

MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 22 MARCH 2021

HOURL CALLED: 7.00pm

PRESENT: The meeting commenced at 7.03pm 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)

Actin Manager City Planning
(Mr B Gibbs)

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 10.42pm.

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 22 MARCH 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 1 March 2021, as circulated, be taken as read and confirmed.

Decision: **MOVED** Ald Peers **SECONDED** Ald Blomeley

“That the Minutes of the Council Meeting held on 1 March 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

- 2 March: Clarence Foreshore Trail – Rosny - Memorial;
- 3 March: Greater Hobart Strategic Partnership Strategic Communications Strategy Meeting;
Ten Days on the Island – Formal Opening;
- 9 March: RDA – Committee Member Application Review;
Julie Collins MP Meeting – Rokeby Neighbourhood Centre;
- 11 March: Mayors Professional Development Workshop;
- 12 March: LGAT General Meeting – North-West;
ABC Drive – Radio Interview;
- 13 March: Public Meeting – Anzac Park;
- 15 March: Norris Carter (HBA CEO) Introduction Meeting – Hobart Airport;
- 16 March: Greater Hobart Mayor’s Forum; and
- 18 March: TasWater Expert Advisory Group.

Deputy Mayor

- 5 March: Clean Up Australia Day – Bellerive Primary School (on behalf of Mayor);
Hobart City Deal Joint Ministerial Committee Meeting (on behalf of Mayor);
- 9 March: International Women’s Day Breakfast 2021 (on behalf of Mayor);
- 15 March: Strategic Planning Forum for Reconciliation Tasmania (on behalf of Mayor).

/ contd on Page 6...

MAYOR'S COMMUNICATION /contd...

Ald Ewington

- 13 March: Football Tasmania's Summer Cup (on behalf of Mayor).

Ald Kennedy

- 13 March: AFLW VIP Function – North Hobart Oval (on behalf of Mayor).

Ald Edmunds

- 21 March: Launch of the Culturally Diverse Alliance of Tasmania (on behalf of Mayor).

4. *COUNCIL WORKSHOPS**

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

PURPOSE	DATE
Sporting Club – Funding for Clubrooms	
Waste Levy/Container Deposit Legislation	
Strategic Plan	
Health and Well-being Strategy	
Nominations for Local Government of Tasmania President and GMC	8 March
Golf Australia Proposal	
Rosny Golf Course Interim Plan	
Rosny Park Urban Design Framework	
South Arm Oval Master Plan	15 March

RECOMMENDATION:

That Council notes the workshops conducted.

Decision: **MOVED** Ald Peers **SECONDED** Ald Blomeley

“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 Walker****Item No. 11.3.2**

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 petitions which comply with the Act requirements:

- “Received from 344 signatories strongly objecting to changing the current Council Policy of dogs off lead in Anzac Park for the following reasons:
 1. Anzac Park with its flat open green space and paved pathways close to the Village allows easy access and use for senior citizens, those with mobility issues, young people and families to enjoy the company of their dogs off lead and still under effective control.
 2. Anzac Park is an integral part Anzac traditions and lends itself to social gathering place for the community with their dogs off lead enjoying the freedom of outdoor space.
 3. Dogs are part of the Anzac family and traditions and recognised as Australia’s greatest war animals.”

- “Electronic petition received from 1001 signatories strongly objecting to changing the current Council Policy of dogs off lead in Anzac Park for the following reasons:
 1. Anzac Park with its flat open green space and paved pathways close to the Village allows easy access and use for senior citizens, those with mobility issues, young people and families to enjoy the company of their dogs off lead and still under effective control.
 2. Anzac Park is an integral part Anzac traditions and lends itself to social gathering place for the community with their dogs off lead enjoying the freedom of outdoor space.
 3. Dogs are part of the Anzac family and traditions and recognised as Australia’s greatest war animals.”

7. PUBLIC QUESTION TIME

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

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

7.1 PUBLIC QUESTIONS ON NOTICE

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

Nil.

7.2 ANSWERS TO QUESTIONS ON NOTICE

The Mayor may address Questions on Notice submitted by members of the public.

Nil.

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 1 March 2021 Mrs Joanne Marsh of Bellerive asked the following question.

PEDESTRIAN SAFETY

A new pedestrian safety sign has been installed at the Howard Road/Brooker Highway intersection. It flashes for about ten seconds when the button is activated and reads give way to pedestrians.

Is it possible for Council engineers to consider installing a similar pedestrian safety device at the intersection facing the cars turning left from Kangaroo bay Drive into Rosny Hill Road where a similar pedestrian safety issue exists?

ANSWER

Council's engineers referred the question from Mrs Marsh to the Department of State Growth (DSG) to gauge an understanding of the signage used at the intersection of Brooker Highway and Howard Road in Glenorchy. The Department advised the GIVE WAY To PED sign was installed at the junction due to the excessive offset distance between the turning traffic and the pedestrian crosswalk.

The offset distance at the Kangaroo Bay Drive/Rosny Hill intersection is not as large as the Brooker Highway. Council's engineers are aware of the issue raised at the Kangaroo Bay Drive/Rosny Hill Road junction and are exploring options for improvement. Further advice will be provided to Aldermen when the assessment is complete.

7.4 QUESTIONS WITHOUT NOTICE

Mr Victor Marsh of Bellerive asked the following question.

BREAKWATER/PUBLIC PIER

1. When the breakwater/public pier is completed, what plans does the Clarence City Council have to combat anti-social behaviour such as drug and alcohol consumption, vandalism, littering, diving off the pier, riding of bikes and skateboarding, unrestrained dogs and general skylarking where people can gain access to the ledge on the sea wall side?
2. Also, will there be a limit to the amount of people allowed on the pier at any time because of Covid safety requirements?

ANSWER

1. Council is currently finalising signage requirements for the Bellerive Pier. The signage will include the standard signs for no swimming, no berthing, no bikes, no skateboards and a "deep water" advisory sign.

The signage will also display a gross load warning and "Persons using this facility do so at their own risk" warning. The signage is in line with signage at other similar locations in Hobart and will advise the public of what activities are permitted on the Pier.

As with any other public space, if there are issues with anti-social behaviour, those concerns can be raised either with Council or Tasmania Police, depending on the nature of the complaint.

2. Council is not considering any COVID19 signage for Bellerive Pier. The requirements around physical distancing of 1.5m has been in place for some time now. When Tasmania had staged restrictions last year, Council did put advisory physical distancing signages around some of its public places, however these were removed when restrictions eased. Council continues to monitor the Public Health requirements and will act in relation to all public open spaces, including the Pier, if requirements change in the future.

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-2020/014879 – 48 BRIDGE STREET, RICHMOND – CHANGE OF USE TO MEDICAL CENTRE
(REFER ITEM 11.3.2)

Michael Cooper of MCA Architects provided a deputation regarding the above Development Application which was read out by the General Manager.

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

SOUTH ARM OVAL REVISED MASTER PLAN EARTH BERM, PALING FENCE AND PLAY SPACE IMPLEMENTATION
(REFER ITEM 11.5.2)

Jenni McLeod provided a deputation regarding the above matter which was read out by the General Manager.

DEVELOPMENT APPLICATION PDPLANPMTD-2020/013697 – 20 AQUA PLACE, SEVEN MILE BEACH – 2 MULTIPLE DWELLINGS
(REFER ITEM 11.3.1)

Todd Leale 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 BLOMELEY ACTON ROAD TRAFFIC CONGESTION

In accordance with Notice given it was:

Decision:	MOVED Ald Blomeley SECONDED Ald von Bertouch	
	“In response to significant community concern, Council writes to the State Government requesting:	
	1. an urgent review of the road congestion issues at the Acton Road roundabout/interchange (connecting to the Tasman Highway); and	
	2. this review to include an assessment of available solutions to remedy this situation.”	
	CARRIED	
	FOR	AGAINST
	Ald Chipman	Ald Mulder
	Ald Blomeley	Ald Peers
	Ald Chong	
	Ald Edmunds	
	Ald Ewington	
	Ald James	
	Ald Kennedy	
	Ald von Bertouch	
	Ald Walker	
	Ald Warren	

**9.2 NOTICE OF MOTION - ALD VON BERTOUCHE
PUBLIC CONSULTATION PRIOR TO COUNCIL REQUEST TO MINISTER FOR
PLANNING TO AMEND THE SOUTHERN TASMANIAN REGIONAL LAND USE
STRATEGY**

In accordance with Notice given it was:

Decision:	MOVED Ald von Bertouch SECONDED Ald James	
	<p>“1. that prior to considering any further Council requests to the Minister for Planning to amend the Southern Tasmanian Regional Land Use Strategy (STRLUS), including any extension to the Urban Growth Boundary (UGB) within Clarence, Council as a matter of policy and best practice, undertakes broad public consultation before determining whether or not to support a particular request; and</p> <p>2. that the feedback received be included in any report to Council in the same manner as a land use planning application.”</p>	
	CARRIED	
	FOR	AGAINST
	Ald Edmunds	Ald Chipman
	Ald James	Ald Blomeley
	Ald Kennedy	Ald Chong
	Ald Peers	Ald Ewington
	Ald von Bertouch	Ald Mulder
	Ald Walker	
	Ald Warren	

**9.3 NOTICE OF MOTION - ALD EDMUNDS
22 BRIDGE STREET, RICHMOND**

In accordance with Notice given it was:

Decision:	MOVED Ald Edmunds SECONDED Ald Kennedy	
	<p>“That the Council waives all extra and discretionary fees relating to the business at 22 Bridge Street, Richmond and instead charges the regular fee (of \$386.60) for the lodgement of a development application for signage at the property.”</p> <p>The Mayor asked the Deputy Mayor to assume the Chair while he entered the debate as an Alderman (8.15pm).</p> <p>The Mayor resumed the Chair at 8.16pm.</p> <p>The MOTION was put and LOST</p>	
	FOR	AGAINST
	Ald Edmunds	Ald Chipman
	Ald Ewington	Ald Blomeley
	Ald James	Ald Chong
	Ald Kennedy	Ald von Bertouch
	Ald Mulder	Ald Walker
	Ald Peers	Ald Warren

10. *REPORTS FROM OUTSIDE BODIES**

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

10.1 *REPORTS FROM SINGLE AND JOINT AUTHORITIES**

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

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

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

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

Quarterly Reports

December Quarterly Report pending.

Representative Reporting

- **TASWATER CORPORATION**

- **GREATER HOBART COMMITTEE**

The Mayor tabled the Joint Communique for the Hobart City Deal Joint Ministerial Committee Meeting held on 5 March 2021.

The Mayor advised of the launch of the 2050 Vision for Greater Hobart, a copy has been provided to all Aldermen.

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 11 March 2021.

CLARENCE CULTURAL HISTORY ADVISORY COMMITTEE

- Ald Chong tabled the Minutes of a Meeting held on 24 February 2021.

RICHMOND ADVISORY COMMITTEE

- Ald Chong tabled the Minutes of a Meeting held on 16 December 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 1, 8 and 15 March 2021 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 1, 8 and 15 March 2021 be noted.

Decision: **MOVED** Ald Peers **SECONDED** Ald Blomeley

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS**11.2.1 PETITION - SOUTHERN TASMANIAN REGIONAL LAND USE STRATEGY - REVIEW OF URBAN GROWTH BOUNDARY AT 52 RICHARDSONS ROAD, SANDFORD****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the petition tabled at Council's Meeting of 1 March 2021, requesting Council to reconsider the proposal to request the Minister for Planning to extend the Urban Growth Boundary within the Southern Tasmanian Land Use Strategy to include the land at 52 Richardsons Road.

RELATION TO EXISTING POLICY/PLANS

The Southern Tasmanian Regional Land Use Strategy is relevant.

LEGISLATIVE REQUIREMENTS

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

CONSULTATION

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

RECOMMENDATION:

- A. That Council notes the intent of the petition.
- B. That Council authorises the General Manager to write to the petitioners acknowledging their concerns; advising that Council's decision of 9 February 2021 to support the proposed expansion of the Southern Tasmanian Regional Land Use Strategy's Urban Growth Boundary to include the land at 52 Richardsons Road, Sandford remains unchanged; and that it is likely that there will be opportunities for consultation when the Minister for Planning commences his formal consideration of the UGB request.

/ Refer to Page 18 for Decision on this Item...

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

Decision:**MOVED** Ald Chong **SECONDED** Ald Blomeley

“That the Recommendation be adopted”.

CARRIED**FOR**

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

AGAINST

Ald von Bertouch

11.2.2 PETITION – SOUTH ARM OVAL SKATE PARK INFRASTRUCTURE

EXECUTIVE SUMMARY

PURPOSE

To consider the petition tabled at Council's Meeting on 9 February 2021 from 548 signatories requesting that council not construct the berm and fence or wall at the South Arm Oval Skate Park. Also, a request to design the new play space and fund the construction of the play space in the 2021/2022 budget.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016-2026 for a Well Planned Liveable City is relevant.

LEGISLATIVE REQUIREMENTS

Section 60 of the Local Government Act, 1993 requires council to formally consider petitions within 42 days of the petition being tabled at a council meeting.

CONSULTATION

Consultation was undertaken during June to August 2020 through an on-line survey on council's website for community feedback on the Men's Shed, the play space design and three options for sound mitigation at the Skate Park.

FINANCIAL IMPLICATIONS

The estimated cost of the earth berm with a paling fence will be reported to council, as adopted at the Council Meeting of 12 October 2020.

RECOMMENDATION:

That Council:

- A. Notes the petition.
- B. Notes the General Manager's advice that the petition complies with Section 59 of the Local Government Act, 1993 (Tas).
- C. Notes council's decision of 12 October 2020 to adopt the revised South Arm Master Plan with an earth berm and paling fence.
- D. Authorises the General Manager to write to petitioners acknowledging their concerns and advising of council's decision.

Decision: **MOVED** Ald Warren **SECONDED** Ald James

"That the Recommendation be adopted".

CARRIED UNANIMOUSLY

11.3 PLANNING AUTHORITY MATTERS

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

11.3.1 DEVELOPMENT APPLICATION PDPLANPMTD-2020/013697 – 20 AQUA PLACE, SEVEN MILE BEACH - 2 MULTIPLE DWELLINGS**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 2 Multiple Dwellings at 20 Aqua Place, Seven Mile Beach.

RELATION TO PLANNING PROVISIONS

The land is zoned Village and subject to the Parking and Access, Stormwater Management, On-site Wastewater Management and Inundation Prone Areas 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 24 March 2021.

CONSULTATION

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

- a structure plan for Seven Mile Beach has not been undertaken;
- lot density;
- overshadowing;
- conflicting information on plans;
- setbacks;
- vehicle manoeuvring;
- lack of on-site visitor parking for Unit 2;
- stormwater management;
- private open space does not comply;
- bulk and scale; and
- inundation.

RECOMMENDATION:

- A. That the Development Application for 2 Multiple Dwellings at 20 Aqua Place Seven Mile Beach (CI Ref PDPLANPMTD-2020/013697) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN AP3 – AMENDED PLAN [the garage door on Unit 1 relocated to the eastern elevation to provide for adequate vehicle manoeuvring on-site].
 3. ENG A2 – CROSSOVER CHANGE.
 4. ENG A5 – SEALED CAR PARKING.
 5. ENG M1 – DESIGNS DA.
 6. ENG S1 – INFRASTRUCTURE REPAIR.
 7. The development must meet all required Conditions of Approval specified by TasWater notice dated 11 November 2020 (PDPLANPMTD-2020/013697).
- 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:	<p>MOVED Ald James SECONDED Ald Kennedy</p> <p>“That the Development Application for 2 Multiple Dwellings at 20 Aqua Place Seven Mile Beach, Tasmania 7170 (CI Ref PDPLANPMTD-2020/013697) be refused for the following reasons.</p> <ol style="list-style-type: none"> 1. The proposal does not satisfy the Clause 16.4.2(P2)(a)(i) as the setback to the side boundaries is insufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by overlooking and loss of privacy; 2. The proposal does not satisfy Clause 16.4.2(P2)(a)(ii) as the setback to the side boundaries is insufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining lots to less than 3 hours between 9.00am and 5.00pm on 21 June or further decrease sunlight hours if already less than 3 hours; and
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/ Decision contd on Page 23...

**DEVELOPMENT APPLICATION PDPLANPMTD-2020/013697 – 20 AQUA PLACE,
SEVEN MILE BEACH - 2 MULTIPLE DWELLINGS /Decision contd...**

3. The proposal does not satisfy Clause 16.4.2(P2)(a)(iii) as the setback to the side boundaries is insufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by visual impact, when viewed from adjoining lots, through building bulk and massing.”

REASONS

The proposed development has building setback to side boundaries that results in adverse impacts on residential amenity. In addition, setback to the side boundaries will cause adverse impacts on residential amenity on adjoining lots by overshadowing, loss of sunlight and visual impact including building bulk and massing when viewed from adjoining lots.

CARRIED**FOR**

Ald Edmunds
Ald James
Ald Kennedy
Ald Mulder
Ald Peers
Ald von Bertouch
Ald Warren

AGAINST

Ald Chipman
Ald Blomeley
Ald Chong
Ald Ewington
Ald Walker

11.3.2 DEVELOPMENT APPLICATION PDPLANPMTD-2020/014879 – 48 BRIDGE STREET, RICHMOND - CHANGE OF USE TO MEDICAL CENTRE**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Change of Use to Medical Centre at 48 Bridge Street, Richmond.

RELATION TO PLANNING PROVISIONS

The land is zoned General Business and subject to the Historic Heritage, 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 24 March 2021.

CONSULTATION

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

- impact on car parking;
- impact on pedestrian safety and movement;
- impact on heritage values; and
- the proposal is not suitable for the location.

RECOMMENDATION:

A. That the Development Application for Change of Use to Medical Centre at 48 Bridge Street, Richmond (Cl Ref PDPLANPMTD-2020/014879) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN C2 – CASH-IN-LIEU
[\$27,500] [5].

3. GEN AM5 – TRADING HOURS
Monday - Saturday 6am to 10pm; and
Sundays and Public Holidays 7am to 9pm.
4. External lighting must be turned off between 11pm and 6am, except for security lighting.
5. Commercial vehicle movements to or from the site must be within the hours of:
Monday - Saturday 6am to 10pm; and
Sundays and Public Holidays 7am to 9pm.
6. Any works to the front door must re-use existing materials and be supplemented with like-for-like material. Details must be provided and approved by Council's Manager City Planning prior to the issue of a Certificate of Likely Compliance or notification of works.
7. The proposed front door must be proportionally similar to the existing front door. Details must be provided and approved by Council's Manager City Planning prior to the issue of a Certificate of Likely Compliance or notification of works.
8. GEN S7 – SIGN MAINTENANCE.
9. GEN EX1 – TASMANIAN HERITAGE COUNCIL.

ADVICE

A Building Surveyor must be engaged for certification for a change of use and building classification, these need to be lodged with Council and then the Building Surveyor may issue a new occupancy permit.

- 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 Walker declared an Interest in this Item and left the meeting prior to discussion (9.08pm).

Decision:	MOVED Ald Chong SECONDED Ald Ewington "That the Recommendation be adopted". CARRIED UNANIMOUSLY
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Ald Walker returned to the meeting at this stage (9.13pm).

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 TASMANIAN DRAFT WASTE AND RESOURCE RECOVERY BILL 2021 - CONSULTATION**

(ECM: 4545250)

EXECUTIVE SUMMARY**PURPOSE**

To consider the Department of Primary Industries, Parks, Water and Environment's Draft Waste and Resource Recovery Bill.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016/2026 is relevant.

LEGISLATIVE REQUIREMENTS

Nil at this time.

CONSULTATION

Community consultation on the Draft Waste and Resource Recovery Bill 2021 (the Bill) has recently closed.

FINANCIAL IMPLICATIONS

There are no financial implications associated with council's response to this consultation. However, there will be financial implications to council and the community should the Bill be legislated.

RECOMMENDATION:

- A. That council notes the Department of Primary Industries, Parks, Water and Environment's Tasmanian Draft Waste and Resource Recovery Bill released for public comment.
- B. That council endorses the 12 March 2021 letter, Attachment 1 to the Associated Report, to the Department of Primary Industries, Parks, Water and Environment as feedback on the Draft Waste and Resource Recovery Bill.

Decision: **MOVED** Ald Mulder **SECONDED** Ald Edmunds

- "A. That council notes the Department of Primary Industries, Parks, Water and Environment's Tasmanian Draft Waste and Resource Recovery Bill released for public comment.
- B. That council endorses the 12 March 2021 letter, Attachment 1 to the Associated Report, to the Department of Primary Industries, Parks, Water and Environment as feedback on the Draft Waste and Resource Recovery Bill.

/ Decision contd on Page 28...

TASMANIAN DRAFT WASTE AND RESOURCE RECOVERY BILL 2021 - CONSULTATION /Decision contd...

- C. That Council advises the Department that, where Councils operate a recycling scheme, they should be excluded from the landfill waste levy for the following reasons.
- Household waste collected from the kerbside constitutes only 30% of landfill.
 - Recyclables are already separated from general waste and diverted to a separate re-use stream.
 - Council kerbside waste collection charges are based on volume and there is no incentive for reducing the weight of material collected and destined for landfill.
 - Imposition of a landfill gate levy on kerbside collection raises revenue without achieving the ‘*avoiding, reusing and recycling*’ principles of the waste levy.
 - The exemption of kerbside collection is readily achieved as the weight of kerbside collections measured at the transfer station can be deducted from total tonnage sent to landfill.”

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

FOR

Ald Edmunds
Ald Ewington
Ald James
Ald Kennedy
Ald Mulder
Ald Peers

AGAINST

Ald Chipman
Ald Blomeley
Ald Chong
Ald von Bertouch
Ald Walker
Ald Warren

FORESHADOWED MOTION

MOVED Ald Walker **SECONDED** Ald Warren

“That the Recommendation be adopted”.

CARRIED

FOR

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

AGAINST

Ald Edmunds
Ald James
Ald Kennedy (abstained)

11.5.2 SOUTH ARM OVAL REVISED MASTER PLAN EARTH BERM, PALING FENCE AND PLAY SPACE IMPLEMENTATION**EXECUTIVE SUMMARY****PURPOSE**

To consider the design and cost estimates for the earth berm, paling lap fence and the playground space as part of the South Arm Oval Revised Master Plan implementation.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016-2026 and Community Engagement Policy are relevant.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

The South Arm Oval Master Plan has been subject to previous community consultation. Residents adjacent to the Skate Park and key stakeholders were invited to comment on the revision of the South Arm Oval Master Plan from June to end of July 2020. Feedback was sought on three main components:

- proposed Men's Shed;
- skate park noise mitigation options; and
- children's play space design.

This report will focus on the last two dot points.

FINANCIAL IMPLICATIONS

There are funds within the 2020-2021 Passive Recreation Capital Works Budget for the South Arm Master Plan implementation. Should council support the construction of the earth berm and paling lap fence and the playground, funding to support the decision will be considered by council as part of the 2021-2022 Capital Works Program deliberations.

RECOMMENDATION:

- A. That council authorises the General Manager to complete the design of the earth berm, paling fence and playground design.
- B. That council authorises the General Manager to present the earth berm, paling fence and play space design for consideration as part of the 2021/2022 Capital Works Program and to pursue grant funding for these Master Plan elements to enable construction within a year.
- C. That council authorises the General Manager to write to nearby residents and property owners to the South Arm Oval; SAPRA and Calverton Hall Committee advising of council's decision.

/ Refer to Page 30 for Decision on this Item...

**SOUTH ARM OVAL REVISED MASTER PLAN EARTH BERM, PALING FENCE
AND PLAY SPACE IMPLEMENTATION /contd...**

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

11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 LOCAL GOVERNMENT ASSOCIATION OF TASMANIA - PRESIDENT AND GENERAL MANAGEMENT COMMITTEE ELECTIONS****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider nominations for the position of President of the Local Government Association of Tasmania (LGAT) and one position for Committee Member of the General Management Committee.

RELATION TO EXISTING POLICY/PLANS

There are no Council Strategic Plan/Policy implications in respect to this matter. However, Council has had a long-term strategic commitment to seek representation and pursue active participation on Regional, Local and State representative bodies.

LEGISLATIVE REQUIREMENTS

The Local Government Association of Tasmania has appointed the Tasmanian Electoral Commission to conduct the election process for the filling of the relevant positions.

CONSULTATION

All communication on the election is carried out by the Tasmanian Electoral Commission. A circular has been sent to all Councils to seek nominations.

FINANCIAL IMPLICATIONS

Not applicable to this report.

RECOMMENDATION:

- A. That Council nominates an Alderman as a candidate for election as President of the Local Government Association of Tasmania.
- B. That Council nominates an Alderman as a candidate for election as Committee Member for the Southern Electoral District.

Decision:	A. No nominations were received for a candidate for the position of President for the Local Government Association of Tasmania.
	B. Ald Mulder nominated Ald James as a candidate for the position of Committee Member for the Southern Electoral District.

/ Decision contd on Page 33...

**LOCAL GOVERNMENT ASSOCIATION OF TASMANIA - PRESIDENT AND
GENERAL MANAGEMENT COMMITTEE ELECTIONS /Decision contd...**

Ald Walker **nominated** Ald Chong as a candidate for the position of Committee Member for the Southern Electoral District.

There being 2 nominations received a ballot was conducted and Ald James was duly elected.

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 Ewington

- 1 What if anything is council doing to remedy the parking and traffic safety issues around and along Mornington Road?

ANSWER

Our internal traffic working group is presently assessing the parking issue in Mornington Road and McIntyre Street. It will take some time to complete that investigation and I will advise Aldermen in due course when we have completed that body of work.

- 2 I went to the LGAT conference in Launceston last week and there was an interesting discussion on resource sharing with Councils. What level of resource sharing or collaboration are we having with other councils?

ANSWER

Council is involved in a range of activities where we resource share or work collaboratively with our neighbouring councils. An example would be the dog pound, we have a long term agreement in place with Hobart, Glenorchy and Brighton regarding the dogs' home and how that operates. Copping waste disposal site is another good example that is a collaboration between ourselves, Kingborough, Sorell and Tasman. Recycling is another good example in terms of a southern Tasmanian approach to recycling, we work collaboratively between the 12 southern councils to negotiate an agreement on common terms.

We work regularly with other councils to tender for road resealing and sometimes this is also facilitated through the Local Government of Tasmania. We are finding that on a more frequent basis because of the Greater Hobart Act and City Deal that the four metro councils are working collaboratively. Probably the most pertinent example of that is the initial work for the development of the metro plan which will feed into the review of the Southern Tasmanian Regional Land Use Strategy. The four metro councils have committed resources to that, and work is well underway.

The other point I would make is from time to time we assist our neighbouring councils when we have resource capacity and they need some help. It's something we have done periodically but it is not a common and on-going thing in comparison to a number of councils in the north that have on-going permanent arrangements. Latrobe Kentish is a good example.

Ald Kennedy

1. I refer to the memo we received on 24 February in regard to the Interim Planning Directive 4 exemptions which took effect on 22 February. Have we had much feedback on that and if there is actually a transitional period in place for the people who may have submitted development applications say a couple of days before?

ANSWER

I do not believe we have had any feedback at this point. There's also no transitional arrangements. It comes into effect on the day it was issued however we have done our best to inform people that we deal with of the change.

2. How was that information or consultation actually put out to the wider community?

ANSWER

There was no consultation by the State Government. It was their initiative, so it was not a matter for council to consult on. So, there has been no community consultation on it.

Ald Edmunds

1. Could we have an update on how things went with the smoke free area around Bellerive Oval during this summer. Perhaps it was a good time to have it with smaller crowds so perhaps just an update.

ANSWER

The feedback was generally very positive all round. We have actually done a detailed report that I can circulate to the Aldermen.

2. What is the process in terms of if an Alderman was to disclose confidential information or confidential discussions to the public. Is that just done through the code of conduct or is that something council takes action on?

ANSWER

In broad terms there are two avenues. It could be a code of conduct issue or it could be a complaint directly to the Director of Local Government who has the power under the Act to investigate and make any necessary referrals. The ultimate referral is it could go off to the DPP if the matter is serious enough to be investigated and prosecuted.

Ald Walker

1. Nearly eighteen months ago a notice of motion I put forward regarding RID squads was passed by council. I have really received no feedback other than to say that the waste body that we were going to involve in discussions doesn't exist. I would like to get a further update or any potential momentum around it especially in light of the fact that with the waste levy coming in there is going to be far more likelihood of illegal dumping increasing across private, State and Local Government land?

ANSWER

The notice of motion asked for that to be referred to the STCA Southern Waste Group which has since folded. The new southern areas waste group is working on strategic items at the moment. I went to an information session on the waste levy which will be coming to a council workshop to explain. Aspects of illegal dumping will need to be considered in the future particularly how this is managed through the waste levy.

2. Regarding extension of the permit for Kangaroo Bay granted in 2019, at that time were there any impediments that would have stopped this council from exercising the buyback clause? I refer to the decision of October 2019 when there was no COVID-19 or force majeure events.

ANSWER

My recollection is that the extension was triggered by the issue with TAFE withdrawing so like the most recent consideration the issue would be whether that would be regarded as a force majeure issue and we can debate whether that would have or not so I will address the question in two parts. If it wasn't regarded as a force majeure, so within the control of Chambroad in other words, then it would have been open to council to initiate the buyback. If it was legally regarded as a force majeure issue then we would have been in the circumstance as we have recently found ourselves, required to provide an extension to comply with the contract terms.

Question contd

Has or has not the force majeure component that came into place been put largely around COVID-19 causing difficulties arranging a contract rather than it being difficult in general?

ANSWER

The issue if I can answer it this way is that at each point in time when council received a request for extension council needed to consider that in the context of the circumstances present at that point so you aren't able to reflect back on history it's about what are the circumstances that give rise to that particular request.

Question contd

I have no recollection of force majeure mentioned at that time and I don't believe that answer has given me clarity. I am going to have to work out ways of asking that again.

(Mayor) The question of force majeure was never put to us last time as a reason why we should extend it. I think that it was just the mood of the council of the day that it should be granted because they wanted to see it go ahead that was my perception at the time.

(Ald Mulder) Did we have to come up with reasons for refusing the application for extension in October 2019 because the contract says and it has been told to us 100 times, we can't unreasonably refuse the extension. Before we got to buy back we needed to come up with reasons to refuse and I think that would be the critical issue.

(Mayor) It wasn't countenanced at the time I think as a result of workshops and discussions council was of a mood to extend it as I recall so the issue of reasons to the contrary did not come up.

(Ald Mulder) I think there needs to be reasons not to extend.

ANSWER

(General Manager) In that context it is probably best that I take that question on notice and look at the actual words of the contract because in my mind without the contract in front of me I need to have a look at what the words of the two relevant clauses say. It is very clear that clause 6A, which is the force majeure clause, includes requirements for reasonable consideration. I haven't got to the front of my mind, I think it is what clause 6.3 says in respect to its specific wording because I haven't had to think about that for quite a period of time, a couple of years.

(Mayor) If I could add to that if when reviewing it you could look at the officer's report for that particular decision as well to get the context around it?

(Ald Blomeley) As a clarification, my interpretation of Ald Walker's question is totally different to where we are now it is about when the buyback was an option in 2019. Am I correct?

ANSWER

(Mayor) We will take it on notice and see if we can provide the clarity you are looking for.

Further advice

(General Manager) Following further discussion with Alderman Walker, I believe the essence of the question is this – in regard to the first and second extensions of time, was it open to council to buyback the land? The answer to that question is 'yes, unless the council as Vendor at that time has wilfully in default on a term of the agreement'. At those times Council had met its obligations under the agreement. So, the buyback right was an option for council to exercise in respect to the first two time extensions. The decision to grant the extension of time in May 2019 and November 2019 was based on advice received that the proponent needed further time to secure an education provider and was not related to force majeure.

By contrast, the third time extension was subject to a 'force majeure' situation which invoked a separate requirement to not unreasonably withhold consent to the time extension request if satisfied that all reasonable attempts have been made to comply with the time limit or that non-compliance is for reasons not within the reasonable control of the other party.

Ald Blomeley

1. I understand that lease negotiations between council and the Rokeby Neighbourhood Centre have been on the books for some time now. Could you please provide an update on where these negotiations are at?

ANSWER

We have been negotiating with the Rokeby Neighbourhood Centre for well over 2 years at this point in time. Their lease expired coming up to three years ago so between 2-3 years actively negotiating in an environment where the lease was continuing at will. I unfortunately had to provide instructions to officers in the last couple of weeks to provide a fourteen day notice period to the Rokeby Neighbourhood Centre that if they were able to bring themselves to conclude the lease negotiations then we would actively consider termination of the existing lease. Over the period of negotiations we have had a number of issues in terms of the way that negotiations have been conducted that has left us incredibly dissatisfied with the position that we are in and obviously it is a very serious issue for us to take the action we have contemplated, it is only as a last resort. Ultimately if we can find a solution, we would be happy to do that but after well over 2 years' worth of negotiations it was time to say "enough".

2. Following the 2019 severe weather event that tore off the roof of the Clarendon Vale Oval Changerooms, you would be aware the Rokeby Cricket Club and other users of that facility have been forced to use shipping containers as temporary accommodation, could you please indicate where council is at with replacing these facilities?

ANSWER

We are still dealing with our insurance brokers to deal with the insurance company on what is a possible payout. It has taken almost eighteen months, but we are still involved in those negotiations. Council can be informed that we were unsuccessful with the State Government fund that council considered at a workshop and we took direction to put that in as a grant opportunity. Officers are looking at what possible budget considerations we can put to council to consider in 2021-22 for replacement of the containers.

(General Manager) There is a temporary building in place and that has been dealt with as part of the insurance arrangements. The Sport and Recreation Advisory Committee has been actively looking at this project amongst a list of other projects and actively considering the long term issues associated with that site. Those issues are complex but certainly there is an intention to have a full and frank discussion about those buildings and that project as part of the budget process this year.

Question contd

I understand that the Rokeby Cricket Club which is a sporting club in a disadvantaged community who has been dealt such a devastating blow is being charged an hourly rate of ten dollars to use the shipping container. Is that something that council would consider waiving?

ANSWER

That is a fee set by council under the List of Fees and Charges. It is at the discretion of council if it would like to waive that charge?

Ald Peers

A person lost their wallet down one of the rainwater drains in Bayfield Street, they tried to get it out but they realised the grate was locked. Being a weekend, they had no idea who has the key, does council, could someone let me know who would have a key to that?

ANSWER

If it is a stormwater grate. I would assume council would have a key to that and our out of hours workforce could be contacted in terms of releasing the grate.

Ald James

1. This council in my opinion made a landmark decision last year in regarding the Local Provisions schedule so my question is where are we at with that and given that the public hearings are coming up could you provide us with an update on where we are at with the local provisions schedule that this council clearly endorsed back early last year.

ANSWER

I am pleased to say that the hearing stage was completed some months ago. There are some delays for information that the Tasmanian Planning Commission has requested the most important one of those relates to information from the Hobart Airport relating to its noise exposure area to the satisfaction of the commission so hopefully that won't be too long in conclusion.

2. I have been advised that the public pier will cost about \$2.5M. Having said that my question is will the contingency provisions be applied in relation to picking up the variants?

ANSWER

As I advised previously, we are still awaiting resolution of the claims through the contract so when that matter has been resolved we will have a better understanding of the financial status and I will provide advice to council.

Question contd

Is it true that the \$2.5M is the cost that has been incurred to date and there will be an approach for contract variations to increase that to meet the contingency factor?

ANSWER

I don't know what the costs are to date. Our last claim would have been in January. I can inform council as to what has been claimed as at the end of January.

Ald Warren

Thank you for the package of information that we have received this evening however I question whether the blue plastic folder is a necessary and I am getting quite a collection of these. I wonder with the agreement of my fellow Aldermen can we say that this is an unnecessary use of plastic?

ANSWER

(Mayor) It is a matter for Council to determine.

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.

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:

13.1 APPLICATIONS FOR LEAVE OF ABSENCE

This report has been listed in the Closed Meeting section of the Council agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulation 2015 as the detail covered in the report relates to:

- 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.

The Meeting closed at 10.42pm