

# MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON TUESDAY 9 FEBRUARY 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)

Manager Governance  
(Ms C Shea)

Executive Officer to the General Manager  
(Ms J Ellis)

The Meeting closed at 11.02pm.

Prior to the commencement of the meeting, the Mayor made the following declaration:

*“I acknowledge the Tasmanian Aboriginal Community as the traditional custodians of the land on which we meet today, and pay respect to elders, past and present”.*

The Mayor also advised the Meeting and members of the public that Council Meetings, not including Closed Meeting, are audio-visually recorded and published to Council’s website.

**COUNCIL MEETING**  
**TUESDAY 9 FEBRUARY 2021**

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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 18 January 2021, as circulated, be taken as read and confirmed.

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

“That the Minutes of the Council Meeting held on 18 January 2021, 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

- 19 January: Greater Hobart Mayors Forum;
- 20 January: ABC Drive Radio Interview;
- 24 January: Music in the Park Event;
- 26 January: ABC Radio Interview with Ryk Goddard;
- 2 February: Hobart Airport Community Aviation Consultative Group Meeting;
- 3 February: Greater Hobart Mayors Forum Strategic Communications Workshop;
- 4 February: TasWater Owners Representative Quarterly Briefing South; and Chambroad/UTAS 6 monthly Project Update Meeting.

The Mayor advised that he had sent a letter of congratulations to the 2021 Australian of the Year, Grace Tame.

#### 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
Proposed Workshop Guidelines	
Urban Growth Boundary Report	
Mid-year Budget Review and Budget Overview 2021/22	
Hotel Project Update	
Dog Management Policy Consultation Update	1 February

#### RECOMMENDATION:

That Council notes the workshops conducted.

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

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

#### 5. DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE

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

#### INTEREST DECLARED

**Alderman Kennedy**                      **Item No. 11.3.4**

**Alderman von Bertouch**            **Item No. 13.2**

**6. \*\*\*TABLING OF PETITIONS**

(Note: Petitions received by Aldermen are to be forwarded to the General Manager within seven days after receiving the petition).

Petitions are not to be tabled if they do not comply with Section 57(2) of the Local Government Act, or are defamatory, or the proposed actions are unlawful.

The General Manager tabled the following petition which complies with the Act requirements:

- Received from 548 signatories requesting council to:
  - maintain the infrastructure status quo of the South Arm Skatepark, by not installing a berm/fence or wall;
  - immediately start designing a modified play space and surrounds following the most recent community consultation of the South Arm Oval Master Plan; and
  - fund the building of the new play space in council's 21/22 budget.

## 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:

#### INSTALLATION OF GATE – SALACIA STREET ENTRANCE

Mr Nelson, you stated 21/1/21 ...*"The Salacia Avenue car park provides vehicle parking to Wentworth Play Park and access to the Clarence Foreshore Trail for the public. Council does not gate car parks to our public park areas"....21/11/20...."Council has an obligation to protect the health and wellbeing of community members"....*

- Who authorised installation of the gates at the entrance to the Wentworth Park Sports Grounds, denying the public access to the Clarence Foreshore Trail between Bellerive and Howrah Beaches? The Car Parks are clearly marked as access to the Clarence Foreshore Trail, defined and specified on your website cadastral maps.
- Who is authorised by Council, to open the Wentworth Sports Grounds Public Car Park Gates at 6am and close the Public Car Park Gates at 10pm each day and evening, denying the public access, to the Clarence Foreshore Trail?
- Why does Council continue to allow dangerous hooning by not placing rocks to stop the hooning circuit? You will recall, Council inexplicably removed stockpiled rocks in the Car Park, which should have been strategically positioned to **stop** this latest hooning circuit.

CCC Learned Aldermen, you can easily stop hooning, anti-social behaviour and illegal overnight camping in the Wentworth Children's gravel Car Park, by installing a NO BRAINER appropriate, 10pm to 6am Gate!

Please advise the names of the Aldermen opposing the installation of a gate, to stop this ongoing dangerous anti-social behaviour.

**7.2 ANSWERS TO QUESTIONS ON NOTICE**

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

**INSTALLATION OF GATE – SALACIA STREET ENTRANCE**

The carpark at the Wentworth Park Sports Ground is there to service the sports fields. Ancillary to that is access to the foreshore trail. Given the nature of the grounds, including that they need to be closed for maintenance on a regular basis, it is appropriate that the sports ground carpark be gated and that the grounds be secured at night. As indicated in my previous response to Mr Boron's question on notice, council does not gate carparks to public park areas.

We have made internal and external enquiries regarding alleged hooning in the area. There is no complaint evidence that hooning is a regular or systematic occurrence. There are no reports to rangers or police that we are aware of.

In respect to illegal camping, parking of camping vehicles and caravans is permitted in the street provided those vehicles are registered and do not exceed 7.5m in length. It is not permitted to live in a caravan parked on a street. In the past year we have a record of only one person camping in the area. That person was asked to move on and did so.

**7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

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

At Council's Meeting of 18 January 2021 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**

Further discussion has occurred with Mrs Marsh. There can be many reasons for trees dying, including not surviving the initial establishment period. A number of these trees have been identified to be replaced in the months May to July, when the weather is cooler.

**7.4 QUESTIONS WITHOUT NOTICE**

Mrs Bree Hunter of Sandford asked the following question.

**BERM – SOUTH ARM SKATEPARK**

My question is in regards to the proposed berm at the South Arm skatepark. If only a few local residents are complaining of “noise”, then has council considered specific mitigation efforts to reduce noise for those particular properties (i.e. extending existing fence heights) as opposed to altering the experience of those using the public open space with the addition of the berm?

**ANSWER**

The effect of noise is a complex and individual response. An evaluation of specific mitigation options for neighbouring properties did not provide a feasible solution and so noise consultants evaluated mitigation options around the skate park.

Mrs Jenni McLeod of South Arm asked the following question.

**BERM - SOUTH ARM SKATEPARK**

Will the council commit to reviewing the petition of 550 signatories against the proposed earth berm at the South Arm skatepark, with the same consistency that other petitions such as the recent Dorans Road, Kangaroo Bay and Rosny Hill petitions have been considered?

**ANSWER**

The petition will be considered in exactly the same way as every other petition. A report will be provided to a subsequent council meeting for council to make a determination on.

Mrs Kirstie Judd asked the following question.

**PLAY SPACE SOUTH ARM**

Given the play space at South Arm is approved and funded, will the council reconsider their proposal to delay commencement of its construction, given that it to will likely result in noise generation with use, for which the berm will offer no mitigation? Would it not be better to complete all construction in the area and then consider the need for noise mitigation and the best solution across the whole area?

**ANSWER**

The General Manager took the question on notice.

**APPLICATION OF COUNCIL’S CODE OF CONDUCT**

Mrs Joanne Marsh of Bellerive submitted a Question without Notice regarding the application of Council’s Code of Conduct.

In accordance with Regulation 31 (5)(a) and Council’s Meeting Procedures Policy the Mayor disallowed the question on the basis that matters relating to the conduct of an Alderman are to be raised by the proper process and not through a Council Meeting. The Mayor advised that he would be happy to ensure that Mrs Marsh is aware of the processes involved.

**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-2020/014888 – 4 ALINTA STREET, HOWRAH – ADDITIONS AND ALTERATIONS TO DWELLING**  
(REFER ITEM 11.3.4)

Marcus and Anita Fitze provided a deputation regarding the above Development Application which was read out by the General Manager.

Henry French provided a deputation regarding the above Development Application which was read out by the General Manager.

**SOUTHERN TASMANIAN REGIONAL LAND USE STRATEGY – REVIEW OF URBAN GROWTH BOUNDARY AT 52 RICHARDSONS ROAD, SANDFORD**  
(REFER ITEM 11.3.6)

Nik Masters provided a deputation regarding the above Development Application which was read out by the General Manager.

Mat Clark provided a deputation regarding the above Development Application which was read out by the General Manager.

Richard Benjamin 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 INDEPENDENCE DAY

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

“That Council

1. Acknowledges the desire of the Premier to commence a conversation about a new date for Australia Day.
2. Supports a new date that recognises Australia becoming a fully “sovereign, independent and federal nation”.

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

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

“That Council

1. Agrees with the Premier of Tasmania that there should be a national conversation about the date for Australia Day.
2. Supports an appropriate date that recognises Australia as a ‘sovereign, independent and federal nation’.

The Mayor asked the Deputy Mayor to **assume** the Chair while he entered the debate as an Alderman (7.47pm).

The Mayor **resumed** the Chair at 7.48pm.

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

**FOR**

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

**AGAINST**

Ald Blomeley  
Ald Ewington  
Ald James  
Ald Peers  
Ald von Bertouch

**10. \*\*\*REPORTS FROM OUTSIDE BODIES**

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

**10.1 \*\*\*REPORTS FROM SINGLE AND JOINT AUTHORITIES**

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

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

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

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

**Quarterly Reports**

**Representative Reporting**

- **TASWATER CORPORATION**

TasWater Corporation distributed its Quarterly Report for the period ending 31 December 2020.

**Representative Reporting**

The Mayor reported on a briefing provided by TasWater regarding payment of a dividend to Member Councils.

- **GREATER HOBART COMMITTEE**

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

**EVENTS SPECIAL COMMITTEE**

- Ald Chong tabled the Minutes of a Meeting held on 26 November 2020.

**HOWRAH COMMUNITY CENTRE**

- Ald James tabled the Minutes of a Meeting held on 28 January 2021.

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

The Weekly Briefing Reports of 18 and 25 January and 1 February 2021 have been circulated to Aldermen.

**RECOMMENDATION:**

That the information contained in the Weekly Briefing Reports of 18 and 25 January and 1 February 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-2020/013970 – EAST DERWENT HIGHWAY WITHIN THE VICINITY OF KANDOS DRIVE AND OTAGO BAY ROAD, OTAGO - UPGRADES TO THE EAST DERWENT HIGHWAY INCLUDING THE RELOCATION OF THE OTAGO BAY ROAD JUNCTION, UPGRADES TO THE KANDOS DRIVE JUNCTION AND ASSOCIATED REHABILITATION WORKS****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for upgrades to the East Derwent Highway including the relocation of the Otago Bay Road junction, upgrades to the Kandos Drive junction and associated rehabilitation works at the East Derwent Highway within the vicinity of Kandos Drive and Otago Bay Road, Otago.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Utilities and subject to the Road and Railway Assets Code under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

**LEGISLATIVE REQUIREMENTS**

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires on 9 February 2021.

**CONSULTATION**

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

- pedestrian and cyclist safety; and
- further planned works.

**RECOMMENDATION:**

- A. That the Development Application for upgrades to the East Derwent Highway including the relocation of the Otago Bay Road junction, upgrades to the Kandos Drive junction and associated rehabilitation works at East Derwent Highway within the vicinity of Kandos Drive and Otago Bay Road, Otago (Cl Ref PDPLANPMTD-2020/013970) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
  2. ENG M7 – WEED MANAGEMENT PLAN.
  3. ENG M1 –DESIGNS DA.
  4. ENG M5 – EROSION CONTROL.
  5. ENG R3 – RURAL ROAD.
  6. ENG R5 – ROAD EXTENSION.
  7. ENG S1 – INFRASTRUCTURE REPAIR.
- 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 Ewington

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**11.3.2 DEVELOPMENT APPLICATION PDPLANPMTD-2020/013996 – 112  
BALOOK STREET, LAUDERDALE - 2 MULTIPLE DWELLINGS****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 2 Multiple Dwellings at 112 Balook Street, Lauderdale.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and subject to the Coastal Erosion Hazard, Waterway and Coastal Protection, Inundation Prone Areas, Stormwater Management, Road and Railway Assets 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 expires on 9 February 2021.

**CONSULTATION**

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

- parking impact;
- construction impact;
- stormwater management; and
- overshadowing.

**RECOMMENDATION:**

A. That the Development Application for 2 Multiple Dwellings at 112 Balook Street, Lauderdale (CI Ref PDPLANPMTD-2020/013996) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. The development must be connected to the TasWater reticulated sewer system prior to the commencement of the use of the multiple dwellings.

3. ENG M1 –DESIGNS DA [Access, car park and driveway construction, service upgrades or relocation].
4. ENG A5 – SEALED CAR PARKING.
5. ENG A1 – NEW CROSSOVER [3.6m wide, TSD-R09 (Urban)].
6. The structural design and construction must be in accordance with the recommendations contained within Appendix 2 of the Coastal Vulnerability Report prepared by GES dated December 2020. Specifically, the pier foundations must be end bearing case only and not assume lateral support within the scour zone. Certification from a suitably qualified civil engineer is required to be provided with the documentation submitted with a future building permit application demonstrating that the structural design meets the requirements of Appendix 2.
7. The development must meet all required Conditions of Approval specified by TasWater notice dated 15 December 2020 (TWDA 2020/01920-CCC).

**ADVICE**

- a. The demolition of the existing dwelling will require demolition approval, for which a Building Surveyor must be engaged to provide a Certificate of Likely Compliance Demolition Work which must then be registered with council.
  - b. Direct access from the eastern rear boundary to Lauderdale Beach is not approved as part of this permit and the existing access must be removed to prevent further coastal erosion.
- 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 Kennedy

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**11.3.3 DEVELOPMENT APPLICATION PDPLANPMTD-2020/014305 – 14 TIANNA ROAD, LINDISFARNE - ALTERATIONS TO EXISTING DWELLING (UNIT 1) & DECK ADDITION TO UNIT 2 (APPROVED)****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for alterations to the existing dwelling (Unit 1) and a deck addition to Unit 2 (approved) at 14 Tianna Road, Lindisfarne.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and subject to the Bushfire Prone Areas, Parking and Access, Road and Railway Assets 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 expires with the written consent of the applicant on 11 February 2021.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 3 representations (1 with 3 separate submissions) were received raising the following issues:

- Concerns surrounding Unit 1 & unapproved site works;
- Height of Unit 2, & inability to construct within approved heights;
- Duration of construction works;
- Open space and landscaping;
- Drainage;
- Retaining works;
- Overshadowing;
- Solar panels;
- Use of garage of Unit 2;
- Deck balustrade;

- Privacy;
- Inconsistency with character of area; and
- Failure to comply with Scheme provisions.

**RECOMMENDATION:**

A. That the development application for alterations to the existing dwelling (Unit 1) & deck addition to Unit 2 (approved) at 14 Tianna Road, Lindisfarne (CI Ref PDPLANPMTD-2020/014305) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

**ADVICE**

- Works associated with excavations, road construction and other activities, including the use of portable and mobile equipment and machinery, associated with the development must be in accordance with the *Environmental Management and Pollution Control (Noise) Regulations 2016*.

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 Walker

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**11.3.4 DEVELOPMENT APPLICATION PDPLANPMTD-2020/014888 – 4 ALINTA STREET, HOWRAH - ADDITIONS & ALTERATIONS TO DWELLING****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for Additions & Alterations to Dwelling at 4 Alinta Street, Howrah.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and subject to the 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 expires on 10 February 2021.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 3 representations were received raising the following issues:

- Overshadowing;
- Visual impacts;
- Privacy; and
- Impact on property values.

**RECOMMENDATION:**

A. That the Development Application for Additions & Alterations to Dwelling at 4 Alinta Street, Howrah (CI Ref PDPLANPMTD-2020/014888) 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 Kennedy declared an Interest in this Item and left the meeting prior to discussion (8.10pm).

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

Ald Kennedy returned to the meeting at this stage (8.18pm).

**11.3.5 DEVELOPMENT APPLICATION PDPLANPMTD-2020/013923 – 167 BLESSINGTON STREET, SOUTH ARM - 2 MULTIPLE DWELLINGS****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 2 Multiple Dwellings at 167 Blessington Street, South Arm.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Village and subject to the Parking and Access, On-site Wastewater Management, and Stormwater Management under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a discretionary development.

**LEGISLATIVE REQUIREMENTS**

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

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

Council is required to exercise a discretion within the statutory 42-day period which expires on 11 February 2021.

**CONSULTATION**

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

- Consistency with housing type in the area;
- Traffic;
- Obtrusive to the playground;
- Loss of views;
- Decrease in property value;
- Trees as habitat; and
- Trees as bushfire risk.

**RECOMMENDATION:**

A. That the Development Application for 2 Multiple Dwellings at 167 Blessington Street, South Arm (Cl Ref PDPLANPMTD-2020/013923) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. ENG A1 – DESIGNS DA.
3. ENG A1 – NEW CROSSOVER.
4. ENG A5 – SEALED CARPARKING.
5. ENG M5 – EROSION CONTROL

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 UNANIMOUSLY**

**11.3.6 SOUTHERN TASMANIAN REGIONAL LAND USE STRATEGY - REVIEW OF URBAN GROWTH BOUNDARY AT 52 RICHARDSONS ROAD, SANDFORD**  
(File No. PDPSAMEND-2020 011424)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider a request to modify the Southern Tasmanian Regional Land Use Strategy's (STRLUS) Urban Growth Boundary (UGB). Specifically, it requested that the UGB be extended to include a 12.1Ha portion of the land at 52 Richardsons Road, Sandford.

**RELATION TO PLANNING PROVISIONS**

The land at 52 Richardsons Road, Sandford is zoned Rural Resource and Environmental Living under the provisions of Clarence Interim Planning Scheme 2015 (the Scheme). It is also subject to the following Code Overlays:

- Bushfire Prone Areas;
- Landslide Hazard Area (Low);
- Waterway and Coastal Protection Areas;
- Coastal Inundation Hazard Area (Low, Medium & High);
- Coastal Erosion Hazard Area (Low);
- Natural Assets (Low & High);

Additionally, parts of the site are known to have been used for potentially contaminating activities and therefore subject to the Potentially Contaminated Land Code.

**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**

The request to amend the STRLUS has not been exhibited and there is no requirement to do so.

The proposal was, however, referred to TasWater and the Department of State Growth for comment.

**RECOMMENDATION:**

A. That Council resolves to advise the applicant that:

1. The proposal is premature, and Council does not support an expansion of the UGB to include the land at 52 Richardsons Road, Sandford for the following reasons:

- The proposal will exacerbate impacts of sprawl and compound costs associated with infrastructure and service provision. Which will, in the longer term, be subsidised by the broader community.
  - The proposal is inconsistent with the Minister’s proposed amendment to the STRLUS and associated Roadmap to a full review of the STRLUS.
  - The proposal would adversely impact on the Greater Hobart settlement strategy.
  - The increased traffic load on Bayview Road would adversely impact residential amenity for those residents
2. As part of a comprehensive review of the STRLUS, should it be demonstrated that additional urban land is required, then the subject land should be considered as a potential site in the context of the overall review and desired settlement strategy progressed by the Minister for Planning.
- 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 von Bertouch **SECONDED** Ald James

“That the Recommendation be adopted”.

The **MOTION** was **put** and **LOST**

**FOR**

Ald Chong  
Ald James  
Ald von Bertouch  
Ald Walker  
Ald Warren

**AGAINST**

Ald Chipman  
Ald Blomeley  
Ald Edmunds  
Ald Ewington  
Ald Kennedy  
Ald Mulder  
Ald Peers

**MOVED** Ald Ewington **SECONDED** Ald Blomeley

“That Council resolves to support the proposed expansion of the UGB to include the land at 52 Richardsons Road, Sandford and requests the Minister for Planning to approve the necessary amendment to the Southern Tasmanian Regional Land Use Strategy.

/ Decision contd on Page 29

**11.3.6 SOUTHERN TASMANIAN REGIONAL LAND USE STRATEGY - REVIEW OF URBAN GROWTH BOUNDARY AT 52 RICHARDSONS ROAD, SANDFORD /Decision contd...**

The reasons for this Motion:

1. There is an obvious need for increased supply of residential land to assist with housing affordability now and not sometime in the future. It is likely that this land will be part of any future expansion of the urban growth boundary, due to its proximity to existing services.
2. This approach will allow the proposal to go through a formal community consultation process as well as allow council to consider issues raised in the report and once community consultation occurs.
- 3 The proposal in its current form includes many improved outcomes in terms of increased formalised public open space, linkages with the Tanagra trail network, remediation of any contamination or degraded areas on site and the opportunity to address access issues for all properties within the southern end of Lauderdale.”

**CARRIED**

**FOR**

Ald Chipman  
Ald Blomeley  
Ald Edmunds  
Ald Ewington  
Ald Kennedy  
Ald Mulder  
Ald Peers

**AGAINST**

Ald Chong  
Ald James  
Ald von Bertouch  
Ald Walker  
Ald Warren

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

<b>11.4 CUSTOMER SERVICE</b>
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Nil Items.

**11.5 ASSET MANAGEMENT****11.5.1 LAUDERDALE CANAL PARK DRAFT MASTER PLAN – COMMUNITY CONSULTATION**

(ECM 4517140)

**EXECUTIVE SUMMARY****PURPOSE**

To seek approval to consult on the draft Master Plan for a new district level park at Lauderdale Canal, Lauderdale.

**RELATION TO EXISTING POLICY/PLANS**

Council's Strategic Plan 2016 - 2026 is relevant. Council's Community Engagement Policy 2020 is also relevant.

**LEGISLATIVE REQUIREMENTS**

Nil.

**CONSULTATION**

No formal consultation has been undertaken to date. Local and city-wide consultation is recommended to determine the views of the community in relation to the draft Master Plan for Lauderdale Canal Park, Lauderdale.

**FINANCIAL IMPLICATIONS**

Council allocated funding for the development of the South East Regional Park in the 2019/2020 budget and these funds have been used to develop the draft Master Plan for the Lauderdale Canal Park. There are remaining funds within this project to undertake the community consultation program for the draft Lauderdale Canal Park Master Plan.

**RECOMMENDATION:**

That Council:

- A. Approves the draft Master Plan for Lauderdale Canal Park to be used for city-wide community consultation; and
- B. Authorises the General Manager to co-ordinate the city-wide community consultation to obtain feedback on the draft Master Plan for Lauderdale Canal Park and to report the consultation outcomes to a future workshop.

/ Refer to Page 32 for Decision on this Item...

**LAUDERDALE CANAL PARK DRAFT MASTER PLAN – COMMUNITY CONSULTATION /contd...**

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

<b>11.6 FINANCIAL MANAGEMENT</b>
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Nil Items.

**11.7 GOVERNANCE****11.7.1 TASNETWORKS CREATION OF EASEMENT – 21 KING STREET, BELLERIVE****EXECUTIVE SUMMARY****PURPOSE**

To consider a request from TasNetworks to create an easement over council's park at 21 King Street, Bellerive for the replacement of an existing substation.

**RELATION TO EXISTING POLICY/PLANS**

Nil.

**LEGISLATIVE REQUIREMENTS**

As the proposed creation of easement represents a transaction of an interest in council land, this decision is required to be dealt with under section 177 of the *Local Government Act 1993* (Tas) and requires an Absolute Majority decision of Council.

**CONSULTATION**

Consultation has occurred between council officers and TasNetworks regarding the design and location of the replacement substation.

**FINANCIAL IMPLICATIONS**

Costs associated with the establishment of the easement will be borne by TasNetworks and will not impact on council's Annual Plan.

**RECOMMENDATION:**

- A. That council endorses the creation of the electricity easement in favour of TasNetworks at 21 King Street, Bellerive.
- B. That all costs associated with the creation of the electricity easement are to be borne by TasNetworks.
- C. That TasNetworks undertakes all remedial works in respect to the replacement of the existing substation and cabling by suitable landscaping and replanting of the affected areas to be to the satisfaction of Council's Group Manager Engineering Services.

**Decision:**

**MOVED** Ald Peers **SECONDED** Ald Ewington

Ald Edmunds left the meeting at this stage (9.17pm).

"That the Recommendation be adopted".

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

**11.7.2 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 4ha), 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.
  5. Within metropolitan Hobart, there should be added flexibility around the perimeter of land earmarked for growth, via the Tasmanian Planning Scheme's Future Urban zone.

6. 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.

<b>Decision:</b>	<b>MOVED</b> Ald Walker <b>SECONDED</b> Ald Blomeley	
	“That the officer’s recommendation, excluding A2 be adopted”.	
	Ald Edmunds returned to the meeting at this stage (9.18pm).	
	The <b>MOTION</b> was <b>put</b> and <b>CARRIED</b>	
	<b>FOR</b>	<b>AGAINST</b>
	Ald Chipman	Ald Mulder
	Ald Blomeley	
	Ald Chong	
	Ald Edmunds	
	Ald Ewington	
	Ald James	
	Ald Kennedy	
	Ald Peers	
	Ald von Bertouch	
	Ald Walker	
	Ald Warren	

### 11.7.3 DOG MANAGEMENT POLICY REVIEW

#### EXECUTIVE SUMMARY

##### PURPOSE

To obtain endorsement by Council of the draft revision of Council's Dog Management Policy, including a Schedule of Declared Areas, and to initiate a 4-week period of public consultation.

##### RELATION TO EXISTING POLICY/PLANS

The Policy is consistent with Council's Strategic Plan 2016-2026 and existing policy on user pays fees and charges.

##### LEGISLATIVE REQUIREMENTS

The Dog Control Act 2000 requires council to review its Dog Management Policy every 5 years. The policy contains a code of responsible dog ownership, a fee structure, the provision of declared areas and any other relevant matters.

##### CONSULTATION

A workshop was held with Aldermen in October 2020 with a follow-up survey of Aldermen through Have Your Say completed in November 2020. Discussions and meetings have been held with relevant organisations such as Dogs Tasmania, Dogs Homes of Tasmania, RSPCA, Eastern Shore Dog Club, Hobart Dog Walking Association, Birds Tasmania, RSL Tasmania, Bonorong Wildlife Park, Tasmanian Equestrian Centre, Coastcare groups and Parks and Wildlife Service. Discussions were also held with internal stakeholders in Asset Management such as the Tracks and Trails and Natural Areas and Recreational Planning groups.

##### FINANCIAL IMPLICATIONS

The fee structure contained within the policy will aim to recover 70% of the costs associated with dog management.

#### RECOMMENDATION:

That Council endorses the revised draft Dog Management Policy including the Schedule of Declared Areas (January 2021) and authorises its release to the public for a 4-week period of public consultation.

Ald James left the meeting at this stage (9.35pm).

<b>Decision:</b>	<p><b>MOVED</b> Ald Chong <b>SECONDED</b> Ald Edmunds</p> <p>Ald James returned to the meeting at this stage (9.37pm).</p> <p>Ald von Bertouch left the meeting at this stage (9.41pm).</p> <p>“That the Recommendation be adopted”.</p> <p>The <b>MOTION</b> was <b>put</b> and <b>CARRIED UNANIMOUSLY</b></p>
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**11.7.4 KANGAROO BAY HOTEL AND HOSPITALITY SCHOOL SITE****EXECUTIVE SUMMARY****PURPOSE**

To reconsider a request to grant a further extension of time to Chambroad Overseas Investment Australia Pty Ltd to achieve substantial commencement of the Kangaroo Bay Hotel and Hospitality School Site development, in accordance with the Sale and Development Agreement.

**RELATION TO EXISTING POLICY/PLANS**

Clarence City Council Strategic Plan 2016 – 2026 is relevant.

**LEGISLATIVE REQUIREMENTS**

Nil

**CONSULTATION**

Not applicable.

**FINANCIAL IMPLICATIONS**

There are no financial implications at this time. Should an alternative recommendation be adopted, there may be significant financial implications for council.

**RECOMMENDATION:**

That Council:

- A. Rescinds its 21 December 2020 decision in relation to Item 3.1.
- B. Notes the written request for an extension of time by Chambroad Overseas Investment Australia Pty Ltd (Chambroad), dated 7 October 2020.
- C. Acknowledges the challenges and circumstances that have confronted Chambroad and the University of Tasmania (UTAS) as a consequence of the global COVID-19 pandemic, and that the non-compliance with the agreed time limit for substantial commencement arises for reasons not within the reasonable control of Chambroad.
- D. Authorises the General Manager to write to Chambroad to confirm council's grant of an unconditional extension of time to 13 October 2022 in accordance with the terms of the Sale and Development Agreement.
- E. Authorises the General Manager to separately write to Chambroad to negotiate non-contractual conditions which will allow council to be regularly updated in respect to Chambroad's progress towards substantial commencement (as specified by the Sale and Development Agreement).

/ Refer to Page 39 for Decision on this Item...

**KANGAROO BAY HOTEL AND HOSPITALITY SCHOOL SITE /contd...**

<b>Decision:</b>	<b>MOVED</b> Ald Ewington <b>SECONDED</b> Ald Blomeley	
	Ald von Bertouch returned to the meeting at this stage (9.43pm).	
	“That the Recommendation be adopted”.	
	The <b>MOTION</b> was <b>put</b> and <b>LOST</b>	
	<b>FOR</b>	<b>AGAINST</b>
	Ald Chipman	Ald Edmunds
	Ald Blomeley	Ald James
	Ald Chong	Ald Kennedy
	Ald Ewington	Ald Mulder
	Ald von Bertouch	Ald Peers
	Ald Walker	Ald Warren
	<b>FORESHADOWED MOTION</b>	
	<b>MOVED</b> Ald Mulder <b>SECONDED</b> Ald Ewington	
	“That Council:	
	A. Rescinds its 21 December 2020 decision in relation to Item 3.1.	
	B. Notes the written request for an extension of time by Chambroad Overseas Investment Australia Pty Ltd (Chambroad), dated 7 October 2020.	
	C. Authorises the General Manager to write to Chambroad to confirm council’s grant of an unconditional extension of time to 13 October 2022 in accordance with the terms of the Sale and Development Agreement.	
	D. Authorises the General Manager to separately write to Chambroad to negotiate non-contractual conditions which will allow council to be regularly updated in respect to Chambroad’s progress towards substantial commencement (as specified by the Sale and Development Agreement).”	
	<b>CARRIED</b>	
	<b>FOR</b>	<b>AGAINST</b>
	Ald Chipman	Ald James
	Ald Blomeley	Ald Kennedy
	Ald Chong	Ald Warren
	Ald Ewington	Ald Edmunds (abstained)
	Ald Mulder	
	Ald Peers	
	Ald von Bertouch	
	Ald Walker	

**12. ALDERMEN'S QUESTION TIME**

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

**12.1 QUESTIONS ON NOTICE**

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

Nil

**12.2 ANSWERS TO QUESTIONS ON NOTICE**

Nil

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

On October 21 last I understand you [Mayor Chipman], the General Manager and Ald Blomeley attended an invitation only breakfast meeting with the Minister for Infrastructure For the record Mr Mayor, in what capacity did you attend that party political fundraising event?

**ANSWER**

(Mayor) I attended in my official capacity believing it to be a meeting convened by the Minister. I wasn't aware at the time I accepted the invitation it was a party only event.

(Ald Blomeley) There were non-party members there as well and members of the community throughout southern Tasmania. It was well attended and people were very keen to engage in that type of forum with the Minister for Infrastructure so people like yourself, Mr Mayor and others who are not party members were present at that function.

**Ald Kennedy**

Regarding our walking trail from Lauderdale to Cremorne, I would just like to know what the current state of the steps is at the Mays Point entrance. A walker recently broke her leg in 3 places while trying to walk down the steps.

**ANSWER**

The steps in question are in a coastal reserve which is privately owned and not the responsibility of council. Following a decision of council, the process of transferring the land to council ownership is underway. However the likely timing of this is unknown.

**Ald von Bertouch**

1. When will the design and costing of the proposed berm/fence at the South Arm Skatepark be presented to an Aldermen's workshop?

**ANSWER**

It is anticipated the information will be ready in March 2021 for a workshop with Council.

**Question contd**

Will the design and its costing be considered in the 2021/22 budget deliberations without the design and its associated costing being determined at a Council Meeting?

**ANSWER**

(Mr Graham) There was a council decision for the General Manager to report to council on the costs of the berm but I will bring to a workshop the costs of the playground and the berm and then I will seek direction from council to report back on the costs of the berm.

2. Will a concept plan and associated costing be considered in the 21/22 budget deliberations for the proposed Play Space at the South Arm Oval?

**ANSWER**

(Mr Graham) I will take the costs for the playground and the berm to a workshop and I will seek direction from council.

**Ald Blomeley**

1. Following the community led petitions and the subsequent decisions of this council to undertake pedestrian safety works in both Bellerive and Lindisfarne villages can you please provide an update as to where these two projects are at?

**ANSWER**

In relation to Lincoln Street pedestrian crossing the consultation is complete with the local business owners and was well received. We are completing the quotation document and anticipate having that out to contractors in February. In relation to the Bellerive village pedestrian and traffic calming consultation that was completed before December, was well received and the survey results we are compiling at the moment to come to a council workshop, hopefully that should be ready in February.

2. Following the release of the preliminary plans of the ANZAC community sports pavilion and engagement with club users over the last couple of months can you please provide an update as to where this project is at?

**ANSWER**

The ANZAC Park plan is going through internal review by council officers and the architects are required to make some further changes and then we will be doing another engagement phase with the clubs at ANZAC Park in relation to the latest plans.

(Mayor) Do you intend to bring it to a workshop before going out to further consultation?

**ANSWER**

After we have discussed the next review of the plans with the clubs then we will go to a workshop.

Question contd

Is that all the ANZAC Park users together or club by club?

**ANSWER**

A joint user group meeting involving the clubs is being arranged for February 2021.

**Ald Peers**

I have had a question from a ratepayer regarding our parking signage. With our parking signage does it need to have days on the bottom of it? There is parking signage in Winkleigh Place that has hours but no days mentioned below. Do we need to have days or is it fine not having days on it?

**ANSWER**

(Mr Graham) I will confirm that. If it does not have days then it applies to every day I would envisage but I will confirm the actual location with Ald Peers.[Further response] Parking restrictions apply to the days indicated on the signs. If no days are stipulated, the parking restrictions apply every day.

**Ald James**

1. In your media release of 21 December 2020 you made some comments but in particular paragraph five says and I quote "the Council has now approved the extension of time with several new conditions that protect the interests of council and also preserves the buy back option". My question is should there be no substantial commencement of the project by the deadline in October 2022 then I understand that preserves and this means that the buy-back option can occur however if there is no substantial commencement does that mean that the buy-back option is still on the books?

**ANSWER**

(General Manager) That is my understanding. At 14 October 2022 the buy-back option is a live issue again.

Question /contd

So if in fact substantial commencement did occur and that is basically some footings were put down and it is deemed under the Sale and Development Agreement then if there were some footings put down then in fact that would meet the conditions of the agreement and there would be no buy-back option?

**ANSWER**

(General Manager) It is more than footings. Substantial commencement includes in-ground works and ground level works so it is not simply a case of digging some holes and pouring some concrete. It requires building permits and plumbing permits and for those in ground works to have been executed.

**Question contd**

It is a little bit of additional information that I need to seek and that is that the construction of the building in its entirety may not necessarily proceed other than those in-ground works which would basically put some plumbing, some infrastructure at a certain level on that ground but not the completion of the building.

**ANSWER**

(General Manager) In terms of the Sale and Development Agreement yes, but you will recall that council also was seeking conditions regarding the contractual basis for a variety of activities prior to that occurring so that we had some comfort that once construction does commence that it is likely to conclude as well, it won't be a start / stop exercise. That was the whole purpose of discussing those proposed conditions to be put to Chambroad.

2. In relation to Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015 and on page 176 of our agenda it says and I quote Regulation 15 of that particular regulation provides that council may, may consider certain sensitive matters in closed meeting. In our policy which I have obtained a copy of that it says and I quote council in accordance with the procedures and intentions and intentions of the Local Government Procedures will deal with the following matters in closed meeting. Does the regulation 15 as presented under the regulations take precedence over the council policy in relation to “may” in the former and “will” in the latter.

**ANSWER**

(Mayor) The regulations certainly take precedence.

**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 Edmunds left the meeting at this stage and did not return (10.55pm).

### 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 CONTRACTUAL MATTER

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

- contracts and tenders for the supply of goods and services;
- applications by Aldermen for a Leave of Absence;

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

<b>Decision:</b>	<b>PROCEDURAL MOTION</b> <b>MOVED</b> Ald Peers <b>SECONDED</b> Ald Chong	
	“That the Meeting be closed to the public to consider Regulation 15 matters, and that members of the public be required to leave the meeting room”.	
	<b>CARRIED</b>	
	<b>FOR</b> Ald Chipman Ald Blomeley Ald Chong Ald Ewington Ald Kennedy Ald Mulder Ald Peers Ald von Bertouch Ald Walker Ald Warren	<b>AGAINST</b> Ald James (abstained)

**CLOSED MEETING /CONTD...**

The following Closed Meeting Motion has been authorised by Council for publication in the public Minutes.

**13.2 AGREEMENT FOR ACCEPTANCE AND PROCESSING OF RECYCLABLE MATERIALS**  
(Ecm No 4518018)

Ald von Bertouch declared an Interest in this Item and left the meeting prior to discussion (11.00pm) and did not return.

<b>Decision:</b>	<b>MOVED</b> Ald Ewington <b>SECONDED</b> Ald Mulder
	“A. That council authorises the General Manager to enter into a new agreement with Cleanaway Pty Ltd for the acceptance and processing of council’s kerbside collected recycled materials.
	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”.
	<b>CARRIED UNANIMOUSLY</b>

The meeting closed at 11.02pm.