

MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 30 AUGUST 2021

HOURLY CALLED: 7.00pm

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

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

1. APOLOGIES Nil

ORDER OF BUSINESS Items 1 – 9.2; 9.3; 9.2 (recommitted);10-13

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)

Manager Communication and Strategic Development
(Mr C Paske)

Executive Officer to the General Manager
(Ms J Ellis)

The Meeting closed at 9.46 pm.

COUNCIL MEETING
MONDAY 30 AUGUST 2021

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BUSINESS TO BE CONDUCTED AT THIS MEETING IS TO BE CONDUCTED IN THE ORDER IN WHICH IT IS SET OUT IN THIS AGENDA UNLESS THE COUNCIL BY ABSOLUTE MAJORITY DETERMINES OTHERWISE

COUNCIL MEETINGS, NOT INCLUDING CLOSED MEETING, ARE AUDIO-VISUALLY RECORDED AND PUBLISHED TO COUNCIL'S WEBSITE

1. ATTENDANCE AND APOLOGIES

Refer to cover page.

2. ***CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Council Meeting held on 9 August 2021, as circulated, be taken as read and confirmed.

Decision: **MOVED** Ald Peers **SECONDED** Ald Warren

“That the Minutes of the Council Meeting held on 9 August 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

| | |
|----------------|---|
| 10 August 2021 | TasWater Expert Advisory Group |
| 12 August 2021 | ABC Radio Interview – Ryk Goddard – Dog Policy Update |
| 13 August 2021 | National Reconciliation Week 2021 Meeting with Minister Jaensch and Minister Ferguson |
| 14 August 2021 | Clarence City Band Gala Concert |
| 17 August 2021 | Southern COVID-19 Regional Recovery Committee Greater Hobart Mayors Forum |
| 18 August 2021 | Greater Hobart Committee and Advisory Group Meeting |
| 19 August 2021 | RDA Tasmania Committee Meeting |
| 24 August 2021 | TRIPLE M Radio Interview with Brian Carlton – Rosny Golf Course |
| 29 August 2021 | Exhibition: Tasmanian Ceramics Assoc exhibition and Awards Exhibition: David Walker & Dawn Oakford |

Deputy Mayor

| | |
|----------------|--|
| 18 August 2021 | Vietnam Veterans Day – Greater Hobart Branch Commemorative Service Luncheon |
| 26 August 2021 | Clarence Cricket Club VET course students from Rosny College and photo opportunity |

MAYOR'S COMMUNICATION – MEETINGS AND ATTENDANCES /contd...

Other Aldermen

Alderman Warren

| | |
|----------------|---|
| 12 August 2021 | 137 th Annual Art Society of Tasmania Exhibition |
| 13 August 2021 | National Reconciliation Week Breakfast |
| 18 August 2021 | Gala Opening of the 2021 Musical Strictly Ballroom |

Alderman Kennedy

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| 13 August 2021 | National Reconciliation Week Breakfast |
| 22 August 2021 | Fashion Event – Rosny Farm Winter Series |

Alderman Von Bertouch

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| 17 August 2021 | Celebrate the MyState Foundation's 20th Anniversary |
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Alderman Blomeley

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| 18 August 2021 | Vietnam Veterans Day – Lindisfarne RSL Sub-Branch |
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Alderman Ewington

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| 25 August 2021 | Warrane Mornington Neighbourhood Centre Annual General Meeting |
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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 |
|---|-----------|
| Volunteers Clarence Presentation | |
| Access and Inclusion Plan | |
| Stormwater Code Standards | |
| Pipeclay Esplanade | |
| Confidential Land Matters | |
| Elected Member WHS Review | 16 August |
| Confidential Metro Plan Update | |
| Confidential Rosny Golf Course EOI Update | |
| Elected Member WHS Review | 23 August |

RECOMMENDATION:

That Council notes the workshops conducted.

Decision: **MOVED** Ald Peers **SECONDED** Ald Warren

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

5. DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE

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

INTEREST DECLARED

Alderman Chong

Item No. 9.2

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 33 signatories requesting an immediate opportunity for consultation regarding the barriers erected at the access points of Long View and Seamist Walks and that any works be halted until a reasonable opportunity for consultation occurs.

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.

Questions on notice and their answers will be included in the minutes.

Mr Bradley Walker of Howrah has given notice of the following question:

SUBDIVISION REPRESENTATIONS

Taking in account current subdivisions being done in increasingly smaller stages and having multiple minor amendments creating further individual sealed plan identifiers some as small as 1 or 2 titles per sealed plan number.

Can the Clarence City Council please confirm that it is best serving its community to only notify and consider representations of parties within the same sealed plan for Applications of Request to Change the Planning Scheme?

Mrs Denise Hoggan of Rosny has given notice of the following question:

LOCAL PROVISIONS SCHEDULES

In the answers to Aldermen's questions in the agenda of 9 August last, reference is made to the fact that the Tasmanian Planning Commission is requiring "certain parts" of the LPS to be readvertised.

- (i) What parts of the Local Provisions Schedules are required to be readvertised?
- (ii) Where will they be readvertised, and will previous representors be personally informed?

7.2 ANSWERS TO QUESTIONS ON NOTICE

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

SUBDIVISION REPRESENTATIONS

In relation to an application to amend a sealed plan, the *Local Government (Building and Miscellaneous Provisions) Act 1993* (LGBMP) provides that only parties that have an estate or interest at law (ie an owner or a mortgagee) in relation to the sealed plan are to be notified of the application to amend. Council does not have a role under LGBMP to notify other parties of an applicant's application to amend a sealed plan and cannot go beyond its statutory role. The obligation to notify rests with the applicant, and only requires the applicant to notify those parties who have an estate or interest at law of the application. In respect of *PDSLDPLAN-2019/002482*, owners in the locality who were not a party to the sealed plan and therefore not entitled to be heard, were incorrectly told that they were entitled to be heard by a third party. Unfortunately, that caused confusion that council was required to address.

LOCAL PROVISIONS SCHEDULES

On 25 June 2021 the Tasmanian Planning Commission advised council that it had determined that modifications were required to the draft LPS. Eight modifications were considered substantial and itemised in an attachment to the letter (a copy of the letter and associated decision is available on the Commission's Website).

It is understood that the Commission has already advised representors of these modifications, which concern the zoning, overlay or controls of the following:

1. Lindisfarne Ridge/Flagstaff Gully zoning;
2. Howrah Hills zoning;
3. Rosny Hill Nature Recreation Area zoning;
4. Road and Railway Assets Code – road or railway attenuation area overlay;
5. Natural Assets Code - waterway and coastal protection area overlay;
6. Flood-Prone Areas Hazard Code;
7. Potentially Contaminated Land Code; and
8. Safeguarding of Airports Code - Cambridge Airport.

Following amendments to the *Land Use Planning and Approvals Act 1993*, on 29 July 2021 the Commission advised that it intended to issue a notice on 1 September 2021 that will override the requirement to re-exhibit the substantial modifications under the former process. Instead, a modified version of the draft LPS will be approved and the 8 substantial modifications will be converted into future amendments and subject to the statutory process specified under the Act (which will include public exhibition).

The Commission has since advised that on 1 September its decision and notice will be published on its website and that all representors will be notified. If representors have any queries on this, they are invited to contact the commission directly.

7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

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

At Council's Meeting of 9 August 2021 Mrs Joanne Marsh of Bellerive asked the following question.

KANGAROO BAY OVAL

What has been the cost of upgrading and maintaining Kangaroo Bay oval since public access was restricted when it became a cricket ground?

ANSWER

A council decision was made to develop Kangaroo Bay Oval as council's second turf wicket suitable for First Grade cricket and host under age National cricket games, similar to the standard of Lindisfarne Oval No. 1. This facilitated the relocation of Clarence District Cricket Club from Bellerive Oval. The cost to upgrade Kangaroo Bay oval to a turf wicket involved capital budget funds of \$985,540 to cover the ground relocation (further to the west), turf wicket, drainage, irrigation, fencing and practice wickets. The maintenance budget costs since 2014/2015 have been \$925,000. During winter periods Eastern Region Junior Soccer has been playing at the ground and this year discussions have been held with Rosny College on the use of the ground for some classes.

Prior to this the oval was used for cricket and junior athletics, still involving bookings for usage. The junior athletics has been relocated to Clarence High School.

7.4 QUESTIONS WITHOUT NOTICE

The Chairperson may invite members of the public present to ask questions without notice.

Questions are to relate to the activities of the Council. Questions without notice will be dependent on available time at the meeting.

Council Policy provides that the Chairperson may refuse to allow a question on notice to be listed or refuse to respond to a question put at a meeting without notice that relates to any item listed on the agenda for the Council meeting (note: this ground for refusal is in order to avoid any procedural fairness concerns arising in respect to any matter to be determined on the Council Meeting Agenda.

When dealing with Questions without Notice that require research and a more detailed response the Chairman may require that the question be put on notice and in writing. Wherever possible, answers will be provided at the next ordinary Council Meeting.

Mrs Joanne Marsh of Bellerive submitted the following question.

VICTORIA ESPLANADE SHARED PATHWAY

On some parts of the Victoria Esplanade shared pathway I need to move myself and my greyhound off the path when bikes are approaching because of plants encroaching onto the pathway. There is also woodchip mulch strewn all over the pathway on a narrower part of the path near the public pier. Older pedestrians and people with disabilities are made vulnerable by these nuisances. When is the next check by the maintenance crew scheduled for this pathway to ensure that it is safe and amenable for all users? If it is not due soon could an unscheduled maintenance check be conducted?

ANSWER

Our crew have been scheduled today to undertake the vegetation clearing along the Victoria Esplanade foreshore pathway. Following today's work, our crew will review whether they have addressed the enquired issues or whether they need to schedule further work.

Mr Victor Marsh of Bellerive asked the following.

BELLERIVE BEACH REGIONAL PARK

The recent stage in the upgrading of the Bellerive Beach Regional Park costing \$600,000 has been completed. On 31 August 2020 Joanne Marsh asked a question without notice about an extensive pooling of water on the pathways and park surfaces along the length of the park after heavy rain. A council officer said in response "the proposed levels of the new pathway and adjacent transitions to the existing park land include contouring surface runoff towards new stormwater pits to help manage the issues of pooling water". I believe that this response was misleading because on 16 August 2021 after heavy rain the disappearing tarn beside the pathway leading from the playground to the toilets returned worse than ever. When is the Clarence City Council going to manage stormwater competently and fix this embarrassing mess?

ANSWER

The General Manager took the question on notice.

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| 8. DEPUTATIONS BY MEMBERS OF THE PUBLIC |
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(In accordance with Regulation 38 of the Local Government (Meeting Procedures) Regulations 2015 and in accordance with Council Policy, deputation requests are invited to address the Meeting and make statements or deliver reports to Council)

Nil

9. MOTIONS ON NOTICE

9.1 NOTICE OF MOTION - ALD CHIPMAN REVIEW OF ELECTED MEMBERS' WORKPLACE ENVIRONMENT

In accordance with Notice given, Ald Chipman intended to move the following motion:

- “1. That the General Manager, on behalf of council, commission an independent person suitably qualified and experienced in work health and safety, anti-discrimination, and associated workplace standards, to undertake a review of elected members' workplace environment. The review should canvas elected representatives and senior staff and deliver a confidential report which appraises existing compliance with legislation and advises council on any actions needed to promote a safe and respectful workplace for all participants.
2. The Mayor responds to the Director of Local Government's letter of 4 August 2021 advising him of the above action.”

The Mayor asked the Deputy Mayor to **assume** the Chair while his Motion on Notice was before the Meeting (7.14pm).

With the Leave of the Meeting the Mayor amended his Motion and it was:

| | |
|------------------|---|
| Decision: | MOVED: Ald Chipman SECONDED: Ald Warren |
| “1. | That the General Manager, on behalf of council and as a matter of priority, commission an independent person suitably qualified and experienced in work health and safety, anti-discrimination, and associated workplace standards, to undertake a review of elected members' workplace environment. The review should anonymously canvas elected representatives and senior staff and deliver a report (confidential where appropriate) which appraises existing compliance with legislation and openly advises council on any actions needed to promote a safe and respectful workplace for all participants. |
| 2. | That the cost of the review not exceed \$20,000 and be accommodated from within the existing Governance budget. |
| 3. | The Mayor responds to the Director of Local Government's letter of 4 August 2021 advising him of the above action”. |

/Decision contd on Page 15...

**NOTICE OF MOTION - ALD CHIPMAN
REVIEW OF ELECTED MEMBERS' WORKPLACE ENVIRONMENT /contd...**

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

FOR

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

AGAINST

Ald James
Ald von Bertouch

The Mayor **resumed** the Chair at 7.43 pm

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|---|
| 9.2 NOTICE OF MOTION - ALD EDMUNDS AMENDING THE LAND USE PLANNING AND APPROVALS ACT 1993 |
|---|

In accordance with Notice given, Ald Edmunds intended to move the following motion:

“That LGAT lobby the State Government to consider amending the Land Use Planning and Approvals Act 1993 to provide an alternative mechanism for consideration of development applications submitted by elected members, as a means to removing any perception of bias or conflict of interest.”

Ald Chong Declared an Interest in this item and left the meeting prior to discussion (7.43 pm)

Ald Edmunds sought the Leave of the Meeting to amend his motion as follows:

“That LGAT lobby the State Government to investigate amending the Land Use Planning and Approvals Act, 1993 to provide alternative mechanisms for consideration of development applications submitted by elected members as a means to removing any perception of bias or conflict of interest.

The investigation shall provide pros and cons of any (alternative) solutions”.

Consideration of this item was **suspended** to enable circulation of the revised motion to Aldermen (7.45 pm)

Ald Chong returned to the meeting at 7.45 pm. Item 9.3 was dealt with at this stage.

Item 9.2 was **resumed** at 8.09 pm

Ald Chong left the meeting at this stage (8.09 pm)

The Motion was **recommitted** for consideration and it was:

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| Decision: | MOVED: Ald Edmunds SECONDED: Ald Walker |
| | <p>“That LGAT lobby the State Government to investigate amending the Land Use Planning and Approvals Act, 1993 to provide alternative mechanisms for consideration of development applications submitted by elected members as a means to removing any perception of bias or conflict of interest.</p> <p>The investigation shall provide pros and cons of any (alternative) solutions”.</p> |

/Decision contd on Page 17...

**NOTICE OF MOTION - ALD EDMUNDS
AMENDING THE LAND USE PLANNING AND APPROVALS ACT 1993
/Decision contd..**

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

FOR

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

AGAINST

Ald Blomeley
Ald Ewington
Ald James
Ald Peers
Ald von Bertouch

Ald Chong returned to the Meeting at this stage (8.43 pm)

9.3 NOTICE OF MOTION - ALD MULDER COVID-19 VACCINATIONS

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

- “A. That Clarence Aldermen demonstrate COVID 19 community leadership by providing to the General Manager:
 - 1. their current vaccination status by September 30, 2021; and
 - 2. evidence of double vaccination by November 30, 2021.
- B. That the vaccination status of elected members be reported in the Mayor’s Communication at council meetings.
- C. Effective November 30, 2021, evidence of vaccination, as reported in the Mayor’s Communication, be a condition of entry to Council Chambers for elected members.”

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

| | | |
|------------------|---|------------------|
| Decision: | MOVED: Ald Mulder SECONDED: Ald Warren | |
| | “That elected members of Clarence Council be encouraged to demonstrate community leadership by publicly declaring their COVID vaccination status and intentions”. | |
| | The MOTION was put and CARRIED | |
| | FOR | AGAINST |
| | Ald Chipman | Ald Blomeley |
| | Ald Chong | Ald James |
| | Ald Edmunds | Ald Ewington |
| | Ald Kennedy | Ald von Bertouch |
| | Ald Mulder | |
| | Ald Peers | |
| | Ald Walker | |
| | 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

June Quarterly Report pending.

Representative Reporting

- **TASWATER CORPORATION**

- **GREATER HOBART COMMITTEE**

The Mayor has provided a Communique of a meeting of the Greater Hobart Committee held on 18 August 2021 and the 2050 Vision for Greater Hobart.

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

- **RICHMOND BICENTENARY COMMITTEE**

Ald Chong tabled Minutes of a meeting held on 8 July 2021

- **RICHMOND ADVISORY COMMITTEE**

Ald Chong tabled Minutes of a meeting held on 21 July 2021

- **YOUTH ADVISORY COMMITTEE**

Ald Chong tabled Minutes of a meeting held on 25 May 2021

- **CULTURAL HISTORY ADVISORY COMMITTEE**

Ald Chong tabled Minutes of a meeting held on 26 May 2021

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

The Weekly Briefing Reports of 9, 16 and 23 August 2021 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 9, 16 and 23 August 2021 be noted.

Decision: **MOVED** Ald Peers **SECONDED** Ald Warren

“That the Recommendation be adopted”.

CARRIED

11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

11.2.1 PETITIONS – DRAFT DOG MANAGEMENT POLICY

EXECUTIVE SUMMARY

PURPOSE

To consider a petition tabled at Council's Meeting of 9 August 2021 regarding the revised draft Dog Management Policy, specifically relating to dog exercise areas.

RELATION TO EXISTING POLICY/PLANS

The draft revision of Council's Dog Management Policy including the Schedule of Declared Areas – June 2021 is relevant.

LEGISLATIVE REQUIREMENTS

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

The Dog Control Act 2000 requires council to review its Dog Management Policy at least once every five years.

CONSULTATION

Workshops have been held with Aldermen on the two draft revisions of the Dog Management Policy.

The first draft was released for a 4-week period of public consultation via council's "Your Say Clarence" website and this closed on 12 April 2021. Council, at its meeting of 19 April 2021 endorsed the re-opening of the consultation for a further 2-week period from 20 April 2021. The second draft was released for an 8-week period of public consultation and this closed on 28 July 2021.

The petition the subject of this report was received on 27 July 2021.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the petition.

RECOMMENDATION:

- A. That Council notes the intent of the petition.
- B. That the petitioners be advised that the petition will be considered as part of council's review of responses regarding the revised draft Dog Management Policy and schedule of declared areas.

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

"That the Recommendation be adopted".

CARRIED UNANIMOUSLY

11.3 PLANNING AUTHORITY MATTERS

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

**11.3.1 DEVELOPMENT APPLICATION PDPLANPMTD-2021/019915 – 4
BALLAWINNIE ROAD, LINDISFARNE - ADDITIONS AND ALTERATIONS
TO DWELLING AND CARPORT****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for additions and alterations to Dwelling and Carport at 4 Ballawinnie Road, Lindisfarne.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42-day period which expires on 2 September 2021.

CONSULTATION

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

- loss of privacy;
- loss of solar access;
- loss of views; and
- detrimental to housing price.

RECOMMENDATION:

A. That the Development Application for additions and alterations to Dwelling and Carport at 4 Ballawinnie Road, Lindisfarne (CI Ref PDPLANPMTD-2021/019915) be approved subject to the following conditions.

1. GEN AP1 – ENDORSED PLANS.
2. ENG A5 – SEALED CAR PARKING.
3. ENG A7 – REDUNANT CROSSOVER.
4. 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.

/Refer to Page 24 for Decision...

**DEVELOPMENT APPLICATION PDPLANPMTD-2021/019915 – 4
BALLAWINNIE ROAD, LINDISFARNE - ADDITIONS AND ALTERATIONS
TO DWELLING AND CARPORT /contd...**

| | |
|------------------|--|
| Decision: | MOVED: Ald Ewington SECONDED: Ald Blomeley “That the Recommendation be adopted” CARRIED UNANIMOUSLY |
|------------------|--|

11.3.2 DEVELOPMENT APPLICATION PDPLANPMTD-2021/019505 – 24 LAGOON ROAD, OTAGO - OUTBUILDING (RETROSPECTIVE)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for an outbuilding (Retrospective) at 24 Lagoon Road, Otago.

RELATION TO PLANNING PROVISIONS

The land is zoned Rural Living and is subject to the Road and Railway Assets, Parking and Access, Stormwater Management, On-Site Wastewater Management and Natural Assets Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42 day period which expires on 1 September 2021 as agreed with the applicant.

CONSULTATION

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

- retrospective nature of the application;
- external materials;
- use of outbuilding;
- future works on the site;
- noise emissions arising from use of outbuilding;
- proximity to Otago Bay Road; and
- access arrangements.

RECOMMENDATION:

A. That the Development Application for an Outbuilding (Retrospective) at 24 Lagoon Road, Otago (Cl Ref PDPLANPMTD-2021/019505) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. The outbuilding is approved for domestic storage purposes only and must not be used for commercial, habitable, or industrial purposes.
3. GEN AM3 – EXTERNAL COLOURS.

4. The access from Otago Bay Road must be removed, fenced and the table drain and road reserve reinstated to the satisfaction of Council’s Group Manager Engineering Services within 21 days of the planning permit approval date. Access to Otago Bay Road may only be provided if approval is given by council in accordance with relevant access design and construction requirements including safe intersecting sight distance.

ADVICE

1. Prior to undertaking any works within the road reservation, an “Application for a permit to undertake works in or affecting a highway” must be approved by council.
 2. Council’s Building Team advice should be sought on the requirements for bushfire provision as part of the future building approval process.
 3. The use should not cause an environmental nuisance as defined under the *Environmental Management and Pollution Control Act 1994* to the owners or occupiers of land in the surrounding area by reason of noise, smell, fumes, dust or other pollutants emanating from the site.
- 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.

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

11.3.3 DEVELOPMENT APPLICATION PDPLANPMTD-2021/019763 – 2 AND 4 DUNDULLA STREET, HOWRAH - DEMOLITION OF DWELLING AND 6 MULTIPLE DWELLINGS (1 EXISTING + 5 NEW)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 6 Multiple Dwellings (1 existing + 5 new) at 2 and 4 Dundulla Street, Howrah.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Parking and Access, Road and Railway Assets, Stormwater 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.

Council is required to exercise a discretion within the statutory 42-day period which has been extended with the applicant's consent until 31 August 2021.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 11 representations were received raising the following issues:

- density of development;
- traffic impacts;
- pedestrian safety;
- infrastructure capacity;
- visual impact/loss of views;
- loss of privacy;
- solar access;
- accuracy of plans;
- location of boundary fencing;
- loss of land value;
- insufficient area for gardens/wildlife;
- construction noise; and
- lack of consideration of accessibility in design.

RECOMMENDATION:

A. That the Development Application for 6 Multiple Dwellings (1 existing + 5 new) at 2 and 4 Dundulla Street, Howrah (CI Ref PDPLANPMTD-2021/019763) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AP3 – AMENDED PLANS [the parking space to the south-west of Unit 5 as being allocated to Unit 5].
3. GEN M5 – ADHESION.
4. A lighting plan must be provided with lighting for all parking and vehicle circulation roadways prior to the granting of a building permit. The plan must be in accordance with Clause 3.1 “Basis of Design” and Clause 3.6 “Car Parks” in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting, to the satisfaction of council’s Group Manager Engineering Services.
5. ENG A1 – NEW CROSSOVER [TSD-R09 (Urban)].
6. ENG A1 – CROSSOVER CHANGE [6m].
7. ENG A5 – SEALED CAR PARKING.
8. ENG A7 – REDUNDANT CROSSOVER.
9. ENG S1 – INFRASTRUCTURE REPAIR.
10. ENG S3B – WATER SENSITIVE URBAN DESIGN PRINCIPLES – BODY CORPORATE [prior to the issue of a building permit or certificate of likely compliance (CLC) for building works].
11. The development must meet all required Conditions of Approval specified by TasWater notice dated 28 June 2021 (TWDA-2021/01001-CCC).

ADVICE – Units 1, 2 and 6 are located within a mapped flood prone area and as such attention should be taken to ensure that the works comply with the requirements of the Building Regulations 2014 Section 15(d) and Building Act 2000 Section 159.

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.

/Refer to Page 29 for Decision...

DEVELOPMENT APPLICATION PDPLANPMTD-2021/019763 – 2 AND 4 DUNDULLA STREET, HOWRAH - DEMOLITION OF DWELLING AND 6 MULTIPLE DWELLINGS (1 EXISTING + 5 NEW) /contd...

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| Decision: | MOVED: Ald James SECONDED: Ald Peers |
| | <p>“A. That the Development Application for 6 Multiple Dwellings (1 existing + 5 new) at 2 and 4 Dundulla Street, Howrah (CI Ref PDPLANPMTD2021/019763) be refused for the following reasons.</p> <ol style="list-style-type: none">1. The proposal does not comply with Clause 10.4.2 P3 (ii) as it will cause unreasonable loss of amenity and cause overshadowing impact to the adjoining properties.2. The proposal does not comply with Clause 10.4.2 P3 (iv) in respect of visual impact in terms of bulk and proportion when viewed from adjacent lots.3. The proposal does not comply with Clause E15.7.4 P1(a) in respect of part of the site is identified as having a flood risk to users of the site or adjoining or nearby land. <p>B. That the reasons are as follows:</p> <ul style="list-style-type: none">• The siting and scale of the proposed development will cause unreasonable loss of amenity and overshadowing to adjacent properties.• The immediate area adjacent to the proposed development is characterised of mainly single dwellings on each lot. Double-storey development in terms of bulk and proportion will cause visual impact when viewed from adjacent lots.• Part of the site is identified as having a flood risk and a risk to users of the site or nearby land”. |

/Decision contd on Page 30...

**DEVELOPMENT APPLICATION PDPLANPMTD-2021/019763 – 2 AND 4
DUNDULLA STREET, HOWRAH - DEMOLITION OF DWELLING AND 6
MULTIPLE DWELLINGS (1 EXISTING + 5 NEW) /Decision contd...**

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

FOR

Ald James
Ald Peers
Ald Warren

AGAINST

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

FORESHADOWED MOTION

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

“That the Officer’s Recommendation be adopted”

CARRIED

FOR

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

AGAINST

Ald James
Ald Peers
Ald Warren

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

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| 11.4 CUSTOMER SERVICE |
|------------------------------|

Nil Items.

11.5 ASSET MANAGEMENT**11.5.1 DRAFT TREE POLICY 2021 - COMMUNITY CONSULTATION****EXECUTIVE SUMMARY****PURPOSE**

To seek approval to consult with the community on the draft Tree Policy 2021.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2021-2031 is relevant.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

No consultation with the community or other stakeholders has been undertaken to date. Community Consultation will be undertaken in accordance with council's Community Engagement Policy 2020.

FINANCIAL IMPLICATIONS

Consultation costs can be afforded within the Passive Recreation recurrent budget.

RECOMMENDATION:

That Council:

- A. Approve the draft Tree Policy 2021 for city-wide community consultation.
- B. Authorise the General Manager to coordinate city-wide community consultation to obtain feedback on the draft Tree Policy 2021 and to report the consultation outcomes to a future workshop.

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

“That the Recommendation be adopted”

CARRIED UNANIMOUSLY

11.5.2 STORMWATER MANAGEMENT PROCEDURE FOR NEW DEVELOPMENT
 (ECM No 4640834)

EXECUTIVE SUMMARY
PURPOSE

To note the Stormwater Management Procedure for New Development, for management of stormwater in new developments under the Tasmanian Planning Scheme.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2021-2031; Stormwater Asset Management Plan 2018; and Stormwater System Management Plan 2019 are relevant.

LEGISLATIVE REQUIREMENTS

The *Urban Drainage Act 2013* is relevant.

CONSULTATION

No community consultation for the Stormwater Management Procedure for New Development has been undertaken.

FINANCIAL IMPLICATIONS

No direct financial impacts arise from the Stormwater Management Procedure for New Development to council.

RECOMMENDATION:

That council notes the Stormwater Management Procedure for New Development to commence with the implementation of the Tasmanian Planning Scheme for Clarence.

Decision: **MOVED:** Ald Chong **SECONDED:** Ald Kennedy

“That the Recommendation be adopted”

Ald Edmunds left the Meeting at this stage (9.16 pm)

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

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| 11.6 FINANCIAL MANAGEMENT |
|----------------------------------|

Nil Items.

11.7 GOVERNANCE**11.7.1 QUARTERLY REPORT TO 30 JUNE 2021****EXECUTIVE SUMMARY****PURPOSE**

To consider the General Manager's Quarterly Report covering the period 1 April 2021 to 30 June 2021.

RELATION TO EXISTING POLICY/PLANS

The Report uses as its base the Annual Plan adopted by Council and is consistent with Council's previously adopted Strategic Plan 2016-2026.

LEGISLATIVE REQUIREMENTS

There is no specific legislative requirement associated with regular internal reporting.

CONSULTATION

Not applicable.

FINANCIAL IMPLICATIONS

The Quarterly Report provides details of Council's financial performance for the period.

RECOMMENDATION

That the Quarterly Report to 30 June 2021 be received.

Decision:

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

"That the Recommendation be adopted".

Ald Edmunds returned to the Meeting at this stage (9.19 pm)

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

11.7.2 HOUSING LAND SUPPLY ORDER NO 7 - 213 CAMBRIDGE ROAD, WARRANE**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider a proposed Housing Land Supply Order at 213 Cambridge Road, Warrane.

RELATION TO PLANNING PROVISIONS

The land is zoned Community Purpose and partially subject to the Landslide Hazard Area (Low) and Natural Assets (High) under the Clarence Interim Planning Scheme 2015 (the CIPS2015).

Under the Clarence draft Local Provision Schedule (LPS) the land is zoned Community Purpose and subject to the Landslide Hazard Area, and Natural Asset's priority vegetation area overlay (although more extensively than the CIPS2015). The land is also bisected by an overlay flow path identified in the Flood Prone Areas Code.

CIPS2015 and draft LPS Zone and Codes plans are included in the attachments.

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 proposal was referred to council for its consideration and is the subject this report.

RECOMMENDATION:

- A. That Council advises as follows:
1. Council strongly supports the supply of affordable housing in well served and accessible locations, such as Warrane.
 2. The Government should nevertheless be aware that the land at 213 Cambridge Road appears to have important physical and engineering constraints, previously identified in preliminary consultation, that may impact on its ability to contain the desired density of residential development.
- 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.

/Refer to Page 37 for Decision...

**HOUSING LAND SUPPLY ORDER NO 7 - 213 CAMBRIDGE ROAD,
WARRANE /contd...**

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|------------------|---|
| Decision: | MOVED: Ald Ewington SECONDED: Ald Chong |
| | “That the Recommendation be adopted” |
| | CARRIED UNANIMOUSLY |

11.7.3 COMMUNITY VOLUNTEER SUSTAINABILITY STRATEGY**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to present the City of Clarence Community Volunteer Sustainability Strategy for council endorsement.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2021-2031 is relevant.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Extensive and thorough community consultation was undertaken over a nine-month community-led co-design process in the development of the strategy. This process involved five stages and key stakeholders included local people involved in volunteering, including volunteers and volunteer coordinators from small, grassroots groups and larger, more formalised organisations.

FINANCIAL IMPLICATIONS

There are no defined financial implications for council over the five-year term of the strategy.

RECOMMENDATION:

That Council endorse the Community Volunteer Sustainability Strategy and re-convene the Clarence Local Volunteer Network Group (LVNG).

Decision:

MOVED: Ald Warren **SECONDED:** Ald Mulder

“That the Recommendation be adopted”.

CARRIED

FOR

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

AGAINST

Ald Ewington

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 Warren

1. Under what circumstances would council be able to sell land that was provided by a developer as part of an open space contribution?

ANSWER

If the land is identified as public open space, there are two processes council has to undertake to dispose of the land. If the land is noted as public open space on the title, a petition to amend to remove the notation is required under the Local Government (Building and Miscellaneous Provisions) Act 1993. Sections 178 and 179 of the Local Government Act are also relevant. Those sections require a public consultation process, appeal rights and decisions of council need to be by absolute majority.

If the land is not identified as public open space, section 177 applies. This requires a valuation to be obtained before council considers any sale and decisions again need to be by absolute majority.

2. Could you tell me the cost of taking a code of conduct issue to the code of conduct panel? What is the cost to ratepayers?

ANSWER

Once a code of conduct complaint has been considered by the Panel we will receive an invoice. Those invoices, in my experience, can vary in cost but usually between \$4,000-\$6,000.

Ald James

1. I seek an update in the briefing report on the actual proposal on the corner of Cambridge Road and Clarence Streets, Bellerive, that's the Creese development. There's graffiti now on the Clarence Street side of it, I drove past there and there are iron bars where the Besser blocks haven't been completed. Is it possible to have an up to date report in the briefing report on when their extension may expire or when work will be required to be finalised so is it possible to have an update on that please?

ANSWER

We can contact the developer and ask for an update, but in the context of what options are available to council substantial commencement has already been achieved so we are somewhat powerless but we will ask for an update.

2. In relation to the public pier it seems to me that this whole thing is dragging on. Is there any light at the end of the tunnel, is it going into December 2021 before we will get this open to the public so that we can go down there fishing or perhaps there might be a bridal party that might want to use the site for a wedding ceremony. So my question is I can you give us a definite time either December 2021 or October 2021, something?

ANSWER

Unfortunately no, I cannot. We have been working closely with our project manager and the construction contractor, as we said earlier we have been delayed because of the ferry start up in terms of the grouting and we are working our way through a range of other issues. Before practical completion our aim at this point is to make sure that the pier when it is handed over meets all the construction requirements set out in the tender documents and has been built according to the design and where it has been varied that those variations are approved. We are going through a rigorous process because this will be an asset to the community that will last decades so we want to make sure that it is done properly.

Ald von Bertouch

At a recent Premier's Local Government Council meeting where the matter of local government reform was discussed. The Premier apparently advised that he had not received the opposition party's position on reform which meant that neither he or the Minister for Local Government were able to outline precise details of any reform process should it progress. What would be the mechanism for him receiving the Labor and Greens parties' position on this important matter?

ANSWER

(Mayor) I believe informal discussions have taken place which we are encouraging however I do not think there will be any announcement until Parliament resumes and it will be dealt with then.

Ald Edmunds

1. Earlier we heard that the Victoria Esplanade consultation would be consulted when it was ready. I just wondered if we had a ball park on timeframe?

ANSWER

From the last workshop there was a request from council to extend the scope to include Cambridge Road up to Clarence Street and to do some other work. We have been in the process of scoping that work with Inspiring Place and we are just about to lock that away. Once we have done that we will have an idea what the delivery timeframe will look like for the updated master plan - which will come back to council and then the next stage after that will be consultation. I would hope to be in a position to do that later this year.

2. What is the latest status of the golf course?

The submission of tenders closes on 13 August and then we will go through an assessment process which will take probably a couple of weeks and then we will bring a report to council.

Ald Blomeley

1. Mr Mayor, it was an absolute pleasure to join you, the Lord Mayor and many other commuters early this morning for the long-anticipated, inaugural crossing of the River Derwent Ferry Service between Bellerive and Sullivans Cove.

A truly outstanding service!

Although this service has been widely promoted as an 'active transport solution' for residents who walk, run and bike as part of their daily commute – the overwhelming feedback has been that for this service to be truly successful additional car parking must be provided in and around Bellerive Village.

Mr Mayor, what action is Council taking to deliver additional car parking spaces in and around Bellerive Village?

ANSWER

(Mayor) The basic answer is no action is being taken. We have as a council collaborated with the State Government and Hobart City Council to do what we can to encourage alternative transport and that means bikes, pedestrians, people being dropped off. There is no vision and it has never been an objective of the trial to actually create Bellerive village as a satellite car park to the City of Hobart or provide cheap car parking as an alternative to the City of Hobart. Bellerive is not large enough or suitable to be a park and ride destination so the trial is there for that purpose and it was really heartening this morning to see a number of cyclists, kids being dropped off by their parents to catch the ferry across to the other side of the river to school rather than driving over and back over and back twice a day.

Question contd

Is the use of the Kangaroo Bay development area being discussed with Chambroad as a potential parking site in the interim?

ANSWER

(Mayor) No, it hasn't been discussed because additional parking hasn't been consistent with the objective of the trial.

2. My question is regarding the wave attenuated public pier, because this morning Mr Mayor I commented to you that there were people standing there waving to the ferries going past. They had access to the public pier but it is not officially open. I am concerned where the liability may rest and I note the questions from Mr Marsh and Ald James earlier today. I turned up today looking for the ferry and was told it wasn't officially opened. Could we look at securing that just to make sure there is no public access until it is officially opened?

ANSWER

We did have an impressive barrier there that was removed so we are obviously pretty disappointed by that. We've reinstalled the barrier and I have asked that our rangers keep an eye on that and report back any movement of the barrier. It was removed this morning and we weren't aware of that.

Ald Walker

We had two 6/6 votes tonight. The last one was Kangaroo Bay which was not a planning matter so that just is one for the history books. In relation to the other one it was a planning matter and it was a matter of quite some considerable interest that resulted in a 6/6 vote at which point you said that it was now a matter to delegate. I think it would be really helpful to explain what happens in that vote, what it actually means because I think there would be a lot of people that were watching that would have no idea what actually happened when we voted on the Petchey Street application and it resulted in a 6/6 tied vote.

ANSWER

(Mayor) I am not sure what more I can add as council was unable to make a decision - we were split 50/50 and in that situation we have a policy as a council that planning matters, and it only pertains to planning matters, revert back to the delegate to make a decision and the delegate being the chief planning officer. There is still a right of appeal for parties involved.

Question contd

So you have stated that it is delegated to a council officer but if you were watching you wouldn't know what that actually meant as far as what the end decision is. You may wish to explain whether that will become clear and apparent soon on what is indeed likely to be the officer's recommendation, there is still ambiguity I think for residents tonight as to what outcome was arrived at in that situation.

ANSWER

(Mr Lovell) As council was unable to reach a decision it is an unsatisfactory outcome in terms of statutory requirements. If a decision is not made within the statutory timeframe council is unnecessarily exposed to an appeal which will place us in the position of being liable for all the costs of all parties. So we know how much we pay for an appeal which is just representing council so multiply that by all parties. It is very important and council has recognised this is the past that where the statutory timeframe is going to expire without a decision that it falls upon the officers to make that decision under delegation and to report that decision in the normal way through the weekly briefing report and also to inform all of the parties of the decision and their appeal rights in the normal way.

(General Manager) May I add in terms of timeframe that the decision will be reported in the briefing report this week.

Ald Peers

Is there any update on Begonia Street?

ANSWER

(Mr Graham) The closing date is 24 August. We have had a number of forums and drop-in sessions for the public to attend which I think at times 20 residents or so have attended and we certainly have had several hundred responses at this stage. Once it has closed and all collated we will have a workshop which I anticipate would be in September.

Ald Ewington

It has been nice to go down to Bellerive Beach of late and see the nice green grass on the old asphalt car park. My question relates to what I know from the sport and recreation committee and from the budget over the last few years for a coastal disability access plan. I wondered if we were getting any closer to developing that and having that put forward as I find it very concerning that we have done all that work there and we do not have a plan or something happening in that space, being open for business without having disability access to a prime aspect of the site which is the beach itself. I would like to think that we were moving rather quickly on that one hopefully having it ready for summer for all the people that want to get access to the beach.

ANSWER

(Mr Graham) The access for that is probably one of the last stages from the initial master plan which involves a sea wall. That involves considerable engineering and cost and that will come to council more than likely as part of the review of the master planning process which we will have ready hopefully in the coming months.

Question contd

Access to Little Howrah Beach is an issue and there have been works behind a couple of properties on the very end of Howrah Beach where they have installed at high water mark a retaining wall which is very unstable. Can we have an update where the plan is at least for the whole coastal access plan, it is not just Bellerive Beach? It has been in the budget for the last couple of years and we haven't seen anything progressing on that one.

ANSWER

(Mr Toohey) Council allocated funds of \$50,000 to develop a beach access policy and plan. At this stage what has been done is some initial literature review and research which has meant contacting other councils who are experienced in this area about what type of ramps are suitable for what type of beach to gain better access. The next stage of the project is engaging a consultant to assist with this and in terms of engaging with those members of the community who have a particular interest in this. Following that we will come back to council at a workshop with the policy and the preferred engineering solutions to improve access to the beach for various sites. I cannot give an exact timeframe but probably November.

Ald Kennedy

In our weekly briefing reports we often see applications for removal of trees on council land. I am just wondering from the time that a resident receives a notice to say that the tree that is on council land that may well have been causing damage to their property what sort of timeframe would you expect from them receiving that notice to say the tree was going to be removed to it actually being removed?

ANSWER

(Mr Graham) We consult with nearby residents, we engage an arborist, the report is done it then goes to council. We have to wait 3 council meetings so it could actually take 14 weeks for us to undertake all that work.

Question contd

So 6 months would seem extensive?

ANSWER

(Mr Graham) If you are advised of something that is extensive please advise us and we will follow it up.

Ald Mulder

1. Hopefully for the last time I refer again to the Margate Liberal Party fundraiser of October 21 last year. Mr Mayor do you believe that the use of council funds for this function was a smear on your reputation?

ANSWER

(Mayor) I have not said that Ald Mulder.

Question contd

You don't believe it was?

ANSWER

(Mayor) I said I haven't said that.

Question contd

So the question is do you believe it?

ANSWER

(Mayor) I said I haven't said it.

Question contd

I didn't ask you whether you had said it Mr Mayor, what I said is do you believe it?

ANSWER

(Mayor) I said I haven't said it.

Question contd

Let me rephrase the question Mr Mayor have you previously said there were no problems using council funds?

ANSWER

(Mayor) I still believe it was an appropriate use of council funds notwithstanding that I am very keen that this issue no longer be a distraction to this council Ald Mulder and on that basis I have paid it back.

2. Relating to a ruling that you made which basically said if I heard correctly that an alderman may at any time make a personal explanation. Did I hear correctly?

ANSWER

(Mayor) That is in the meeting regulations, yes.

Further information

(Regulation 24 Part 2, Division 2) states

24. Personal explanation at meeting

- (1) The chairperson of a meeting may allow a councillor to explain a matter of a personal nature in the absence of a motion on the matter if, in the opinion of the chairperson, it is in the interests of the councillor and the council, or the council committee, to do so.
- (2) An explanation–
- (a) is not to include reference to any matter that, in the opinion of the chairperson, is irrelevant to the explanation; and
 - (b) although it may be referred to in debate, is not to be the subject of debate.

12.4 QUESTIONS WITHOUT NOTICE

An Alderman may ask a Question without Notice of the Chairman or another Alderman or the General Manager. Note: the Chairman may refuse to accept a Question without Notice if it does not relate to the activities of the Council. A person who is asked a Question without Notice may decline to answer the question.

Questions without notice and their answers will be recorded in the following Agenda.

The Chairman may refuse to accept a question if it does not relate to Council's activities.

The Chairman may require a question without notice to be put in writing. The Chairman, an Alderman or the General Manager may decline to answer a question without notice.

13. CLOSED MEETING

Regulation 15 of the Local Government (Meetings Procedures) Regulations 2015 provides that Council may consider certain sensitive matters in Closed Meeting.

The following matters were listed in the Closed Meeting section of the Council Agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015.

13.1 APPLICATIONS FOR LEAVE OF ABSENCE

13.2 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.

| | |
|------------------|--|
| Decision: | <p>PROCEDURAL MOTION MOVED Ald Edmunds SECONDED Ald Peers</p> <p>“That the Meeting be closed to the public to consider Regulation 15 matters, and that members of the public be required to leave the meeting room”.</p> <p>CARRIED UNANIMOUSLY</p> |
|------------------|--|

The Meeting closed at 9.46 pm