



# Clarence City Council Annual General Meeting 2021

## Minutes

**MINUTES OF THE ANNUAL GENERAL MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 6 DECEMBER 2021**

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

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

**APOLOGIES:** Nil

**IN ATTENDANCE:** General Manager  
(Mr I Nelson)  
Chief Financial Officer  
(Ms M Coleman)  
Group Manager Engineering Services  
(Mr R Graham)  
Manager Health and Community Development  
(Mr J Toohey)  
Manager City Planning  
(Mr R Lovell)  
Manager Communication and Strategic Development  
(Mr C Paske)  
Executive Officer to the General Manager  
(Ms J Ellis)

The Meeting closed at 7.29pm.



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".*



**1. OPENING**

The Mayor declared the Meeting open at 7.00pm.

**2. INTRODUCTION OF ALDERMEN**

The Mayor introduced the Aldermen present at the Meeting.

**3. APOLOGIES FROM ALDERMEN**

Nil

**4. MEETING PROCEEDINGS**

Refer to agenda.

**5. CONFIRMATION OF MINUTES OF 2020 ANNUAL GENERAL MEETING**

**Decision:** **MOVED** Ald Peers **SECONDED** Ald Kennedy

“That the Minutes of the Annual General Meeting held on Monday, 7 December 2020, as circulated, be taken as read and confirmed”.

**CARRIED UNANIMOUSLY**



## 6. ANNUAL REPORT

### A. ANNUAL REPORT 2020/21

- **GENERAL OVERVIEW OF ACHIEVEMENTS**

The Mayor tabled the Annual Report, making reference to the Mayor's message contained in the report and provided a general overview of Council's challenges, achievements and highlights which occurred during the year.

The Mayor conveyed his appreciation to Aldermen, the General Manager and Staff for their support to the Clarence community.

### B. PRESENTATION OF COUNCIL'S 2020/21 FINANCIAL REPORT

The Chief Financial Officer gave a detailed overview of the Financial Statements in the Annual Report and Council's overall financial performance.

The Mayor invited questions on the Annual Report and Financial Statements.

Ald James asked the following questions:

- **Question 1**

In your report at paragraph 5 you say council city planning group worked overtime approving 916 planning applications over the course of the year – a 27.4% increase on 2019/20. Is the planning department able to cope and given that we have had a recent departure of one of our senior planners to the Tasmanian Planning [Commission] and I believe there are a lot of junior planners within that particular area; is it able to cope given the increase we could expect in the next financial year and that department being able to meet its objectives of meeting appropriate statutory obligations?

**ANSWER**

(Manager City Planning) I have to say that the office is struggling at the moment and we will be working on some statistics to demonstrate and assess the amount of work covered by individuals in the group and we will be reporting back to council as part of the budget process.



## ANNUAL REPORT/PRESENTATION OF COUNCIL'S 2020/21 FINANCIAL REPORT /contd...

- **Question 2**

You mentioned that there was a balance of about \$25 million capital works projects that were to be carried over into the 2021/22 financial year. Have you any idea and are you able to advise council as to when council would be able to start those projects that we have approved in the 2021/22 financial year?

**ANSWER**

(Chief Financial Officer) Capital works is a significant element of council's operations and I would like to highlight that in the last quarterly report we had reported that of the capital works projects that we are planning to deliver, in the first quarter 27% of those projects have already been delivered. So I think in terms of the timeframe around that as you would be aware, each project has its own life cycle and a timeframe. If they were able to be delivered in a neat financial year that would make this CFO very happy but that is not the case. They go over a number of years in terms of identifying when they would be delivered. A really good source of that information is council's quarterly report which provides a list of all the capital works projects and an estimate of when they are likely to be completed. Now some of those would be in various phases. They could be in a design phase, they could be in a construction phase but whatever phase they are in that quarterly report is a really good source of information.

- **Question 3**

Is the Chief Financial Officer able to advise of the balance of any internal loans that the council has at 30 June 2021 and any external loans outstanding at 30 June 2021?

**ANSWER**

(Chief Financial Officer) As at 30 June 2021 the balance of council's internal loan, to fund the acquisition of 69 Cambridge Road is \$814,517.33. The balance of council's external loan as at 30 June 2021 was \$2.340million and is a five year interest free loan. The loan relates to the LED Lighting Project.



## ANNUAL REPORT/PRESENTATION OF COUNCIL'S 2020/21 FINANCIAL REPORT /contd...

Mr Figg of Lauderdale asked the following questions

- **Question 1**

Could you further elaborate on the \$34 million on page 70 [of the Annual Report] as "other payments". When there are amounts as large as that I would not normally put them in "other". I would list them because they are such substantial amounts. Can you give me any information on that?

**ANSWER**

At the time the Chief Financial Officer was not able to identify the specific matter raised by Mr Figg. After the meeting the question was clarified by Mr Figg and the Chief Financial Officer has provided the following answer:

The matter relates to the Cash Flow Statement "Cash flows from operating activities". In the section "Payments" there is an amount classified as "Other" to the value of \$34million.

Council's Financial Statements are prepared in accordance with Australian Accounting Standards. The purpose of the Cash Flow Statement in part is to communicate the key activities that cash for which is being utilised. The key broad activities are:

- Operating Activities,
- Investing Activities, and
- Financing Activities.

**ANSWER QUESTION 1 /CONTD**

Cash payment in the “Other” category relate to operating activities.

Payments in cash relate to the following:

Materials	\$1.368million
Contracts	\$12.436million
State Government Charge and levies	\$6.582million
Net Rate Remissions	\$0.303million
Electricity	\$1.038million
Insurance	\$1.080million
Audit fees	\$0.057million
Alderman’s Allowance	\$0.460million
Lease payments	\$0.761million
Family Day Care relief	\$1.483million
Community Services Support	\$0.122million
Corporate Support	\$1.703million
Policy and Promotion	\$0.744million
External plant hire	\$0.466million
Special Committee expenses	\$0.403million
Other items	\$1.437million
Goods and Service Tax	\$3.870million
<b>TOTAL</b>	<b>\$34.313million</b>

- **Question 2**

What amounts of money are council putting aside for future global warming?

**ANSWER**

(Chief Financial Officer) I don’t know of any specific funds for that but we do have an environmental area in our organisation that is working on a number of projects. Again, these are detailed in the quarterly report as to what they are in terms of coastal management plans and those sort of things but in terms of specific financial reserve or provision there is no such thing at the moment.



### Question 2 contd

Would council have an idea of what their liabilities may be around coastal management issues and sea level rise?

The Mayor sought clarification as to whether this question related to the questions put on notice by Mr Figg.

Mr Figg advised that this question related to the accounts because this issue doesn't seem to have been addressed.

#### ANSWER

Council has not sought actuarial assessment of potential liabilities related to coastal management and sea level rise issues. In the last year council approved a Coastal Hazards Policy. The policy provides a risk-based framework for managing coastal hazards and establishes the basis for development of local Coastal Management Plans. The policy also provides a clear statement of responsibilities.

- **Question 3**

Does council loan money to members of the public or organisations outside council? Years ago there was a loan to SAPRA down at South Arm of around \$50,000 that I can recall. I am just wondering if council is still doing that?

#### ANSWER

At the meeting the Chief Financial Officer advised that she was not aware of any loans currently on the balance sheet.

The Chief Financial Officer has provided further advice as follows.

Council has a long history of supporting community associations through loan funding arrangements. Section 74 of the *Local Government Act 1993* states that "A council may expend its funds for the purpose of exercising its powers or carrying out its functions under this or any other Act within the estimates adopted under Section 82."

Loan Deeds that are currently in place include:

- Loan to Cricket Tasmania to support the construction of the Kangaroo Bay Pavilion – the balance as 30 June 2021 is \$283,347.87. The loan will be fully repaid in May 2031.
- Council approved a loan arrangement for the Olympia Football Club to support the construction of a new contemporary sporting facility to meet the needs of the growing demand of the sport. The loan funds are in addition to grant funding received by the Club. The loan is yet to be called upon by the Club.





**C. SUMMARY OF SUBMISSIONS RECEIVED**

The Mayor advised the Meeting that there were no submissions on the Annual Report received prior to the meeting.

**D. DISCUSSION ON SUBMISSIONS RECEIVED**

As there had been no submissions no discussion occurred in respect to this item.

**E. ADOPTION OF ANNUAL REPORT**

<b>Decision:</b>	<b>MOVED</b> Ald Blomeley <b>SECONDED</b> Ald Kennedy
	“That the 2020/21 Annual Report and 2020/21 Financial Report be received”.
	<b>CARRIED UNANIMOUSLY</b>

**7. MOTIONS ON NOTICE**

The Mayor advised that there had been no Motions on Notice received prior to the Annual General Meeting.

**8. QUESTIONS ON NOTICE**

Mr Figg of Lauderdale provided questions on notice which were listed in the Agenda.

The Mayor advised that the answers to Mr Figg’s questions will be provided in the draft minutes which will be publicly available and that a copy will be forwarded to Mr Figg.

Mr Figg thanked the General Manager and staff involved for service provided in relation to the Annual General Meeting.



Mr Figg's questions and answers thereto are set out below.

**Question 1**

Can council please provide an accurate statement of the financial cost and provisions for this outcome along with timelines and itemised facts of expenditure including breakwaters sea defences or other works?

**ANSWER**

It is not possible to provide the statements of financial cost sought. Such statements would be speculative.

Council has no current plans for expenditure on breakwaters, sea defences and other similar engineering solutions. Council is developing local coastal management plans, in accordance with its approved Coastal Hazards Policy, to assess and respond to identified coastal hazards in consultation with affected communities.

**Question 2**

Can council please provide the total financial costs of any and all legal:

- a. Actions/court costs or other related losses or compliance costs
- b. In house employment of legal advisors, practitioners, staff and other related costs
- c. Enforcement officers and associated costs
- d. External sub-contracting of legal matters or advice
- e. Costs of other council staff and resources related to compliance and/or actions such as non-court actions and costs

For the past 12 months and also the budget for these for the next 12 months?

**ANSWER**

The following responses are a "best estimate" based on council's interpretation of the question and available financial records. Consequently, the amounts cited may not represent all costs.

- a. Legal and compliance expenditure related to planning matters in the 2020/2021 financial year was \$344,976.

Legal and compliance expenditure related to governance matters in the 2020/2021 financial year was \$124,963.

**ANSWER TO QUESTION ON NOTICE 2 /CONTD.**

- b. The cost of inhouse legal advisors and practitioners in 2020/2021 was approximately \$329,400. It is unclear what is meant by “other related costs”.
- c. Council employs several rangers, environmental health officers, building compliance officers, planning compliance officer and other staff whose roles include compliance as a function. Records do not exist to quantify the cost of compliance activities associated with those various roles.
- d. It is not clear what is meant by “external sub-contracting of legal matters or advice”. In 2020/2021, council spent \$554,939 on external legal advice and representation. It is not possible to separate legal advice costs from legal action costs.
- e. It is not possible to answer this part of the question. It is uncertain and, at any rate, it is unlikely that any specific financial data exists at that level of detail.

**Question 3**

Can council please give the total cost of the timber disability ramp/walkway that was erected at the head of the Lauderdale Canal adjacent to the original and subsequent boat ramp into Frederick Henry Bay. Please include all costings and expenditure for the:

- a. Planning consultation and public meetings
- b. Erection of the structure
- c. Maintenance including sub-contractor replenishing the sand to the structure from erosion
- d. Removal of the ramp structure
- e. Disposal of structure and remaking the sand dune good for purpose
- f. I believe the total cost was around \$400,000 can the council also confirm this?

**ANSWER**

The costs for the items included in Question 3, being the timber walkway and subsequent boat ramp, were recorded within council’s financial records as totalling \$321,074.

**Question 4**

- a. Does the council agree it is required by law to confirm to “The Urban Drainage Act 2013” in particular the sections outlined? [Refer agenda]

**ANSWER**

Council agrees it is required to comply with the provisions of the Urban Drainage Act 2013.

- b. The issue of council’s stormwater compliance (*“Drains Act 1954 and the Urban Drainage Act 2013”*) has been raised repeatedly since 2010
- Why has council not complied over the past 8 years and
  - When will council be compliant and have a functioning and reliable stormwater system in Lauderdale?

**ANSWER**

Urban Drainage Act compliance:

- Council rejects the assertion that it has not complied with the Urban Drainage Act over the past eight years. Council adopted stormwater systems management plans for each of the nine urban areas within the city in December 2019.
- Council’s stormwater systems management plans (SSMP) indicate priorities of stormwater improvements for each of the nine urban drainage areas. These plans are scheduled in context of overall priorities, affordability within the long-term financial plan, potential community consultation, resourcing and delivery in terms of local issues. The Lauderdale SSMP is included in the overall schedule.

**Question 5**

- a. As “the List” shows council’s registered planning maps showing the Lauderdale:
- Coastal Projected Storm Tide (Diagram 1)
  - Coastal Projected Sea Level Rise (Diagram 2)
  - Coastal Inundation Hazard (Diagram 3)
  - Coastal Erosion (Diagram 4)
- b. Can council tell us what action they have taken to respond to these predicted occurrences now and in the future?
- c. Is council defending Lauderdale now and into the future or retreating from the problem and costs?
- d. Can council tell us how they intend to defend Lauderdale against these occurrences?



- e. Can council show where and how much it has set aside to combat this issue of global warming?

**ANSWER**

The climate change risks associated with Lauderdale are explained in the report by SGS Economics & Planning – Climate Change Impacts on Clarence Coastal Areas December 2008 report. Council has supported the recommendations from this report.

Council has allocated funds this financial year to undertake a Local Coastal Management Plan for Roches Beach. Consultants are presently undertaking this work.

Council will make decisions related to coastal hazards and inundation in accordance with its approved Coastal Hazards Policy, received scientific advice and relevant statutory requirements.

Council has not at this time set aside funds specifically related to global warming.

**9. QUESTIONS WITHOUT NOTICE**

Nil.

**10. CLOSE OF MEETING**

There being no further business the Mayor declared the Meeting closed at 7.29 pm.