

# MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL CONDUCTED ELECTRONICALLY, ON MONDAY 17 JANUARY 2022

**HOUR CALLED:** 7.00pm

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

B A Blomeley  
H Chong  
L Edmunds  
D Ewington  
R H James  
T Mulder (7.50pm)  
J Peers (7.40pm)  
S von Bertouch  
J Walker  
B Warren; present.

**1. APOLOGIES**

W Kennedy  
T Mulder (for late arrival)  
J Peers (for late arrival)

**ORDER OF BUSINESS** Items 1 – 10

**IN ATTENDANCE**

General Manager  
(Mr I Nelson)

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 8.31pm.

The Mayor opened the meeting with the council prayer and make 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. The meeting is not protected by privilege.

There is a link to the agenda papers on council’s website.

**COUNCIL MEETING**  
**MONDAY 17 JANUARY 2022**

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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 Walker                      Item No. 6.2

## 3. OMNIBUS ITEMS

### 3.1 CONFIRMATION OF MINUTES

#### RECOMMENDATION:

That the Minutes of the Council Meeting held on 13 December 2021, as circulated, be taken as read and confirmed.

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

“That the Minutes of the Council Meeting held on 13 December 2021, as circulated, 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

- 14 December:      ABC Interview – Ryk Goddard – Council Meeting Outcomes;  
Derwent Ferry Media Opportunity – Ashes;  
Hobart Hurricanes BBL Chairman's Room;
- 15 December:      Rokeby Neighbourhood Centre Christmas Luncheon;
- 21 December:      Greater Hobart Mayor's Forum;  
ABC Drive 2 – 5<sup>th</sup> Ashes Interview;
- 12 January:        State Government and Metro Media Interview – Ashes Transport;  
Channel Nine Melbourne Interview – Ashes;

**MAYOR'S COMMUNICATION /contd...**

- 13 January: ABC Breakfast Radio Melbourne – Ashes;
- 14 January: ABC National Radio Interview – Ashes;  
Day One of Fifth Ashes Series Chairman's Room;
- 15 January: Day Two of Fifth Ashes Series Chairman's Room.

Deputy Mayor on behalf of Mayor

- 14 December: Bayview Secondary College Presentation Day Assembly;
- 15 December: Richmond Primary School Grade 6 Leavers Awards Presentation;
- 16 December: Opening – Images of Tasmania 24 – Long Gallery;
- 18 December: Carols Under the Stars 2021;
- 24 December: Hobart Hurricanes BBL Chairman's Room;
- 27 December: Hobart Hurricanes BBL Chairman's Room.

Alderman Tony Mulder on behalf of Mayor

- 15 December: "Have a Cuppa with a Cop" – Neighbourhood Watch.

Alderman James Walker on behalf of Mayor

- 15 December: Rotary Club of Lindisfarne Christmas Dinner.
- 16 December: Impression of Tasmania and Fujian Art Exhibition.

Alderman Brendan Blomeley on behalf of Mayor

- 16 December: Risdon Vale Primary School Presentation Assembly.

Alderman Luke Edmunds on behalf of Mayor

- 1 January: Hobart Hurricanes BBL Chairman's Room.

### 3.3 COUNCIL WORKSHOPS

An Aldermen's Meeting Briefing (workshop) was conducted on the Friday immediately preceding the Council Meeting.

#### RECOMMENDATION:

The Aldermen's Meeting Briefing (workshop) conducted on the Friday immediately preceding the Council Meeting be noted.

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

"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.

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

- Received from 12 signatories requesting council erect a boundary fence between property 13 Waverley Court and the southern side of Waverley Flora Park together with another gate (to complement the existing one) on the pathway between properties 9 and 11.

The General Manager provided advice regarding a non-compliant petition received from 41 signatories requesting council to undertake a planning study to reclassify land in the Precinct from Rural Living B Zone (minimum 2ha) to Rural Living A (minimum 1ha), and to submit the outcome to the Tasmanian Planning Commission for approval. The General Manager further advised that we are in contact with the submitter of the petition to discuss its non-compliance.

**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**

The Copping Refuse Disposal Site Joint Authority distributed its Quarterly Summary of its Meetings for the period ending 10 December 2021.

The Copping Refuse Disposal Site Joint Authority also distributed its Quarterly Report for the period ending 30 September 2021.

In accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015 the Report will be tabled in Closed Meeting.

**Representative Reporting**

- **TASWATER CORPORATION**

- **GREATER HOBART COMMITTEE**

**3.7 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES****RICHMOND ADVISORY COMMITTEE**

- Ald Chong tabled the Minutes of a Meeting held on 28 October 2021.



**3.8 WEEKLY BRIEFING REPORTS**

The Weekly Briefing Reports of 13 and 20 December 2021 and 10 January 2022 have been circulated to Aldermen.

**RECOMMENDATION:**

That the information contained in the Weekly Briefing Reports of 13 and 20 December 2021 and 10 January 2022 be noted.

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

“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.

Anne Boxhall of Seven Mile Beach has given notice of the following question:

##### **ANOMALY IN FENCE HEIGHT REGULATIONS**

What steps have council taken to resolve the anomaly in fence height regulations where new dwellings are required to be built one metre (or more) above natural ground level in flood prone areas, and if no steps have been taken to date, what is council's timeline for resolution of this issue? The higher floor level of new dwellings effectively "removes" one metre (or more) from the height of an adjoining boundary fence, which has obvious privacy implications.

##### 4.2 ANSWERS TO QUESTIONS ON NOTICE

The General Manager provided the following Answer to the Question listed at Item 4.1.

##### **ANOMALY IN FENCE HEIGHT REGULATIONS**

Boundary fencing is normally a civil matter and subject to the *Boundary Fences Act 1908*. Council has no regulatory power to require owners to build fences above the applicable exempt height allowed by the Tasmanian Planning Scheme. Accordingly, to answer the question directly: Council has taken no steps in relation to your concern.

Notwithstanding the above, it may be noted that in certain zones, questions of privacy are matters that can be taken into account in relation to the assessment of the design of a particular dwelling. Specifically, in instances where the relevant *Acceptable Solution* under the zone requirements cannot be met, the design must demonstrate compliance with the relevant *Performance Criteria*.

**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 13 December 2021 Mr Victor Marsh of Bellerive asked the following question.

**TRAFFIC AND PARKING MANAGEMENT - BELLERIVE**

I am very concerned about the traffic and planning situation in Bellerive Village and surrounding streets. With proposed developments like the Boulevard apartments, the hotel complex at Kangaroo Bay, the upgrading of the Bellerive Yacht Club, Dan Murphys in Percy Street, the recently completed food store on the corner of Clarence and Scott Street, which has created its own traffic mayhem and not to mention all the events and services happening in the area. In my personal opinion, I believe that Clarence City Council have a develop at any cost mentality in the Bellerive area and don't really care about the consequences these developments will have on the community.

Can the Clarence City Council give a definitive answer on what they are going to do to allay our fears over traffic and parking management in the Bellerive area?

**ANSWER**

In relation to recent developments in the Bellerive area, these development applications have included supporting documentation in relation to the traffic and parking impacts likely to result from each development. Each development has then been assessed against the requirements of the planning scheme – and particularly against the Parking and Sustainable Transport Code and the Road and Railway Assets Code (or equivalent).

More generally, decisions around parking and transport need to be based on appropriate data. Council will soon be calling tenders for the installation of parking sensors for our commercial centres, including the Bellerive Village. These sensors will provide real time data around parking occupancy, duration of stay and compliance with posted time limits. This data will be used to inform future decisions around parking management and parking supply.

As part of the trial of ferry services connecting Bellerive to Hobart, council has undertaken before and after surveys of parking demand across the Bellerive Village – for both the weekday commuter services and for the Summer Saturday services. Daily monitoring has also been happening in Victoria Esplanade and King Street to understand the ongoing parking usage in these areas.

**4.4 QUESTIONS WITHOUT NOTICE**

Mr Thomas Chick of Mornington asked the following question.

**RECYCLING**

Council's webpage on recycling notes that Clarence citizens should remove plastic bottle lids (and put them in general waste) before putting said bottles in their recycling. The Australasian Recycling Label (ARL), which has been introduced on an increasing number of such bottles (e.g. Woolworths), often says that such bottles should instead be crushed, and their lids replaced. Is Council's website out-of-date, or should citizens ignore the prominently printed ARL?

For context Council's website explains that bottles with tops left on "can cause issues for the sorting machines that use air to sort the items" and "may explode from a build-up of pressure once they are compacted into bales." Planet Ark's ARL webpage counters that crushing the bottle and replacing the cap "ensures that the bottle is empty of potential contaminants, the cap will not come off when compressed and the cap can be recovered and recycled."

**ANSWER**

Cleanaway the commercial facility that process recycling material collected from Clarence have advised directly to council and via their web site that:

**Plastic Bottles/Water Bottles**, rigid plastic bottles should be placed empty, clean, and dry into your recycling bins, with their tops removed.

**Shampoo and conditioner bottles**, rigid plastic containers such as shampoo and conditioner bottles can be recycled in your comingled recycling bin. Empty, rinse and dry before placing them in the bin.

Council is guided by the procedures and process that the commercial processing company specifies and the reason for asking that tops be removed as noted on council's website is to address the company's safety concerns for their employees as bottles with lids attached when crushed can direct the tops with such force that it may endanger their employees if struck by the projectile. It is therefore the company's view that it is safer to request that tops be removed in all instances.

Council is mindful of all workers safety and therefore supports the company's request that is based on their employee safety.

Ms Lisa Culic of Seven Mile Beach asked the following questions.

**WALKING TRACK – SEVEN MILE BEACH**

My last question on notice on the 20 September 2021 you replied that the walking track at Seven Mile Beach that backs onto my property is maintained 15 metres wide as part of the Tangara Trail and is a fire break.

I have noted that it was maintained on the 13<sup>th</sup> December 2021 which was great to see.

1. Can you please confirm how many times a year it is maintained as I could not see it clearly in the Tangara bushfire strategy management plan?

**ANSWER**

The maintenance of this linear strip along the Tangara Trail adjacent to the rear of the property boundaries at this location, is budgeted to be maintained once per year with a second (or additional) slashing if required. Last year we slashed it twice, but other years have been up to four times due to additional growth.

2. How long is the management plan in place for, 10, 20, 50 years?

**ANSWER**

There are two strategies that guide our management of this area, the Tangara Trails Strategy which is reviewed every five years and the Clarence Bushfire Management Strategy which is also reviewed every five years. Both documents are due for revision this year.

Mrs Joanne and Mr Victor Marsh of Bellerive asked the following question.

**PUBLIC PIER BELLERIVE**

Fishing is a popular past-time on the new public pier at Bellerive. Every time a trail of mess and damage is left behind which affects the amenity of the pier.

What is the current maintenance schedule for the public pier?

**ANSWER**

We have been conducting weekly maintenance on the pier with additional cleaning as required. In recent weeks quite a few people have been using the pier to fish, and disappointingly some have been using the seats to cut up bait and gut fish. This has left an unacceptable mess. We will increase inspections and cleaning to a daily regime for the summer holiday period and also install signage on each seat directed at people who wish to fish. In the longer term we will consider what else we can do to accommodate fishing in an appropriate way.

**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-2021/019730 – 21 SEVEN MILE BEACH ROAD, SEVEN MILE BEACH (WITH ACCESS OVER 23 SEVEN MILE BEACH ROAD, SEVEN MILE BEACH) – 1 LOT SUBDIVISION**  
(REFER ITEM 6.3)

Ms Maree Tomes and Justin Park provided a deputation regarding the above matter which was read out by the General Manager.

**DEVELOPMENT APPLICATION PDPLANPMTD-2021/020660 – 6 PAIGE COURT, WARRANE – 12 MULTIPLE DWELLINGS (INCLUDING 3 COMMUNAL RESIDENCES)**  
(REFER ITEM 6.1)

Ms Anna Bateman provided a deputation regarding the above matter which was read out by the General Manager.

<b>6</b>	<b>PLANNING AUTHORITY MATTERS</b>
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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-2021/020660 – 6 PAIGE COURT, WARRANE - 12 MULTIPLE DWELLINGS (INCLUDING 3 COMMUNAL RESIDENCES)****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 12 Multiple Dwellings (including 3 Communal Residences) at 6 Paige Court, Warrane.

**RELATION TO PLANNING PROVISIONS**

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

**LEGISLATIVE REQUIREMENTS**

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

Council is required to exercise a discretion within the statutory 42-day period which expires on 18 January 2022, as per approved extension of time granted on 9 December 2021.

**CONSULTATION**

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

- inaccurate Traffic Impact Assessment;
- loss of water pressure;
- loss of views;
- overdevelopment of the site;
- unreasonable loss of amenity;
- unreasonable impact of construction activity;
- inadequate landscaping;
- insufficient construction details for retaining walls;
- inaccurate assessment of a site density;
- extending beyond the building envelope;
- shadow diagrams inadequate;
- non-compliant design of private open space;
- non-compliant orientation of townhouses; and
- insufficient detail on internal driveway and parking design.



**RECOMMENDATION:**

- A. That the Development Application for 12 Multiple Dwellings (3 Communal Residences) at 6 Paige Court, Warrane (CI Ref PDPLANPMTD-2021/020660) be refused as the proposal is contrary to the provisions of the Clarence Interim Planning Scheme 2015 for the following reasons.
1. The proposal does not comply with Clause 10.4.2 Setbacks and building envelope for all dwellings Performance Criterion P3 (a) (ii) and results in unreasonable loss of amenity due to the overshadowing of the private open space of 14, 22 and 24 Bilinga Street, Warrane.
  2. The proposal does not comply with Clause 10.4.2 Setbacks and building envelope for all dwellings Performance Criterion P3 (a) (iv) as the design and setback of the nine cojoined multiple dwellings creates an unreasonable loss of amenity due to its visual bulk, when viewed from adjoining properties.
  3. The proposal does not comply with Clause 10.4.3 Site coverage and private open space for all dwellings Performance Criterion P2 (b) as the private open spaces for multiple dwellings 2 to 9 inclusive are not oriented to take advantage of sunlight.
  4. The proposal does not comply with Clause 10.4.4 Sunlight to private open space of multiple dwellings Performance Criterion P1 as the private open spaces for multiple dwellings 2 to 9 inclusive are overshadowed by the multiple dwellings to their north, and receive no sunlight on 21 June, the shortest day of the year.
  5. The proposal does not comply with Clause E5.5.1 Existing road accesses and junctions Performance Criterion P3 (g) as the increase in vehicle traffic is likely to create an unreasonable impact on the efficiency of the road.
  6. The proposal does not comply with Clause E5.6.4 Sight distance at accesses, junctions and level crossings Performance Criterion P1 (g) as the reduced sight distance at the access does not provide for safe movements of vehicles.
- 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 17 for Decision on this Item...

**DEVELOPMENT APPLICATION PDPLANPMTD-2021/020660 – 6 PAIGE COURT,  
WARRANE - 12 MULTIPLE DWELLINGS (INCLUDING 3 COMMUNAL  
RESIDENCES) /contd...**

**Decision:**

**MOVED** Ald James **SECONDED** Ald Warren

“That the Recommendation be adopted”.

**CARRIED**

**FOR**

Ald Chipman  
Ald Chong  
Ald Edmunds  
Ald James  
Ald von Bertouch  
Ald Walker  
Ald Warren

**AGAINST**

Ald Blomeley (abstained)  
Ald Ewington (abstained)

**6.2 DEVELOPMENT APPLICATION PDPLANPMTD-2021/021880 – 107  
DERWENT AVENUE, LINDISFARNE - 3 MULTIPLE DWELLINGS****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 3 multiple dwellings at 107 Derwent Avenue, Lindisfarne.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and subject to the Parking and Sustainable Transport, Potentially Contaminated Land and Safeguarding of Airports 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 has been extended with the consent of the applicant until 20 January 2022.

**CONSULTATION**

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

- use of right-of-way;
- stormwater infrastructure impacting on existing dwelling; and
- development not in keeping with character of the area.

**RECOMMENDATION:**

A. That the Development Application for 3 multiple dwellings at 107 Derwent Avenue, Lindisfarne (C1 Ref PDPLANPMTD-2021/021880) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. The development must be undertaken in accordance with the recommendations of the Environmental Site Assessment (8 November 2021).
3. ENG M1 – DESIGNS DA.
4. ENG A5 – SEALED CAR PARKING.
5. ENG S1 – INFRASTRUCTURE REPAIR.

6. The development must meet all required Conditions of Approval specified by TasWater notice dated 15 October 2021 (TWDA 2021/01549-CCC).
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

Ald Walker declared an Interest in this Item and left the meeting prior to discussion (7.31pm).

<b>Decision:</b>	<b>MOVED</b> Ald James <b>SECONDED</b> Ald Ewington “That the Recommendation be adopted”. <b>CARRIED UNANIMOUSLY</b>
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Ald Walker returned to the meeting at this stage (7.34pm).

**6.3 DEVELOPMENT APPLICATION PDPLANPMTD-2021/019730 – 21 SEVEN MILE BEACH ROAD, SEVEN MILE BEACH (WITH ACCESS OVER 23 SEVEN MILE BEACH ROAD, SEVEN MILE BEACH) - 1 LOT SUBDIVISION****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 1 Lot Subdivision at 21 Seven Mile Beach Road, Seven Mile Beach (with access over 23 Seven Mile Beach Road, Seven Mile Beach).

**RELATION TO PLANNING PROVISIONS**

The land is zoned Village and subject to the Parking and Access Code, Road and Railway Assets Code and Inundation Hazard Areas Code under the *Clarence Interim Planning Scheme 2015, (the Scheme)*. In accordance with the Scheme the proposal is a Discretionary development.

**LEGISLATIVE REQUIREMENTS**

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

Council is required to exercise a discretion within the statutory 42-day period which expires on 18 January 2022.

**CONSULTATION**

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

- inundation;
- lack of Structure Plan;
- accuracy of On-site Wastewater Assessment;
- on-site Wastewater Management;
- outdated information contained in the Flood Hazard Report;
- underground services;
- access;
- hazard avoidance;
- solar access; and
- delegation issues.

**RECOMMENDATION:**

- A. That the Development Application for a 1 Lot Subdivision at 21 Seven Mile Beach Road, Seven Mile Beach (with access over 23 Seven Mile Beach Road, Seven Mile Beach) (CI Ref PDPLANPMTD-2021/019730) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. GEN POS1 – POS CONTRIBUTION [5%] [Lot 1].
3. ENG A3 – COMBINED ACCESSES [TSD-R03].
4. ENG M2 – DESIGNS SD.
5. ENG M8 – EASEMENTS.
6. ENG S1 – INFRASTRUCTURE REPAIR.
7. ENG S2 – SERVICES.
8. ENG S10 – UNDERGROUND SERVICES.
9. The development must meet all required Conditions of Approval specified by TasWater notice dated 22 November 2021 (TWDA 2021/00995 -CCC).

**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.

**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.

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

Ald Peers joined at the meeting at this stage (7.40pm).

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

<b>7.     REPORTS OF OFFICERS</b>
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<b>7.1   DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS</b>
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Nil Items.

## **7.2 ASSET MANAGEMENT**

Nil Items.



<b>7.3 FINANCIAL MANAGEMENT</b>
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Nil Items.

#### **7.4 GOVERNANCE**

Nil Items.

## 8. MOTIONS ON NOTICE

### 8.1 NOTICE OF MOTION - ALD EDMUNDS OUTDOOR DINING – WAIVING OF FEES

In accordance with Notice given, it was:

**Decision:** **MOVED** Ald Edmunds **SECONDED** Ald Warren

“That Council:

- Acknowledges the rapid spread of the omicron variant of COVID-19 in Clarence and the impact this is having on local businesses, particularly hospitality-based businesses, who have been forced to close or scale back their operations.
- Authorises the General Manager to provide assistance to hospitality (food and beverage) businesses located within the Clarence municipality by waiving the following fees for the period 18 January to 31 March 2022:
  - Mobile Food Businesses in Public Places Permit – 3 months - \$350.00;
  - Public Land - Annual rental for Commercial Activity - Use of Footpath /Forecourt for Outdoor Dining - \$42.50 per square metre;
- Notes that normal regulatory compliance and policy requirements will continue to apply notwithstanding the waiver of certain fees.
- Requests that the General Manager provide advice and recommendations to Aldermen identifying any further opportunities to provide business and community support as part of council’s ongoing COVID response.”

Ald Mulder joined at the meeting at this stage (7.50pm).

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

**FOR**

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

**AGAINST**

Ald James

**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).

Ald Warren has given notice of the following question:

**SIGNIFICANT FLOOD EVENT – 7 JANUARY**

“On Friday 7 January 2022, significant flooding occurred in Clarence at the Bellerive village shopping precinct, Eastlands, the major Eastlands intersection and South Street Bellerive. These areas have suffered significant flood events at least three times in recent years.

Can you please advise:

1. When are the approved remedial works for South Street scheduled to commence?
2. What plans are in place to address the flooding at Bellerive?
3. What plans are in place to address flooding at Eastlands and the intersection caused by the nearby rivulet breaking its banks in heavy rain events?”

Ald James has given notice of the following question:

**STORMWATER UPGRADES – BELLERIVE VILLAGE**

I understand that Council has approved funds in its 2021/22 budget funds for stormwater upgrades in the Bellerive village. When is work on these upgrades expected to commence? Will council notify businesses of progress in relation to this project?

**9.2 ANSWERS TO QUESTIONS ON NOTICE**

The General Manager provided the following Answers to Questions listed at Item 9.1.

**SIGNIFICANT FLOOD EVENT – 7 JANUARY**

1. Construction of stormwater reticulation upgrades planned for the Beach Street/South Street area are planned to go out for tender in February or March 2022, with a report to council anticipated around May. These works, because of their size and scope, will be undertaken in stages. Following awarding of the tender we will be able to provide an update to residents and businesses in the area, including details of construction timeframes and other arrangements to manage disruption in the area. We anticipate construction to commence around mid-year.

2. Designs are being finalised for upgrades to the stormwater system at the Percy Street/Cambridge Road intersection in Bellerive Village. We expect to advertise the tender for these works in approximately March or April. All things being equal, we expect to provide a report to council before the end of this financial year, with construction likely to commence later in 2022.
3. We are advised that the flooding at Eastlands was caused by the building's guttering and stormwater systems being overloaded. The flooding at the Rosny Hill Road intersection was due to sheet flow of water down Rosny Hill Road and Bligh Street to the low point in the intersection. Due to the suddenness of the deluge, the Rosny Hill Road stormwater pits were unable to cope with the volume of water immediately, however the water had dispersed within approximately 30 minutes which is normally regarded as acceptable for such events. The Kangaroo Bay Rivulet did not contribute to the flooding of Eastlands or the Rosny Hill Road intersection by breaking its banks during this rain event.

#### **STORMWATER UPGRADES – BELLERIVE VILLAGE**

Council has approved funding for the Percy Street/Cambridge Road intersection stormwater upgrades in its 2021/22 Estimates. As indicated in response to Ald Warren's question, designs for this work are being finalised and we expect to advertise the tender in March or April with the aim of commencing construction later in 2022. We will provide business owners in the area with an update on the expected timeframe for tendering and construction of these stormwater upgrades. In accordance with our usual practice, we will also require the preferred contractor to communicate specific construction arrangements, including traffic management and other details, directly to business owners as part of the construction program.

### **9.3 ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING**

Ald Warren

In relation to Rosny golf course, I understand that it has been mowed recently but the rubbish seems to be a problem. Can I ask if there are any plans to do a regular rubbish collection, as much as we do on Rosny Hill?

#### **ANSWER**

Yes, we can certainly do that.

(Further information) The golf course site is inspected and mowed according to a schedule of work. Following the above meeting a further inspection was undertaken with a small amount of litter removed from the area around the club house building.

Ald James

1. Have all compliance defects been addressed with relation to the Bellerive Public Pier and Breakwater?

**ANSWER**

It is under defects liability period, so the contractor has a year to rectify all defects and we are liaising with the contractor, and these will be undertaken over this year coming.

2. Will we be receiving in the New Year any requests for additional funding as a result it would appear to be a lot more mowing that council would be required to do in relation to its council land and verges?

**ANSWER**

We are completing our first run and it is highly likely that we will be coming back to council for the need of a second run, but I will further advise council when all the information is to me.

Ald von Bertouch

1. Will the Almas Activities Centre options report to be presented to a council workshop be developed by internal staff, if so, from which programme areas of council will those staff be drawn. If not, how will the options report be funded?

**ANSWER**

I expect the options report to be developed by council staff, drawn from a number of programme areas, including governance, community services and asset management.

2. What is the timeframe for the Almas Activities Centre options report to be presented to a council workshop?

**ANSWER**

Subject to the amount of work involved, I anticipate the options report to be presented to a workshop in the early part of the budget process, most likely late February or early March.

Ald Blomeley

Just confirming that “Kellyfield” is 16Ha in size, so we are talking about 39½ acre parcel of land, a significant parcel of land, that would be the conversion roughly.

**ANSWER**

I trust your calculation on that.

Question contd

I note the public advertisement was published in the Saturday Mercury of 4th of this month. Now no other community groups have been approached to utilise this land and we are proposing to lock it away for a 10 year lease with the Hobart Model Aero Club. So, I am just wondering Mr Mayor, through you the General Manager, what the process is if another community group wanted to say “hang on a moment I’d like to utilise a part of that nearly 40 acres that is available.” What is the process they go through considering that we are looking at a 31 January lease expiration date?

**ANSWER**

I will provide an answer but reserve the right to make some further enquiries, including some further information. Essentially, the way Section 178 of the Act works is to provide the community with an opportunity to object to a lease of public land, this land fits into that category. So, without having done any particular research in terms of the question, my answer would be that there are essentially two steps. There would need to be an objection to the lease and an accompanying proposal for an alternative use that council could consider. Then there would need to be a process that follows in terms of resolving any alternate proposal. So essentially if I could maybe clarify it in a different way, the Act requires us to do strictly a particular thing which is seek objections and then bring those back to council, we would then need to decide how to deal with any objection. In terms of do you proceed with the original proposal or do you wish to do something different as a council and if we had an alternative proposal, we would bring that to council and discuss it at a workshop as a first step.

**Question contd**

Just to make sure I am crystal clear on this. So, if someone does bring an objection, puts an alternative proposal there, you would then come back to us, through you Mr Mayor, the General Manager because it is obviously a decision that this councils made unanimously just to extend that lease for another 10 years. So, if there is an alternative proposal, you would be duty bound to come back to this body with a recommendation?

**ANSWER**

Yes, so that would happen in two steps. There would be a discussion at a workshop to discuss the details of that and inform Alderman and then we would need to put a recommendation to council to finalise that process under Section 178 of the Local Government Act. So, the other point I would make there is that the other alternative is if there are no objections then council would generally delegate to me to essentially renew the lease under whatever the terms were that we proposed. So, if there is an objection then there are things to talk about at a workshop and then ultimately the determination of how to proceed is still a report to council with a recommendation of course that could be amended, or an alternative recommendation put forward.

**Question contd**

Is it normal practice to publicly, like this, it's been delegated as it has for shared public use to be locked away for 10 years in a lease, is there a precedent for this?

**ANSWER**

(Mayor) I think what is important is this is a process we adopt for all sporting clubs and other organisations in the city when a lease comes up, so we have got a consistent process here. If there is any objection, then it is absolutely only this body sitting as a full council that can decide whether or not to extend the lease. So, if you have got any further follow up on this, if you can take it up outside of the meeting that would be good.

**Ald Peers**

With the school's triathlon at Bellerive and Howrah beach could the South Street Reserve car parking be open on that day, because apparently there were a lot of cars everywhere.

**ANSWER**

(Mayor) Can we take that as something to consider next year?

(Mr Graham) Certainly will, and we do consider that each year in terms of whether it is needed or not.

Ald Walker

1. Provision of recycling units for difficult to recycle items. This is an initiative that we see in the Hobart City Council area and in Launceston, in fact it is at the Tafe and University campus as well. There is a range of small boxes for as it says difficult to recycle items to be disposed of. So again, my question pertains to these, as I have explained to some degree what they are. Are we looking at offering such a service, such as in our foyer here? What would be the inhibitions or barriers for that to occur?

**ANSWER**

We have investigated this before through an Alderman request and we can provide that answer to all Alderman because we investigated what the costs were for other councils who actually make up the units. Also, Mornington Park Waste Transfer Station does have a large range of recycling options for our community to go directly to, but I will provide Alderman with the list of what we investigated before and could be a matter for budget consideration next financial year.

(Further information)

A memo was provided to Aldermen detailing the requested information.

2. You might remember a Special General Planning Meeting I think was last month, which went for quite some time. My question pertains to the boulevard site application. I raised the issue of car parking, waivers was part of that and it was put to us that there was a precedence involving two councils, one being Sorell. Can I be furnished with what the Sorell precedent was please?

**ANSWER**

The Mayor took the Question on Notice.

(Further information) The question relates to the special council meeting agenda briefing on Friday 5 November 2021 for PDPLANPMTD-2020/011070 - 86 Multiple Dwellings, Shops, Food Services and Museum - 30 Kangaroo Bay Drive, Rosny Park, 7 Pembroke Place, 92, 94, 96 and 98 Cambridge Road, Bellerive (the Boulevard site). At the briefing, there was a discussion about the officer recommendation to waive car parking spaces for 1 and 2 bedroom Multiple dwellings and the *legal basis* for doing so.

In that context, examples were provided of where the Tribunal had considered a reduction of car parking, without a cash-in-lieu requirement, under the performance criteria of interim planning schemes. The examples cited were:

- 53/21P, 9 Pelham Street, Sorell; and
- 102/16P, 4 and 6-12 Wynyard Street, Hobart.



In the Sorell example, the Tribunal considered whether the number of on-site car parking spaces was sufficient to meet the reasonable needs of users having regard to demand. Considering the RMS/RTA Guide, the Tribunal considered that the case for a reduction of car parking was not made given the evidence of high car ownership, the decentralised, semi-bucolic nature of Sorell, the high level of car commuting for work and education; a lack of on-street car parking; the lack and in frequency of public transport within a 400m walking distance of the site; and the lack of other modes of transport.

In the Hobart example, the RMS/RTA guide was accepted as an appropriate reference and a reduced level of car parking appropriate.

Ald Ewington

Just in relation to we have seen signs pop up around playgrounds and children's playgrounds in the community of late and I just had a couple of questions around that. Obviously State Health directed us to place the signs in certain locations, I assume that is the case. Did they provide any evidence or information to show that these areas had been hot beds of Covid transmission anywhere in the world and if they did, could that be provided to Alderman?

**ANSWER**

The Mayor took the Question on Notice.

(This question is answered in the next question below)

Question contd

Could we be provided with a list of the locations that are being proposed, as I assume there are going to be more of these put around the place and I would like to know what costs are incurred by council and/or if there is any subsidy or reimbursement or funding for this in relation to the ones placed in Clarence.

**ANSWER**

I can probably answer both questions. In terms of those signs at playgrounds, they are subject to a Department of Health order. The Department of Health does not provide its background information to justify its decisions, we simply get a direction that says here are all the categories of places that need to have Covid signage, that's it.

In term of locations, all parks with play equipment have had signage installed, that should be all complete. We started that process a couple of months ago and we chose to install signs on steel backing because the alternative was laminated paper, which would have resulted in more requirements to reattend those sites, reattach them as they weathered or were torn off. Most of those steel signs are attached to fencing where the park has a fence. On the odd occasion where there isn't a fence, they have been installed on a pole. So, the cost per sign ranges between about \$50 and about \$150, depending on the circumstance.

Question contd

So, with that note are the State Government paying for us to do that, or are we expected to cover that cost ourselves?

**ANSWER**

We are covering that.

Question contd

Can we get a cost on what that is costing us to do that around the whole city?

**ANSWER**

The Mayor took the Question on Notice.

(Further information) The sign installation to date has cost \$16,362. This cost includes the installation of signs (sometimes multiple) into parks with play equipment. Installation has been on existing signs or on standalone poles depending on the situation. At this time, 67 QR codes have been registered for play and skate parks.

Question contd

Further, what will be the process for these to come down at some stage, was there any indication from the initial notice to say this is only for what one year, two years, five years, forever?

**ANSWER**

They will be removed once we have had advice from Public Health to remove them.

Ald Mulder

1. Has council received any indication to date of when building applications relating to approved developments on Rosny Hill and Kangaroo Bay Road boulevard are likely to be submitted.

**ANSWER**

Not that I am aware but will take that on notice.

(Mayor) I certainly have no knowledge of anything that is about to be submitted.

(Further information) – We are not aware of any likely dates for submission of building applications for either site.

2. Recently council engaged a consultant to examine our workplace culture. When are we expecting this report?

**ANSWER**

I have been liaising with the consultant and I am hoping that we will have a copy of the report before Christmas, preferably this week.

(Mayor) Which means it will be brought to a workshop early in the New Year.

**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 JOINT AUTHORITY MATTER

10.3 TENDER T1437-21 ANNUAL RESEAL PROGRAM – ASPHALT RESURFACING WORKS 2021/2022

10.4 APPOINTMENT OF COMMITTEE MEMBER

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:

- personnel matters;
- contracts and tenders for the supply of goods and services;
- information provided to the council on the condition it is kept confidential;
- 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:**

**PROCEDURAL MOTION**

**MOVED** Ald Chong **SECONDED** Ald James

“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”.

**CARRIED UNANIMOUSLY**

The Meeting closed at 8.31pm.

**CLOSED MEETING /contd...**

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

**10.3 TENDER T1437-21 ANNUAL RESEAL PROGRAM - ASPHALT RESURFACING WORK 2021/2022**

<b>Decision:</b>	<b>MOVED</b> Ald Chong <b>SECONDED</b> Ald Ewington
	“A. That the Tender Response from Downer EDI Works Pty Ltd for \$828,364.33 excluding GST, be accepted for the Annual Reseal Program – Asphalt Resurfacing Works 2021/2022 for various streets in Clarence.
	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.”
	<b>CARRIED UNANIMOUSLY</b>

**10.4 APPOINTMENT OF NEW AUDIT PANEL MEMBER/AMENDMENT OF AUDIT PANEL CHARTER**

**Decision:** **MOVED** Ald Warren **SECONDED** Ald Chong

“That Council appoints Ms Heather Salisbury as the replacement independent member to Council’s Audit Panel for a period of four years, concluding in January 2026”.

**CARRIED UNANIMOUSLY**