumba Street and 198 Clarence Street, Howrah and will not impact on Council's Annual Plan.

RECOMMENDATION:

- A. That Council approves the sale of part of the council owned land at 196 Clarence Street, Howrah to the adjacent owners of 31 Allumba Street and 198 Clarence Street, Howrah as shown in Attachment 2 of the Associated Report.
- B. That Council authorises the General Manager to negotiate sale of the council land subject to the owners meeting all costs associated with the sale of the land, including purchase price as determined by a registered valuer, survey, boundary adjustment and council's legal costs and valuation fee.

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

12. ALDERMEN'S QUESTION TIME

An Alderman may ask a question with or without notice at Council Meetings. No debate is permitted on any questions or answers.

12.1 QUESTIONS ON NOTICE

(Seven days before an ordinary Meeting, an Alderman may give written notice to the General Manager of a question in respect of which the Alderman seeks an answer at the meeting).

Nil.

12.2 ANSWERS TO QUESTIONS ON NOTICE

Nil.

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

Following the decision of the Appeals Tribunal in relation to the Rosny Hill Hotel Development and given that council agreed as the owner's representative to allow this particular development to go forward for consideration by council, what role does the Crown play in this, in as much as it is the owner of the land and council is the managing authority of the land. In the next step is it a case that the applicant has to apply for land ownership and that is to the State Government or the Department of Parks and Wildlife as representing the actual owner of the site?

ANSWER

Council is the statutorily appointed managing authority. We have a lease over the land and we have control of the land in the context of the relevant legislation. So my understanding of that situation is that we do not need to seek land owner consent for any development on the land, although we do need to make sure that the Crown and the Minister are informed of the terms of the lease and the Minister is content with those terms.

Question contd

In relation to what happened with the Dorans Road jetty, it is my understanding that it was refused by council and one of the reasons why it did not proceed was the Crown decided not to provide its consent for the construction to be built at the site. How does that differ then in the case of the Crown and Rosny Hill's ownership when in fact the Dorans Road, amongst other things, one of the reasons why it did not proceed was that the Crown withdrew its consent for the development and then on Rosny Hill the Crown owns the land and council has a lease and that also as the managing authority it does not own the land, so therefore is there a similarity between the two and therefore it would be expected that the Crown may have to be consulted as to whether or not it agrees or not with the building going ahead on the site?

ANSWER

We do not know the reasons why the Dorans Road jetty was rejected by the Crown. We have not been informed of that, so any comment I made on that front would be pure speculation. The one material difference between Dorans Road and Rosny Hill is that we are the managing authority for Rosny Hill, we have responsibility for managing the hill and that has been seeded to us by the Crown. As I said before, we have a lease and that lease provides for sub-leasing with certain conditions so the two are not similar in any way from that point of view.

Ald Peers

I just wonder with COVID we could be sitting like this for ages and I am just wondering if it could be looked at over the break, can this room be changed slightly? I get very frustrated Mayor because you're blocked from seeing me and I'm blocked from seeing you. At times I want to speak but obviously you can't see me. I can understand that because normally you would be sitting in the middle chair. I get very frustrated and people have said everything I want to say, so what's the use? It's nobody's fault, I understand that, I'm just saying I would like to have it looked at.

ANSWER

(Mayor) I am certainly open to ideas to how we better improve the ergonomics but the number of people is constrained by the overall space of the room.

Ald Walker

1. Summer is coming along and swimming is becoming one of the more popular activities and I just want to reiterate around community issues of concern that have been raised about Little Howrah Beach. It is a lovely spot but when the tide is high there is not a lot of beach and there is quite a bit of growth along the wall around there. Also there has been a lot of growth in the whole of the municipality and summer is upon us so could the staff look at and expedite some intervention on that issue?

ANSWER

(Mayor) I will take the Question on Notice and ask Mr Graham if he could let council know what could be done to improve the amenity of Little Howrah Beach.

The current size of the indigenous great saltbrushes does not warrant trimming at this time. The bushes will be assessed, and trimming will be undertaken during the annual beach access maintenance program. The bushes provide an important role for the beach, reducing the sand erosion. Often the only soft sand in the area is that to which has been trapped within the bushes.

2. In relation to the Clarence Health Services online forum, can I be provided with a breakdown of which nursing, allied health or medical representative groups are involved in the formulation of this and the number of permissions actually using it?

ANSWER

(Mayor) I will take the Question on Notice and ask Mr Toohey if we could have the response in the Weekly Briefing Report to benefit all Aldermen.

A response to this question was provided in the Weekly Briefing Report dated 11 January 2020.

Ald Edmunds

1. I had some questions on notice two meetings ago about the reservoir just up the hill here. I was just wondering if we could find out the cost that TasWater originally spent doing that mural and the cost that they have set aside for the replacement mural once the works are done?

ANSWER

(Mayor) I can advise that the original mural was put in there basically by volunteers, TasWater did provide the materials, obviously the cost of that wasn't terribly great but they were volunteers that did it. In terms of the costs of removing and replacing it again I will take that on notice as the TasWater representative for Council and get the information back to you.

2. We had our Annual General Meeting last Monday at Blundstone Arena and obviously there are requirements around that being open to the public. Could we please put in a request about how we actually communicated that it was open to the public? Obviously, people were used to a COVID environment, we opened up the doors and no-one walked in, so I was just wondering as I couldn't find anything on Facebook for any information. I'm sure there was probably something in the Saturday Mercury but if we are able to give a run down of what was communicated to the public I would be interested.

ANSWER

The Annual General Meeting was advertised in "The Mercury" and the same notice would have appeared in our notices section on the website, which advised it was open to the public and that is why it was held at Blundstone Arena.

Ald Kennedy

With the beginning of summer it has been very hot, and in the last two days at Seven Mile Beach, there have been people trying to get parks and then parking over people's driveways already. The traffic was so jammed on Sunday that people couldn't park, there were traffic movements that didn't actually happen for quite lengthy periods of time, it was just crazy, and I know the weather has just hit us very quickly. Last summer I believe that there was some traffic management put in place I think with regard to some infringements or something like that or notes on people's cars. There was some Council intervention in this space, and I was just wondering if there was going to be anything planned for this summer?

ANSWER

We can institute that again. Last time we did put notices on cars just cautioning people not to park there and we then followed up with several other visits and in the case of people that were doing the wrong thing we did issue fines.

Ald Mulder

1. Regarding the lease for the Rosny Hill area and it follows on from a question I asked previously and some discussions with the General Manager, which would suggest that we were at cross purposes about what I had asked. Now that we have had time to get our thought processes together, I am just interested in relation to the activation of that lease. So at what point is the lease to the developer granted and how is that lease terminated, for example should the construction not be completed, or should the hotel operator not come to the party at the last minute or operates it for a year or so and realises it's a dead duck and then wants to walk away. I'm just wondering what that means in terms of the lease given the facts that we are the owners of the land, does that lease continue in perpetuity? How is it activated, and does it continue in perpetuity and under what conditions could it be revoked?

ANSWER

In terms of the activation of any lease, that will be subject to negotiation between council officers and the developer, Hunter Developments. That will come to council for a workshop. We have not determined at what stage yet, but it will be at an early stage and I will then anticipate a second workshop to talk about specific details and work through the actual context of the lease and some of those key terms. Before council makes a decision to actually offer that lease in a formal sense, because it is a dealing in land the Local Government Act requires that council consider that and there is a process associated with that.

There will be at least one workshop, probably two and then a formal decision process to make an offer. In terms of termination or the other variables you were talking about, I will combine them for convenience tonight. Because this is a lease and not a sale of the land, we have an opportunity to deal with those issues and the outcomes that we might need to manage them should they eventuate. That will be the process of working through that in the workshop making sure we have got a level of comfort about the commencement of construction, completion and so forth. In that regard, the issues we have seen with the hotel site development for example should be easier to manage under a lease than under a sale.

2. In regard to the Rosny Golf Course and perhaps the General Manager would like to address this one too at the risk of contradicting the Mayor. Is the continuance of golf on Rosny Golf Course an option even in the interim?

ANSWER

(Mayor) Before I ask the General Manager to respond, in suggesting it as a contingency planning that was involved, wasn't necessarily suggesting that there had to be a continuation of golf. The context of the contingency planning was exactly that.

Question /contd...

I don't have the benefit of Hansard and if I did it wouldn't be this quick but I am pretty sure your words in the event that it doesn't continue as a golf course were the words used.

ANSWER

It may seem flippant but anything is a possibility, the decision of council earlier this year was that the lease would cease on 30 April, council didn't make any determination as to what would occur after that, although we did have workshop and budget discussions around costs and issues and from that point of view we are tackling that through the interim arrangement for the City Heart project. It is open to council to make any other decisions about that land that it wishes to make.

Question contd

By point of clarification and supplementary, so what you're saying, if golf were to continue on that site it would require a motion from this council.

ANSWER

It would and just picking up on a point that was made before about potential other operators, from a probity point of view if there was a view towards golf continuing but under a different operator it is in all likelihood necessary for us to go to the market, not just simply appoint someone who has come forward, there would need to be a proper process.

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 – ASPHALT SUPPLY ONLY
- 13.3 TENDER T1387-20 HOOKEY COURT AND ATKINS STREET ROAD RECONSTRUCTION
- 13.4 TENDER T1379-20 ANNUAL RESEAL-MICROSURFACING WORKS 2020/21
- 13.5 TENDER T1390-20 VICTORIA ESPLANADE LANDSCAPE AND STREETSCAPE MASTER PLAN DESIGN CONSULTANCY
- 13.6 TENDER T1254-18 – SOUTH ARM OVAL, 21 HARMONY LANE AND 3 JETTY ROAD PUBLIC TOILETS CONSTRUCTION
- 13.7 GENERAL MANAGER REVIEW COMMITTEE

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

- personnel matters;
- contracts and tenders for the supply of goods and services;
- security of the council, councillors and council staff; or the property of the council;
- 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:	<p>PROCEDURAL MOTION MOVED Ald Chong SECONDED Ald Kennedy</p> <p>“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”.</p> <p style="text-align: right;">CARRIED UNANIMOUSLY</p>
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CLOSED MEETING /CONTD...

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

13.2 TENDER – ASPHALT SUPPLY ONLY

(File No T1303-19 – 4497936)

Decision:

MOVED Ald Mulder **SECONDED** Ald Peers

- “A. That the Council accepts the Tender submitted by Downer EDI Works Pty Ltd for the 2021 provision of asphalt supply only for the Council’s operations crew works.
- B. That, in accordance with Regulation 34(3) of the Local Government (Meeting Procedures) Regulations 2015, Council authorises for release of 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 T1387-20 HOOKEY COURT AND ATKINS STREET ROAD RECONSTRUCTION
(File No T1387-20 - Ecm)**Decision:** **MOVED** Ald Ewington **SECONDED** Ald Chong

- “A. That the Tender Response from MMS Tas Civil Pty Ltd for the sum of \$580,002.10 excluding GST, be accepted for the road reconstruction and associated works in Hookey Court and Atkins Street, Rokeby.
- B. That, in accordance with Regulation 34(3) of the Local Government (Meeting Procedures) Regulations 2015, Council authorises for release of 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

13.4 TENDER T1379-20 ANNUAL RESEAL-MICROSURFACING WORKS 2020/21

(File No T1379-20 - Ecm 4504462)

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

- “A. That the Tender Response from Downer EDI Works Pty Ltd for \$811,616.58, excluding GST, be accepted for the Annual Reseal-Microsurfacing works 2020/2021 for various streets in Clarence.
- B. That, in accordance with Regulation 34(3) of the Local Government (Meeting Procedures) Regulations 2015, Council authorises for release of 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

**13.5 TENDER T1390-20 VICTORIA ESPLANADE LANDSCAPE AND
STREETSCAPE MASTER PLAN DESIGN CONSULTANCY**

(File No T1390/20 - Ecm)

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

- “A. That the Tender Response from Inspiring Place, Rush Wright Associates Pty Ltd and Liminal Studio for the sum of \$292,975, excluding GST, be accepted for the design consultancy to develop the Victoria Esplanade Landscape and Streetscape Master Plan.
- B. That, in accordance with Regulation 34(3) of the Local Government (Meeting Procedures) Regulations 2015, Council authorises for release of 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**FOR**

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

AGAINST

Ald James
Ald Mulder

13.6 TENDER T1254-18 – SOUTH ARM OVAL, 21 HARMONY LANE AND 3 JETTY ROAD PUBLIC TOILETS CONSTRUCTION

(File No T1254-18 Ecm 4506239)

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

- “A. That the Tender Response from Macquarie Builders Pty Ltd for \$453,670.00, excluding GST, be accepted for both the South Arm Oval and 3 Jetty Road Public Toilets construction in South Arm.
- B. That, in accordance with Regulation 34(3) of the Local Government (Meeting Procedures) Regulations 2015, Council authorises for release of 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 8.35pm.