

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

HOURLY CALLED: 7.00pm

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

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

1. APOLOGIES Nil

ORDER OF BUSINESS Items 1 – 13

IN ATTENDANCE

General Manager
(Mr I Nelson)

Group Manager Engineering Services
(Mr R Graham)

Chief Financial Officer
(Ms M Coleman)

Manager City Planning
(Mr R Lovell)

Manager Communication and Strategic Development
(Mr C Paske)

Manager Health and Community Development
(Mr J Toohey)

Executive Officer to the General Manager
(Ms J Ellis)

The Meeting closed at 10.26pm.

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 livestreamed, audio-visually recorded and published to Council’s website.

COUNCIL MEETING
MONDAY 22 NOVEMBER 2021

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1. ATTENDANCE AND APOLOGIES

Refer to cover page.

2. 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 Chipman Item No. 7.4.3

3. OMNIBUS ITEMS

3.1 CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Council Meeting held on 1 November 2021 and the Special Council (Planning Authority) Meeting held on 8 November 2021, as circulated, be taken as read and confirmed.

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

“A. That the Minutes of the Council Meeting held on 1 November 2021, as circulated, be taken as read and confirmed.

B. That the Minutes of the Special Council (Planning Authority) Meeting held on 8 November 2021, as circulated, including correction to Page 8 noting Ald Edmunds seconded the motion moved by Ald Walker, be taken as read and confirmed.”

CARRIED UNANIMOUSLY

3.2 MAYOR'S COMMUNICATION

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

Mayor

- November: ABC Radio – (Ryk Goddard) Council Meeting outcomes;
Southern Cross Broadcasters Radio – Rosny Golf Course;
- 4 November: LGAT Special General Meeting – Devonport;
Business Eastern Shore – Business Excellence Awards;
- 9 November: ABC Radio Interview – Ryk Goddard – Dog Policy Update;
Southern Cross Broadcast Radio Interview with Alex Jackson;
Governor of Tasmania – City of Clarence Official Visit;
Owners Representatives Board Selection Committee;
- 10 November: Owners Representatives Group Meeting – General Meeting;
Lions Club of Clarence – Sponsor Appreciation Event;
- 11 November: Remembrance Day Service at South Arm RSL;
Rosny Barn Exhibition – Paul Snell;
- 12 November: Lord Mayor Reception Celebration – Tasmania Community;
Fund's 21st Birthday;
- 13 November: Community Information Event – Howrah Beach Water Quality;
- 16 November: Trip M Radio Interview – Howrah Beach Water Quality;
Greater Hobart Mayor's Forum;
- 18 November: Southern COVID-19 Regional Recovery Committee Meeting;
- 19 November: Bellerive Pier Opening;
Tasmania Leaders COVID-19 Response and Recovery;
Roundtables Event;
ABC Drive Interview – Bellerive Pier.

Deputy Mayor

- 5 November: Australia China Business Council Tasmania – Insight Breakfast Series;
- 10 November: SES Council Appreciation Dinner;
- 11 November: Remembrance Day Service – Lindisfarne RSL;
- 12 November: Opening Ceremony of the Festival of Diwali, Festival of Lights;
- 17 November: New Hobart CBD Metro Shop Opening.

Alderman von Bertouch

- 4 November: Once Community Together – Clarence Plains Community Awards;
- 9 November: South Arm Peninsula Residents Association AGM and General Meeting;
- 12 November: Children's University Tasmania – Hobart Graduation Ceremony.

Ald Ewington

- 10 November: BNI Tasmania Networking Event.

3.3 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
Ten Year Financial Plan	
Confidential Briefing – Almas Activities Centre Redevelopment	
Proposed Caretaker Policy	
Seamist/Longview Walk Consultation	
Access and Inclusion Plan Consultation	15 November

RECOMMENDATION:

That Council notes the workshops conducted.

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

3.4. 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.

Ald James tabled the following petition which complies with the Act requirements:

- Received from 56 signatories requesting council to not approve Development Application for 13 multiple dwellings and 3 shops at 24-26 Yachtsmans Way, Tranmere.

3.5 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.

3.6 REPORTS FROM SINGLE AND JOINT AUTHORITIES

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

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

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

Representatives: Ald James Walker

(Ald Luke Edmunds, Deputy Representative)

Quarterly Reports

September Quarterly Report pending.

Representative Reporting

Ald Walker advised that the AGM of the Authority will be held on Thursday, 25 November 2021.

- **TASWATER CORPORATION**

TasWater Corporation distributed its Quarterly Report for the period ending 30 September 2021 and its Annual Report 2020-2021.

The Mayor reported on the General Meeting of Owners' Representatives held on 10 November. Key items were:

- approval of the amended Shareholders' Letter of Expectation;
- receipt of the Annual Report; and
- noting of the Quarterly Report to 30 September 2021

The Mayor further advised that his term as Chief Owners' Representative has concluded, and the Owners have elected Mayor Alex Green as the Chief Owners' Representative for the next 3 years and Councillor Richard Ireland was returned as the Deputy Owner's Representative. On 18 November TasWater announced the appointment of the new CEO following Mr Mike Brewster's retirement in February.

- **GREATER HOBART COMMITTEE**

3.7 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES**SPORT AND RECREATION ADVISORY COMMITTEE – QUARTERLY REPORT****Chairperson's Report –Alderman D Ewington**

Report to Council for the three month period 1 July 2021 to 30 September 2021.

RECOMMENDATION:

That the Chairperson's Report be received by Council.

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

TRACKS AND TRAILS ADVISORY COMMITTEE – QUARTERLY REPORT

Chairperson's Report –Alderman D Ewington

Report to Council for the three month period 1 July 2021 to 30 September 2021.

RECOMMENDATION:

That the Chairperson's Report be received by Council.

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

NATURAL RESOURCE MANAGEMENT – QUARTERLY REPORT

Chairperson's Report – Alderman Beth Warren

Report to Council for the three month period 1 July to 30 September 2021.

RECOMMENDATION:

That the Chairperson's Report be received by Council.

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

BICYCLE ADVISORY COMMITTEE – QUARTERLY REPORT**Chairperson's Report – Alderman D Ewington**

Report to Council for the three month period 1 July 2021 to 30 September 2021.

RECOMMENDATION:

That the Chairperson's Report be received by council.

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

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

- Ald Blomeley tabled the Minutes of a Meeting held on 14 October 2021.

BELLERIVE COMMUNITY ARTS CENTRE

- Ald Kennedy tabled the Minutes of a Meeting held on 10 November 2021

3.8 WEEKLY BRIEFING REPORTS

The Weekly Briefing Reports of 1, 8 and 15 November 2021 have been circulated to Aldermen.

RECOMMENDATION:

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

Ald Blomeley noted the memo from Council's Manager Governance in the Briefing Report of 15 November, regarding the discontinuation of the Lindisfarne Community Activities Centre Committee. Ald Blomeley expressed his thanks to Committee members and Council staff for their hard work and support for the centre and tabled the Chairman's Report from the Annual General Meeting held on 11 November 2021.

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

"That the Recommendation be adopted".

CARRIED UNANIMOUSLY

4. 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.

4.1 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.

Nil.

4.2 ANSWERS TO QUESTIONS ON NOTICE

Nil.

4.3 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 November 2021 Mr Victor Marsh of Bellerive asked the following questions.

BELLERIVE BEACH PARK

These photos have been taken after recent periods of rain in Bellerive Beach Park, which has just undergone a \$600,000 upgrade. I believe that delaying the rehabilitation of the area of Bellerive Beach Park where ponding the curves after periods of rain until the next stage of the masterplan is unwise, as this ponding occurs next to the path leading from the children's playground to the toilets. It is an amenity and safety issue.

1. So, my question is, when will council assess this issue and take action?

ANSWER

There is currently no funding available for temporary works to address the ponding and there are only limited options for the draining of standing water given the grade of the land and the distance from the ponding to existing underground stormwater infrastructure. Council officers continue to monitor the ponding and drainage issues in this area and acknowledge that there has been an unseasonable amount of rain over the last month or two which may be exacerbating the issue onsite.

The gravel pathway has remained dry and fully accessible through all rain events so there is minimal impact on day to day use and movement through the park.

Planning is underway as a part of the Bellerive Beach Park master plan review project to discuss options with Aldermen on the next development phase for the Park. Works such as a new change facility and addressing stormwater concerns in the surrounding area will be considered.

2. Why hasn't the instant lawn been laid over the entire high use area between the playground-barbecue area and the beach?

ANSWER

Sufficient funds were not available for the application of roll turf to all grassed areas of the park. Council prioritised the installation of hard works and permanent fixtures such as furniture, showers, footpaths, etc in the project and as a result had to compromise on the method of grassing. Roll turf was applied to the main active areas of the park to ensure a quick turn around on establishment and that the area between the playground and beach were ready for peak summer usage. Seeded grass was applied in the form of hydro-mulch to all other areas of the park which is a less costly method of establishing grass cover.

Council acknowledges that the strike rate of the seeded grass areas has been slow and below expected standards. Steps are being taken to address this including over-sowing where required. It is expected that once the seeded grass is established fully, there will be a continuous cover of grass across the park and the division of the two methods of grass application will no longer be apparent.

4.4 QUESTIONS WITHOUT NOTICE

Mr and Mrs Marsh of Bellerive asked the following question.

BELLERIVE BEACH REGIONAL PARK

On Saturday morning 20 November, the organised runners in Bellerive Beach Regional Park appeared to have no alternative but to obstruct the shared cycleway by placing witches hats on several sections to direct runners away from the kickabout area which was sodden and unsuitable as a running surface and also a large area of stormwater ponding. Council has stated “that there has been an unseasonable amount of rain over the last month or two which may be exacerbating the issue on-site”. [4.3 Meeting Agenda 22/11/21]. We believe that more frequent flooding events are one of the real challenges of climate change that need to be addressed now.

Council have also received photographic evidence [Meeting November 1] that the gravel pathway attached to the playground has not remained dry through all rain events.

Mayor Chipman advised by letter as far back as 10 July 2014, “that under Council’s Open Space Strategy a ‘Regional Park’ is defined as an area with major conservation, cultural or sport/recreation or leisure values”.

QUESTIONS WITHOUT NOTICE /contd...

The level of service in a “Regional Park” will contain a high level of facility to encourage sustained visit duration such as barbecues, shelters, landscaping, carparks, considerable play equipment and toilets.

In 2014, in this letter he also advised that “Bellerive Beach Park meets these criteria and is thus described in a hierarchical sense as a ‘Regional Park’”.

Our questions are:

1. Why hasn't the large Bellerive Beach Regional Park sign which was removed several years ago been installed at the entrance to the park?
2. Why haven't sufficient funds been allocated over many years to develop and maintain the park [which has major recreation and leisure values] to the highest standards in line with the needs and expectations of the community?

ANSWER

1. There is no signage shown on the masterplan or approved for installation. Should signage be required, it would be installed in a manner that is consistent with the signage used in other parks.
2. Council has invested significant funds into the development and maintenance of the park over many years.

5. 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-2021/021743 – 4 ROSEVEAR LANE, SANDFORD – DWELLING AND OUTBUILDING
(REFER ITEM 6.4)

Mr Ben Morrisby addressed the meeting regarding the above development application.

DEVELOPMENT APPLICATION PDPLANPMTD-2021/022305 – 24 AND 26 YACHTSMANS WAY, TRANMERE – 13 MULTIPLE DWELLINGS AND 3 SHOPS
(REFER ITEM 6.2)

Mr Sam Chedid addressed the meeting regarding the above development application.

DEVELOPMENT APPLICATION PDPLANPMTD-2021/017477 – 20 REGAL COURT, SEVEN MILE BEACH – 46 LOT SUBDIVISION
(REFER ITEM 6.1)

Mr John Mendel addressed the meeting regarding the above development application.

Ms Anne Boxhall addressed the meeting regarding the above development application.

Mr Todd Leale addressed the meeting regarding the above development application.

6	PLANNING AUTHORITY MATTERS
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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:

6.1 DEVELOPMENT APPLICATION PDPLANPMTD-2021/017477 – 20 REGAL COURT, SEVEN MILE BEACH- 46 LOT SUBDIVISION**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 46 lot Subdivision at 20 Regal Court, Seven Mile Beach.

RELATION TO PLANNING PROVISIONS

The land is zoned Village and subject to the Waterway & Coastal Protection, Inundation Prone Areas, Road and Railway Assets and Stormwater Management Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42-day period which was extended with the consent of the applicant until 24 November 2021.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 64 representations were received raising the following issues:

- need for Seven Mile Beach Structure Plan;
- traffic and poor-quality road infrastructure;
- location of access;
- removal of vegetation;
- impact on “village” character;
- inundation;
- additional stormwater into creek;
- Public Open Space;
- increased traffic/noise during construction;
- opportunity to provide for a cat containment area;
- location of drainage easement; and
- lack of community consultation.

RECOMMENDATION:

A. That the Development Application for a 46 Lot Subdivision at 20 Regal Court, Seven Mile Beach (Re-advertised) (C1 Ref PDPLANPMTD-2021/017477) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. ENG A1 – NEW CROSSOVER.

3. ENG A8 – SIGHT DISTANCE WORK.
4. ENG M2 – DESIGNS SD include additional dot points: “pathway construction”, and “landscaping and street furniture within road reservation”.
5. ENG M5 – EROSION CONTROL.
6. ENG M7 – WEED MANAGEMENT.
7. ENG M4 – POS ACCESS.
8. ENG S1 – INFRASTRUCTURE REPAIR.
9. ENG M8 – EASEMENTS.
10. ENG R1 – ROAD NAMES.
11. ENG R2 – URBAN ROAD.
12. ENG R2 – ROAD EXTENSION.
13. LAND 5 – SUBDIVISION LANDSCAPING.
14. LAND 4 – LANDSCAPE BOND (SUBDIVISION).
15. ENG S10 – UNDERGROUND SERVICES.
16. PROP 3 – TRANSFER.
17. GEN POS4 – POS CONTRIBUTION [3.8%] [Lots 1-46].
18. All stormwater for the development must be designed and constructed to include Water Sensitive Urban Design principles to achieve stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010 and consistent with the Stormwater System Management Plan for the relevant catchment. Detailed engineering designs accompanied with a report on all stormwater design parameters and assumptions (or the MUSIC model) must be submitted to Council for approval by the relevant/delegated officer for approval prior to the issue of the approved engineering drawings. This report is to include the maintenance management regime/replacement requirements for any treatment facilities.
19. EHO – NO BURNING.
20. The development must meet all required Conditions of Approval specified by TasWater notice dated 29 March 2021 (TWDA 2021/00447-CCC).

ADVICE

Each lot must have a secondary treatment on-site wastewater management system and a land application base which must have a minimum separation distance of 500mm above the water table and has a minimum land application area of 30m² set aside, in accordance with the Geotechnical Assessment (Rock Solid Geotechnics Pty Ltd, 21 December 2019).

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

Decision:	MOVED Ald Blomeley SECONDED Ald Ewington
	“That the Recommendation be adopted”.
	The MOTION was put and LOST
FOR	AGAINST
Ald Chipman	Ald Chong
Ald Blomeley	Ald Edmunds
Ald Ewington	Ald James
	Ald Kennedy
	Ald Mulder
	Ald Peers
	Ald von Bertouch
	Ald Walker
	Ald Warren
	MOVED Ald James SECONDED Ald Warren
	“A. That the Development Application for a 46 lot subdivision at 20 Regal Court, Seven Mile Beach (C1 Ref PDPLANPMTD-2021/017477) be refused for the following reasons.
	1. The proposal is contrary to Inundation Prone Areas , Clause E15.8.1 Performance Criteria (d) as creation of a lot in which the building area, access or services are inside the hazard area provided will result in a higher total quantity and rate of surface runoff coupled with surface problems prevalent in low lying areas of Seven Mile Beach

/ Decision contd on Page 22...

DEVELOPMENT APPLICATION PDPLANPMTD-2021/017477 – 20 REGAL COURT, SEVEN MILE BEACH- 46 LOT SUBDIVISION /Decision contd...

2. The proposal is contrary to **Stormwater Management Code**, Clause E.7.7.1 P2 as the subdivision is for more than 5 lots and the area of a new impervious services is greater than 600m² and the development will not be feasible to achieve the stormwater quality and quantity targets and prevent amount of pollutants leaving the property for minor stormwater flows.
3. The proposal is contrary to **Waterway and Coastal Protection Code**, Clause E11.8.1 P1(a) as it does not minimise impact on natural values in particular threatened flora species by way of the increase in stormwater flows into Acton Creek. The proposal will directly impact the creek as spillways designed for overland flood flow into the creek.

B. That the reasons are as follows:

Inundation

The proposal is contrary to the Inundation Prone Areas Code and as future development of the lots with piped water but no sewage removal system coupled with a high water table will result in a higher total quantity and rate of surface runoff coupled with inundation problems prevalent throughout Seven Mile Beach.

Stormwater

The proposal is contrary to the Stormwater Management Code as the use of landfill and soakage systems for both storm and wastewater are likely to increase water volumes and flows. The proposed soakage systems are likely to affect both flows and water quality. Water piped into this subdivision without both a stormwater removal system will increase water in flood events and decrease water quality. Existing drainage systems are not coping with regular rain events due to the highwater table.

/ Decision contd on Page 23...

DEVELOPMENT APPLICATION PDPLANPMTD-2021/017477 – 20 REGAL COURT, SEVEN MILE BEACH- 46 LOT SUBDIVISION /Decision contd...**Natural Values**

The proposal does not minimise impact on natural values as the Natural Values Assessment identified rare native plant listed under the Threatened Species Protection Act (TSP Act) 1995 in the creek adjacent to the sites southern boundary. This will impact on the threatened flora species from the increase in stormwater flows through Acton Creek. The rare native flora community listed under (TSP Act) 1995 is part of the freshwater aquatic sedgeland and rushland community occupying the creek.”

CARRIED**FOR**

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

AGAINST

Ald Chipman
Ald Blomeley
Ald Ewington

6.2 DEVELOPMENT APPLICATION PDPLANPMTD-2021/022305 – 24 AND 26 YACHTSMANS WAY, TRANMERE - 13 MULTIPLE DWELLINGS AND 3 SHOPS**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 13 Multiple Dwellings and 3 Shops at 24 and 26 Yachtsmans Way, Tranmere.

RELATION TO PLANNING PROVISIONS

The land is zoned Local Business and General Residential and subject to the Parking and Sustainable Transport, Natural Assets, Safeguarding of Airports, and Coastal Erosion Hazard Codes under the Tasmanian Planning Scheme - Clarence (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 was extended with the consent of the applicant until 24 November 2021.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 31 representations were received raising the following issues:

- overdevelopment of site;
- unsuitable retail tenancies;
- incorrect overshadowing diagrams;
- inadequate car parking;
- increased traffic and lack of on street parking;
- loss of views;
- building located over zone boundaries;
- adhesion;
- impact on streetscape;
- Private Open Space;
- noise; and
- lack of stormwater treatment.

RECOMMENDATION:

A. That the Development Application for 13 Multiple Dwellings and 3 Shops at 24 and 26 Yachtsmans Way, Tranmere (CI Ref PDPLANPMTD-2021/022305) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. GEN AP3 – AMENDED PLANS [the storage area for waste and recycling bins increased to provide adequate space to contain two bins per each dwelling located on the Local Business zone lot].
3. GEN AM5 – TRADING HOURS:
 - 7.00am to 9.00pm Monday to Saturday; and
 - 8.00am to 9.00pm Sunday and public holidays.
4. Commercial vehicle movements for the commercial tenancies must be within the following hours:
 - 7.00am to 9.00pm Monday to Saturday; and
 - 8.00am to 9.00pm Sunday and public holidays.
5. GEN C1 – ON-SITE CAR PARKING [33], insert after “parking spaces” “(26 for the dwellings and 7 for the shops” add additional paragraph “The basement car parks must be clearly marked and management set in place to ensure the availability of 24 spaces for residential units (2 spaces per dwelling) and 7 spaces for the retail tenancies”.
6. ENG A1 – NEW CROSSOVER.
7. ENG A5 – SEALED CAR PARKING.
8. ENG M1 – DESIGNS DA insert after dot point 3 “stormwater treatment will be required as part of the engineering design approval in accordance with Council procedures and as required for consent under the Urban Drainage Act for the increased stormwater discharge volume generated by the proposal’ and ‘line marking of pedestrian routes through the car parks”.
9. A plan for the management of demolition and construction works must be submitted and approved by council’s manager city planning prior to the issue of a building permit or a certificate of likely compliance (CLC) for building works. The plan must outline the proposed demolition and construction practices in relation to:
 - weed hygiene methods to prevent the spread of weeds and soil-based pathogens to and from the property during construction;
 - procedures to prevent soil and debris being carried onto the foreshore;
 - methods for the storage and removal of materials handled on-site; and
 - how works would be undertaken generally in accordance with “Wetlands and Waterways Works Manual” (DPIWE, 2003) and “Tasmanian Coastal Works Manual” (DPIPWE, Page and Thorp, 2010).
10. ENG M3 – GARBAGE FACILITIES.
11. ENG M5 – EROSION CONTROL.

12. ENG M6 – CONSTRUCTION FENCING.
13. ENG S1 – INFRASTRUCTURE REPAIR.
14. GEN M5 – ADHESION.
15. The development must meet all required Conditions of Approval specified by TasWater notice dated 27 September 2021 (TWDA 2021/01629-CCC).

ADVICE

- (a) A Certificate of Certifiable Works (CCW) will be required from TasWater for both Building and Plumbing Applications.
 - (b) The proposed works are within a Coastal Erosion Hazard and therefore, documentation to address the requirements of the Building Act 2016 may be required as part of the Building certification documents issued by the Building Surveyor.
 - (c) Please seek advice from your building surveyor to ensure that the proposed development is compliant with Disability (Access to Premises Buildings) Standards 2010, in particular to disability parking spots and retail areas.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

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

6.3 DEVELOPMENT APPLICATION PDPLANPMTD-2021/021725 – 2/145 EAST DERWENT HIGHWAY, LINDISFARNE - ADDITIONS TO HAIRDRESSING SALON**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for additions to the hairdressing salon at 2/145 East Derwent Highway, Lindisfarne.

RELATION TO PLANNING PROVISIONS

The land is zoned Local Business and subject to the Road and Railway Assets, 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.

Council is required to exercise a discretion within the statutory 42-day period which expires with the consent of the applicant on 24 November 2021.

CONSULTATION

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

- construction timeframe;
- noise;
- residential amenity;
- landscaping;
- boundary fencing; and
- traffic impacts.

RECOMMENDATION:

A. That the Development Application for additions to hairdressing salon at 2/145 East Derwent Highway, Lindisfarne (C1 Ref PDPLANPMTD-2021/021725) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN C2 – CASH-IN-LIEU [\$32,000],[4].
3. GEN AM7 – OUTDOOR LIGHTING.
4. All external lighting must be turned off between 10pm and 6am, except for security lighting.

5. A landscape plan must be submitted to and approved by council's manager city planning prior to the granting of a building permit. The plan must provide for landscaping where adjacent to the southern and south-western boundary in the location shown by the endorsed site plan, be to a standard scale, provide the designers contact details and be legible when reproduced at A3.

The landscape plan must clearly document the following:

- a north point;
- existing property information such as building footprints, boundary lines, outdoor structures, garden beds and fences;
- existing contours, relevant finished floor levels and any proposed rearrangement to ground levels;
- existing trees identified as to be retained or removed;
- areas of proposed landscape hard work treatments such as driveways, paths, buildings, car parking, retaining walls, edging and fencing;
- areas of proposed landscape soft work treatments including garden beds and lawns;
- proposed planting design with locations of individual plants at intended spacing and clearly identified species (use of symbols with a legend or direct labelling of plants preferred);
- a table listing selected species botanical names, mature height, mature width, pot size and total quantities;
- details of proposed irrigation system (if required);
- details of proposed drainage system (if required); and
- estimate of cost for the installation of landscape works.

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

All landscape works must be maintained:

- in perpetuity by the existing and future owners/occupiers of the property;
- in a healthy state;
- in accordance with the approved landscape plan; and
- if any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity, as the vegetation which died or which was removed.

Installed landscape works (soft and hard) will be inspected for adherence to the approved landscape plan and for quality of workmanship. In order for a landscape bond to be released the works must be deemed satisfactory by council's landscape design officer. Trade standard will be the minimum quality benchmark that all landscape works will be assessed against.

6. LAND 3 – LANDSCAPE BOND (COMMERCIAL).

7. Prior to undertaking work to relocate the stormwater main the applicant must submit a start works notice and must schedule an inspection by council officers of the new main prior to backfilling the trench.
8. The development must meet all required Conditions of Approval specified by TasWater notice dated 13 September 2021 (TWDA 2021/01507-CCC).

ADVICE

- ADVICE 15 – DDA ADVICE.

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

Decision: **MOVED** Ald James **SECONDED** Ald Blomeley

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

**6.4 DEVELOPMENT APPLICATION PDPLANPMTD-2021/021743 – 4
ROSEVEAR LANE, SANDFORD – DWELLING AND OUTBUILDING****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a dwelling and outbuilding at 4 Rosevear Lane, Sandford.

RELATION TO PLANNING PROVISIONS

The land is zoned Rural Living B and subject to the Parking and Sustainable Transport, Potentially Contaminated Land, Safeguarding of Airports, and Bushfire Prone Areas Code, and the Sandford Specific Area Plan under the Tasmanian Planning Scheme - Clarence (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 23 November 2021, as extended with approval from the applicant.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and one representation was received raising the following issues:

- proximity to property boundary;
- proximity to Level 2 Quarry activity; and
- quarry operations will be intrusive to future occupants.

The proposal was referred to the Director, Environment Protection Authority who provided advice on the current quarry permit activity and concerns about potential environmental impacts on the dwelling and the potential for significant land use conflict to fetter the quarry operations. The Director Mines has advised that the development in its current form cannot be supported. Correspondence is included in full in Attachment 4.

RECOMMENDATION:

- A. That the Development Application for Dwelling and Outbuilding at 4 Rosevears Lane, Sandford (PDPLANPMTD-2021/021743) be refused as the proposal is contrary to the provisions of the Tasmanian Planning Scheme – Clarence for the following reasons.
1. The proposal does not comply with Clause C9.5.2 Sensitive use within an attenuation area, as the proposal has the potential to constrain the operation of an existing activity listed in Table C9.1

2. The proposal does not comply with Clause CLA-S11.7.1 Residential amenity, as the proposal design and location is considered unlikely to be protected from unreasonable impacts from the quarry located at 100 School Road, Sandford and does not protect the quarry from potential land use conflict arising from the dwelling 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.

Decision:**MOVED** Ald Ewington **SECONDED** Ald Edmunds

“A That the Development Application for Dwelling and Outbuilding at 4 Rosevear Lane, Sandford (PDPLANPMTD-2021/021743) be approved subject to the following condition and advice.

1. GEN AP1 – ENDORSED PLANS.

ADVICE

- An application for a Plumbing Permit to install an on-site wastewater disposal system must be submitted and approved as part of the Building Application.
- The proposed works are located within a mapped bushfire prone area and as such a bushfire assessment and BAL must be provided by a suitably qualified person and form part of the certified documents for the building approval.

- B. That the reasons are as follows:

- With long-standing family connection to the area, the Applicant is very familiar with the local conditions and is prepared to accept the impact the quarry may have on their amenity.
- The applicant has committed to planting trees on the boundary and further fencing of deck areas to mitigate dust, and visual and noise pollution.
- Other measures such as double-glazed windows and sealing of doors and other openings are considered adequate measures to reduce the impact of quarry operations.

/ Decision contd on Page 32...

DEVELOPMENT APPLICATION PDPLANPMTD-2021/021743 – 4 ROSEVEAR LANE, SANDFORD – DWELLING AND OUTBUILDING /Decision contd...

- Other dwellings are already located in the 750m buffer zone and there have been no identified issues with these dwellings and quarry operations.
- Council had previously allowed the land to be subdivided for residential use.”

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

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

7. REPORTS OF OFFICERS

7.1 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

Nil.

7.2 ASSET MANAGEMENT

Nil Items.

7.3 FINANCIAL MANAGEMENT

Nil Items.

7.4 GOVERNANCE**7.4.1 QUARTERLY REPORT TO 30 SEPTEMBER 2021****EXECUTIVE SUMMARY****Purpose**

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

RELATION TO EXISTING POLICY/PLANS

The Report uses as its base the Annual Plan adopted by council and is consistent with council's adopted Strategic Plan 2021-2031.

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 September 2021 be received.

Decision:

MOVED Ald Edmunds **SECONDED** Ald Blomeley

"That the Recommendation be adopted".

CARRIED UNANIMOUSLY

7.4.2 GLAMORGAN SPRING BAY COUNCIL PDPSAMEND-2021/022575 - REQUEST TO AMEND THE STRLUS ORFORD GROWTH MANAGEMENT STRATEGY**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider a referral from the Glamorgan Spring Bay Council seeking council's endorsement of an amendment to the Southern Tasmania Regional Land Use Strategy (STRLUS) Growth Management Strategy to specifically provide for the rezoning of the land at Certificate of Title FR149641/2, Rheban Road, Orford.

RELATION TO PLANNING PROVISIONS

The entire Glamorgan Spring Bay municipality is outside of the area identified on the STRLUS Map 10: *The Residential Strategy for Greater Hobart – Residential Areas* and therefore is outside the mapped STRLUS Urban Growth Boundary (UGB).

Under the STRLUS, Orford is identified on Map 9: *Regional Settlement Strategy* as a "Township" (page 99) and Table 3 (page 89) prescribes a "Low" Growth Strategy with a "Consolidation" Growth Scenario.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

In a letter dated 5 October 2021, the Glamorgan Spring Bay Council advised that at its meeting on 24 August 2021 it had resolved to seek an amendment to the STRLUS to modify the Orford Growth Management Strategy. They advised that the Minister for Planning requested that they seek endorsement from all councils within the southern region.

While a council response was requested prior to 2 November 2021, this was not possible due to competing work priorities and council's meeting cycle.

RECOMMENDATION:

- A. That the Minister for Planning be advised that:
 - 1. Council does not oppose an amendment to the Southern Tasmania Regional Land Use Strategy's Growth Management Strategy for Orford because it is unlikely to have direct impacts on Clarence.
 - 2. Council requests urgent action by the State Government on the review of the Southern Tasmania Regional Land Use Strategy.
- 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 38 for Decision on this Item...

**GLAMORGAN SPRING BAY COUNCIL PDPSAMEND-2021/022575 - REQUEST
TO AMEND THE STRLUS ORFORD GROWTH MANAGEMENT STRATEGY
/contd...**

Decision:

MOVED Ald Ewington **SECONDED** Ald Peers

“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

7.4.3 RENEWAL OF LEASE – HOBART MODEL AERO CLUB INC. – “KELLYFIELD” 142 COLEBROOK ROAD, RICHMOND**EXECUTIVE SUMMARY****PURPOSE**

To consider issuing a new lease agreement with the Hobart Model Aero Club Inc. for the existing club site on public land at 142 Colebrook Road, Richmond.

RELATION TO EXISTING POLICY/PLANS

- Council’s Leased Facilities Pricing and Term of Lease Policy applies; and
- the Strategic Plan 2021-2031 is relevant.

LEGISLATIVE REQUIREMENTS

Section 178 of the Local Government Act, 1993 is applicable.

CONSULTATION

Section 178 of the Local Government Act, 1993 provides that council must advertise its intention to dispose of public land through public advertisement.

FINANCIAL IMPLICATIONS

Recommendation has no direct implications on Council’s Annual Plan.

RECOMMENDATION:

- A. That in accordance with section 178 of the Local Government Act 1993, council gives notice of intention to enter into a new lease for the public land at 142 Colebrook Road, Richmond for the existing club site to the Hobart Model Aero Club Inc.
- B. That provided the notice of intention to lease process is finalised and no objections are received, council authorise the General Manager to enter into a new lease agreement with the Hobart Model Aero Club Inc. for a term of 10 years from 1 April 2022 and that the annual rental for the lease is in accordance with Council’s Leased Facilities Pricing and Term of Lease Policy:
- C. That, in the alternative to Recommendation B above, should objections be received, the matter be referred to a further meeting of council for consideration.

The Mayor declared an interest in this Item and left the meeting prior to discussion (9.00pm).

The Deputy Mayor **assumed** the chair.

/ Refer to Page 40 for Decision on this Item...

**RENEWAL OF LEASE – HOBART MODEL AERO CLUB INC. – “KELLYFIELD”
142 COLEBROOK ROAD, RICHMOND /contd...**

Decision:	MOVED Ald Peers SECONDED Ald Edmunds “That the Recommendation be adopted”. CARRIED UNANIMOUSLY
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The Mayor returned to the meeting at this stage and **resumed** the chair (9.02pm).

7.4.4 COMMUNITY SUPPORT GRANTS**EXECUTIVE SUMMARY****PURPOSE**

To consider the Partnership Grants Assessment Panel's recommendations for the allocation of financial assistance in respect of the 2021-22 round of Partnership Grants.

RELATION TO EXISTING POLICY/PLANS

Consistent with Council's Strategic Plan 2021-2031, Community Grants Policy and social plans including Youth Plan; Cultural Arts Plan; Age Friendly Clarence Plan; Community Health and Wellbeing Plan; Access and Inclusion Plan; Cultural History Plan; Community Participation Policy; Clarence Events Plan; Community Safety Plan; Reserve Activity Plans and Recreation Strategies.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Nil.

FINANCIAL IMPLICATIONS

There is an annual budget of \$30,000 in the Community Grants Program for Partnership Grants.

RECOMMENDATION:

That Council approves the distribution of two financial grants totalling \$28,980.00 to:

- Clarendon Vale Neighbourhood Centre (auspice for One Community Together) for the Community Exchange Network Program - \$14,980.00; and
- Tasmanian Bike Collective for the Clarence Plains Bike Collective project - \$14,000.00

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

7.4.5 REQUEST FOR PREAPPROVAL FOR UNMETERED PUBLIC LIGHTING ELECTRICITY SUPPLY CONTRACT**EXECUTIVE SUMMARY****PURPOSE**

To grant the General Manager pre-approval to accept the preferred tender response from an energy retailer and enter into the relevant contract to supply electricity to council's unmetered public lighting from July 2022 (or a date to be confirmed) for three years.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2021-2031, Code for Tenders and Contracts, and Procurement Procedure are relevant.

LEGISLATIVE REQUIREMENTS

The report on this item details the basis for the recommendation. Any alternative decision by council will require a full statement of reasons to maintain the integrity of the Tender process and to comply with the requirements of the *Judicial Review Act 2000* (Tas).

The *Local Government Act 1993* (Tas) and the associated *Local Government (General) Regulations 2015* (Tas) relating to the tender requirements are relevant.

CONSULTATION

No community consultation has been undertaken.

FINANCIAL IMPLICATIONS

Each year council allocates funds in the Annual Plan for the electricity supply to public lighting.

RECOMMENDATION:

- A. That council approve in-principle to enter into the supply of unmetered public lighting with the preferred Electricity Retailer through the LGAT managed Public Lighting Energy Tender as reported.
- B. That council delegate approval to the General Manager to enter into a contract with the preferred Tasmanian Electricity Retailer for the electricity supply to the unmetered public lighting of Clarence City Council.

Decision:

MOVED Ald Warren **SECONDED** Ald Chong

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

7.4.6 GENERAL MANAGER'S REVIEW COMMITTEE APPOINTMENT**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is for council to appoint an Alderman to the General Manager's Review Committee.

RELATION TO EXISTING POLICY/PLANS

Council's General Manager Performance and Remuneration Review Policy adopted by Council in 2016 is relevant. The General Manager's Contract of Employment is also relevant.

LEGISLATIVE REQUIREMENTS

The General Manager's Contract of Employment requires that council undertakes an annual review of the General Manager's performance. The policy requires that the term of appointment for the 2 Aldermen on the committee be staggered on a 2 yearly basis.

CONSULTATION

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

RECOMMENDATION:

That Council notes the conclusion of Alderman Kennedy's two-year term on the General Manager's Review Committee and nominates an Alderman to the Committee for the balance of the current council term.

Decision:	Ald James nominated Ald Edmunds
	Ald Blomeley nominated Ald Ewington
	Ald Edmunds and Ald Ewington left the meeting at 9.04pm.
	There being more than one nomination a ballot was conducted.
	Ald Edmunds was duly elected to the General Manager's Review Committee for the balance of the current council term.

Ald Edmunds and Ald Ewington returned to the meeting at this stage (9.07pm).

7.4.7 ACCESS AND INCLUSION PLAN 2021-2025**EXECUTIVE SUMMARY****PURPOSE**

To seek endorsement of the Access and Inclusion Plan 2021-2025.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2021-2031 is relevant.

LEGISLATIVE REQUIREMENTS

- Disability Discrimination Act 1992 (Cth)
- National Building and Construction Codes of Australia 2019
- Anti-Discrimination Act 1998 (Tas)
- Disability Services Act 2011 (Tas)
- Disability Services Regulations 2015 (Tas)
- Land Use Planning and Approvals Act 1993 (Tas)

CONSULTATION

Development of the draft Access and Inclusion Plan has involved a thorough engagement process using multiple methods, in consultation with council's Disability Access Advisory Committee (DAAC).

FINANCIAL IMPLICATIONS

Actions and projects identified in the five-year plan will be subject to council's annual budget discussions and allocation, including council's capital work program, and any external funding grants or partnerships.

RECOMMENDATION:

That Council endorse the Access and Inclusion Plan 2021-2025.

Decision:

MOVED Ald Warren **SECONDED** Ald Chong

"That the Recommendation be adopted".

Ald Edmunds left the meeting at this stage (9.09pm).

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

8. MOTIONS ON NOTICE

8.1 NOTICE OF MOTION - ALD BLOMELEY PUBLIC SAFETY AND YOUTH CRIME PREVENTION

In accordance with Notice given it was:

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

“That this Council:

- A. acknowledges the recent incidences of anti-social behaviour in and around the Rosny Park Bus Mall and the Rosny Skatepark;
- B. calls for increased Police resourcing to provide heightened presence and visibility in these recognised ‘hotspots’, including real-time monitoring of CCTV Cameras in the Bus Mall; and
- C. investigates opportunities to collaborate with Tasmania Police to deliver youth crime prevention strategies that reduce anti-social behaviour in and around the Rosny Park Bus Mall and the Rosny Skatepark.”

Ald Edmunds returned to the meeting at this stage (9.10pm).

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

FOR

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

AGAINST

Ald James
Ald Mulder

**8.2 NOTICE OF MOTION - ALD WALKER
TRACKS AND TRAILS ADVISORY COMMITTEE REPRESENTATION**

In accordance with Notice given, it was:

Decision: **MOVED** Ald Walker **SECONDED** Ald Kennedy

“That Council expand the membership of the Tracks and Trails Committee to include a representative from a recognised dog walkers group, and authorise amendment of the Tracks and Trails Constitution to reflect this change”.

CARRIED UNANIMOUSLY

9. 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.

9.1 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.

9.2 ANSWERS TO QUESTIONS ON NOTICE

Nil.

9.3 ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING

Ald James

1. My question relates to the deplorable state of roads in Seven Mile Beach particularly Surf and a couple of the others around Lewis etc. My question is has there been any consideration to undertaking some emergency roadworks in relation to Surf Road in particular and a couple of the other areas because the state of the roads particularly Surf and I was down there a week ago and it was just a mass of potholes. It was just so untidy. Could you please advise of any immediate roadworks to be undertaken to those roads in Seven Mile Beach?

ANSWER

The section of road (between Seven Mile Beach Road and Lewis Avenue) has been extensively repaired with pothole repairs and some larger areas of patching. The road is now at the stage of requiring a complete reconstruction and because of the nearby significant trees, the need to manage stormwater and consider pedestrian access and parking there will need to be design work undertaken before proceeding with the construction works. The project will be proposed for funding in the 2022/23 budget.

The recent consistent wet weather has caused an increase the number of potholes developing on Council Roads in many areas (including Seven Mile Beach). Under normal circumstance Council has a pothole maintenance crew with a specialised truck that attend to potholes across the city. They normally work across the municipality on a suburb by suburb basis, to give a consistent approach to pothole maintenance, however at times (due to the severity or hazardous nature of a pothole) they do alter this approach when required. Over the last four to six weeks the Council crews have been working on a response style basis to address potholes – responding to queries and repairing high profile / high use and higher speed roads. This approach has been undertaken to manage risk due to the recent consistent poor weather and the significant increase in pothole repair requests.

Further to this, Council is currently undertaking a full sweep of the road network to determine the extent of the pothole issue we currently have with the aim to determine if additional resources are required to address the current demand and to allocate the appropriate resources to address any risks.

2. This council approved a structure plan for Seven Mile Beach in its last budget session for 2021/22 financial year. Does the structure plan improve, or does it include roadworks across the village or does it merely look at any planning matters that may be more in keeping with subdivision and not necessarily with the general road network within Seven Mile Beach?

ANSWER

The expression of interest has not been called for yet, but it is not far away. It was not envisaged that it would deal with making recommendations for construction works in line with your previous question but it would deal in a planning sense or an overall traffic sense with the network of roads and how they operate and what the priorities are and so on for pedestrians and vehicle movement, but it would not go to the level of making recommendations about the level of construction.

Ald von Bertouch

1. Why was Strategy 4.5 of Goal 4 An Environmentally Responsible City within the draft 2020-2030 City of Clarence Strategic Plan which was approved to go out to consultation at the council meeting of 14 December 2020 removed from the final version of the strategic plan adopted by council on 19 April 2021? This strategy inter alia focussed on acknowledging and responding to the impacts of climate change by continuing to work with all levels of government to meet national climate change objectives as agreed to following the 21st conference of parties COP 21 Paris. It was included in council's strategic plan 2016 2026.

ANSWER

From the initial consultation to the final approval, we went through a process of simplification of a number of terms and the reference to climate change was one of those terms. It is now included at 4.5 as the undertaking to develop an environmental sustainability strategy and in that regard, it covers not only climate change but a number of other environmental priorities, so it takes a much broader approach.

2. Could all aldermen be apprised of the scoping document for the environmental sustainability strategy which is to be one of the 7 strategies to sit under council's 2021-2031 Strategic Plan and particularly in relation to what reference there will be to climate change adaptation and mitigation measures to be undertaken by council?

ANSWER

That scoping document is the only one that is outstanding that I recall. I have been advised that it is almost finalised, and I should be a position to provide that to Aldermen within the coming weeks. That will address those half a dozen areas that I broadly referred to before including climate change

Ald Edmunds

A few years ago, we spoke about doing a survey on waste in Clarence. I would just like an update on if that is still something we are doing or whether it was cut during COVID-19 which I don't remember that we did or its status going forward?

ANSWER

(Mayor) I recall that it was overtaken by the fact that the State Government was coming up with a State waste policy and other things that left it behind, but it is worth finding out and following up on what the plans are now.

(Further information)

Clarence City Council is due to review its Waste Management Strategy. Council approved funds are required in order to undertake this work. At the time of preparing a waste survey for the community the State Government released their Draft Waste Action Plan and has followed further with an intended Waste Levy, which is understood to commence on 1 July 2022 and a Container Refund Scheme which may commence at the end of 2022. Council officers are also liaising with the other southern councils on a new contract for processing recyclable materials.

Council officers will prepare a summary status of waste in the southern region and options for Clarence moving forward to discuss at a future workshop.

Ald Blomeley

1. My question is in regard to the Clarence lifestyle village in Geilston Bay and the missing quarter of that plan. I am conscious that some residents have paid a deposit etc but there are planning issues that have stopped the final stage of that development to proceed I am just wondering where that is at?

ANSWER

I am unaware of any progress in response to council's decision however I can confirm that we have spoken to prospective purchasers in the area and updated them. I will take it on notice and provide a more detailed status report.

(Further information)

By way of background, at the meeting on 31 August 2020 council considered the proposal to initiate a planning scheme amendment to facilitate the expansion of the Clarence Lifestyle Village. The proposal was deferred to provide opportunity to address certain matters.

To date, no information has been submitted in response. Council officers have contacted the owners during the process to offer advice and feedback. However, the matter remains in the hands of the owners to respond, before council can take any action. The owner is also aware of this status.

Over previous months, several prospective purchasers have contacted council officers to enquire about progress. They have been advised of the current status and that council would seek to expedite the matter when the outstanding information is submitted.

2. My question is in regard to law and order in our City. I am aware last Thursday a 15 year old lad was violently attacked, an unprovoked attack, in the bus mall during daylight hours I think it was about 2.30 in the afternoon. I am also aware over the weekend Corpus Christi Catholic Church had their window smashed, so if the missing feet of Jesus wasn't bad enough the window has now been destroyed. My question Mr Mayor is probably in regard to our liaison with the local Eastern District as to resourcing levels and I am repeatedly, as I am sure we all are, getting feedback from Eastlands from the bus mall and around what is the CBD of our city. So, I am just wondering if there has been any liaison with the Eastern District Command as to resourcing levels because at the moment it is pretty evident that current levels are not achieving what they are meant to be achieving so what liaison does occur with Commander Berry?

ANSWER

The Eastern District Command Inspector Berry and I speak periodically, usually on an issues basis or to inform each other of particular things that might be going in within the City. In the context of a response to crime and prevention we haven't had any particular conversations regarding that for some time so I can take that on notice and provide a more detailed response after I have consulted with Inspector Berry.

(Further information) The General Manager has discussed recent concerns with Inspector Berry. We are advised that while there has not been a noticeable increase in reported incidents. There is regular liaison with key organisations.

Ald Peers

1. I know we had very heavy rain and I that some of our stormwater and sewer outlets probably couldn't cope but I've seen nothing in writing yet to tell me because we have some old infrastructure will we be getting any reports on some the damage that was done?

ANSWER

We did give a verbal update at the agenda briefing on Friday, but I haven't got a formal report at the moment. The advice that I did provide on Friday was that the rain that we had last week saw the enactment of a new protocol that we developed with TasWater for the first time that worked well but we are the process of providing an analysis on how that went and any issues that emerged.

Question contd

Will we get a copy of that analysis?

ANSWER

You will, yes

2. We used to have a bus trip and we used to do it around budget time. One of the things that does annoy me since it's gone, can we reintroduce it because we are getting things that we haven't had before footpaths here roads here?

ANSWER

(Mayor) We certainly can Ald Peers I will canvass support for it.

Ald Walker

The strategic plan has already been mentioned and one of the seven strategies is the Health and Wellbeing Strategy. My understanding was that we were going to have a facilitated workshop on this. I am wondering if that is going to happen or is that just being shelved until after the elections.

ANSWER

We did have a number of attempts at a workshop. One of the suggested facilitators was of concern to aldermen you will recall who that was. We have tried others but have not found anyone and at this point in time I do not have any particular options on how to proceed with that.

(Further information) We are planning to discuss the Sport and Recreation Strategy and Health and Wellbeing Strategy on the same night at a workshop. Ideally that should be before the end of this calendar year.

Ald Ewington

1. My question relates to something that Ald Peers raised regarding a bus trip. I am not advocating a bus trip but there are several projects that I know have come up in budgets over the last few years and relates to some comments I made previously. Would there be any chance as part of our preliminary budget situation for us to be given a list of things that have been funded and the status of how far away some of them may happen because I had an enquiry from someone about the disc golf course down at Wentworth Park and I don't have anything on when that might be happening so is there any way that we could prepare something?

ANSWER

My understanding was that we provided something similar to that as part of the budget last year. We also discussed the priorities of various master plans and what would come forward in the current financial year. We of course can provide details of particular projects that we manage in terms of where they are at in terms of where design tendering construction process so that is no problem at all. In terms of your specific example of disc golf at Wentworth Park I have no visibility on anyone suggesting that I'm not sure where that comes from.

2. I go to Mornington a bit and I know I have discussed this with you Mr Mayor about the parking situation in Mornington and there are cars on top of cars and I know we have made changes to restrictions but have we got something happening, I know it was mentioned that we were looking at a plan for Mornington the obvious thing to me is to look at the vacant land there and create some form of park because I think leaving it as it is, is not an option. Is there anything happening in that space?

ANSWER

Beyond the parking control changes, no. We do not own any land up there that could be used for parking so if council was of a mind to do something of that nature then the first step would be strategically looking at locations to purchase.

Ald Kennedy

1. Tonight a number of us would have seen what was happening at KFC. It was probably one of the most alarming examples of a child being beaten, it was pretty horrendous. My question is, is there anything we can do because it was very alarming to see and the number of police that were there still did not seem to be able to diffuse it and they are so close at hand, it was really alarming to see. I realise you cannot give too much of an answer for that.

ANSWER

One of the things we have looked at and considered in the past are things like more CCTV cameras. The major issue we have with those is two fold in a sense, unless they are continually monitored then the ability for the police or anyone else to respond is limited so it is recording an event not giving an opportunity to respond and even when those events are recorded often the clarity of the footage is not sufficient from an evidence point of view with people wearing hoodies and other things that disguise their identity. The discussions I have been having and in some respects, it goes to Ald Blomeley's question tonight really are about how are police and others resourced to respond effectively to those sort of events so that there is a recognisable presence and a recognisable response and those are the conversations that I am to have.

2. We have had a lot of rain, obviously there is a lot of water lying in low areas but now through the Acton corridor, Seven Mile Beach, I am not living on that main stretch anymore but I get 5 or 6 calls a day. The time it takes now for water to subside in the area is really alarming, my question is, is it on the radar what can we do about it?

ANSWER

I go back to Ald James' question on the structure plan which is probably more of a master plan for Seven Mile Beach area. I expect that to not only deal with traffic but issues around stormwater and other infrastructure as part of a holistic review. I was actually out there on Saturday. Seven Mile Beach is particularly wet, the lead in through Acton was as well but interestingly so was the area around the back of Richmond, the amount of water running out of paddocks was just astronomical, so I am quite aware, but we need to approach that as a whole of community sense to work out how we want to proceed. It is a very big issue.

Ald Mulder

In regard to the Liberal Party's election commitment of 75,000 to the Rosny golf club house, earlier this evening the General Manager informed us that although no consultation occurred with council prior to the commitment being made he did say he since learned it was for a specific purpose. What is that specific purpose and what does council need to do to access the \$75,000?

ANSWER

I might have been misheard. It was not for a special purpose. We were concerned that the grant was for a particular purpose related to golf. In the last week I have been able to confirm that the grant relates to the building and it is not related to a particular future use of that building. So, in that context we are currently pricing renovation of the toilets in the building so that they are updated and ambulant. We are looking at installing new doors so that security is improved and also replacing the glass as essentially the glass is very weak. We are looking at the building fabric trying to improve it so if there is a future use then at least the main infrastructure of the building is up to spec. I should have those quotes in the next couple of weeks.

Ald Chong

For some years we have had the Cambridge Master Plan on our books and the intention was that when the by-pass was built we would be given as a council the centre of Cambridge. Could I ask for a report on what the status of that is and where the negotiations with presumably State Growth are on the transfer of that.

ANSWER

Taken on Notice — A meeting was held recently with the Department of State Growth on the transfer of the road to Clarence Council. A Memo will be forwarded to Aldermen explaining the steps involved.

9.4 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.

10. 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.

10.1 APPLICATIONS FOR LEAVE OF ABSENCE

10.2 TENDER T1392-20 – TORRENS STREET, RICHMOND – ROAD AND STORMWATER UPGRADE

10.3 TENDER T1325-19 – ALMAS ACTIVITY CENTRE, CLARENCE – ALTERATIONS AND ADDITIONS

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</p> <p>MOVED Ald Peers SECONDED Ald Edmunds</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>
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The Meeting closed at 10.26pm.

CLOSED MEETING /CONTD...

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

10.2 TENDER T1392-20 – TORRENS STREET, RICHMOND – ROAD AND STORMWATER UPGRADE

Decision:	MOVED Ald Chong SECONDED Ald Kennedy
	“A. That the tender received from State-Wide Earthworks Pty Ltd for the amount of \$425,223.00 excluding GST, be accepted for the Torrens Street, Richmond – Road and Stormwater Upgrade works.
	B. That, in accordance with Regulation 34(3) of the Local Government (Meeting Procedures) Regulations 2015, Council authorises for release of the Council’s decision (only) in respect to this item to the general public via the open minutes of this meeting and for communication to relevant parties.”
	CARRIED UNANIMOUSLY

10.3 TENDER T1325-19 – ALMA’S ACTIVITY CENTRE, CLARENCE – ALTERATIONS AND ADDITIONS

Decision:	<p>MOVED Ald von Bertouch SECONDED Ald Blomeley</p> <p>“A. That, subject to the tenderers confirming an extension of time to further consider the tender proposal, Council defers a decision as to the Alma’s Activity Centre alterations and additions tender until 7 February 2022 Council Meeting.</p> <p>B. That a report be presented to Council at a future workshop prior to 7 February 2022 providing a cost/benefit analysis of the full and partial refurbishment of the Alma’s Activity Centre, as compared to a cost/benefit analysis of the sale of the Alma’s Activity Centre and the possible uses of the funds, including building a purpose-built civic/community centre within the Bellerive/Rosny area.</p> <p>C. That, in accordance with Regulation 34(3) of the Local Government (Meeting Procedures) Regulations 2015, Council authorises for release of the Council’s decision (only) in respect to this item to the general public via the open minutes of this meeting and for communication to relevant parties.</p> <p>D. That the reasons for Council’s decision in respect of this matter are:</p> <ul style="list-style-type: none"> • Goal 2 Objective 10 of the Annual Plan 2021-22 (Ensuring quality civic architecture which is responsive to place and adaptable to the needs of the community), Priority Activities & Initiatives #6 (Undertake refurbishment of the Alma Street Activities Centre) [p. 14]. • Goal 2 Objective 9 of Council’s Strategic Plan 2021-31 (Undertaking an audit and strategic review of council’s buildings and community facilities to establish usage, condition, and compliance to standards, and assess to ensure they are fit for purpose to accommodate current and future needs).
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/ Decision contd on Page 57...

TENDER T1325-19 – ALMA’S ACTIVITY CENTRE, CLARENCE – ALTERATIONS AND ADDITIONS /Decision contd...

- There should be a cost/benefit analysis (social, financial, and timeframe) as to:
 1. fully redeveloping the Centre;
 2. partially refurbishing it (dealing with the disability access for the entrance and toilets, and not losing the \$250K State Government grant, lobbied for by the Alma’s Activity Centre Committee, but using it for this aspect of the building);
 3. selling the centre and determining how the funds will be used by Council.
- Given that there is a tender process to be concluded, it is necessary to conduct the suggested cost/benefit analysis quickly. If this can be conducted within an agreed time period, Council would then be able to make a considered decision on where to from here, rather than a rushed one which lacks evidence.
- As the tendered work is subject to a “rise and fall” contract arrangement, there is likely to be fluctuation in cost regardless of whether council accepts the tender tonight. Deferring the tender consideration until February 2022 is unlikely to impact final pricing as the tendered price can be expected to increase anyway.
- Council needs strong evidence and reasoning to decline the preferred tenderer. The information that has been provided by Memo dated 3 November 2021, and the officer’s presentation dated 8 November 2021, which was actually delivered to Council on 15 November 2021, and the officer’s report in the 22 November Council Meeting agenda, is not sufficiently detailed for Council to make a crucial decision that will have a long-term impact on social services and community development within Clarence.

/ Decision contd on Page58...

TENDER T1325-19 – ALMA’S ACTIVITY CENTRE, CLARENCE – ALTERATIONS AND ADDITIONS /Decision contd...

- In relation to the financial aspects of the mooted cost/benefit analyses, the following matters should be investigated:
 1. Council has invested very little in the maintenance and capital upgrade of the Alma’s Activity Centre since it was purchased by Council in 1976;
 2. A considerable amount of funds has been expended to date to prepare for this tender, including the completion of architectural plans/drawings in consultation with the Committee and Council staff;
 3. Council has had a “hands off” approach to managing the Centre. A Special Committee of Council, primarily composed of older volunteers, has managed the Centre for many years, and, until its temporary closure on 30 June 2021, the one employee was managed and paid by the Committee;
 4. It is Alderman von Bertouch’s understanding that the amount of funds (raised by the Alma’s Committee) and currently in the Alma’s Committee reserve is approximately \$100K. There should be clarification as to whether these funds can be spent on capital works for the Alma’s building;
 5. Clarification should occur as to whether the \$250K State Grant is specific to the Alma’s Centre full redevelopment, or whether it can be used for a partial refurbishment.
 6. Whether funds from the possible sale of the Kangaroo Bay Boulevard site, and the 59 Cambridge Road (Old Bellerive Library Building, which is currently leased to the Education Department) may be quarantined for use in redeveloping the Alma’s Activity Centre and/or building a new civic/community centre.”

/ Decision contd on Page 59...

TENDER T1325-19 – ALMA’S ACTIVITY CENTRE, CLARENCE – ALTERATIONS AND ADDITIONS /Decision contd...

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

FOR

Ald Blomeley
Ald von Bertouch
Ald Warren

AGAINST

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

MOVED Ald Ewington **SECONDED** Ald James

- “A. That neither Tender be accepted for redevelopment of Almas Activities Centre.
- B. That a report be presented to council at a future workshop on options for the Alma’s Activity Centre.
- C. That, in accordance with Regulation 34(3) of the Local Government (Meeting Procedures) Regulations 2015, Council authorises for release of the Council’s decision (only) in respect to this item to the general public via the open minutes of this meeting and for communication to relevant parties.”.

CARRIED

FOR

Ald 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