

MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 25 JULY 2022

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
S von Bertouch
J Walker
B Warren; present.

1. APOLOGIES J Peers (Leave of Absence)

ORDER OF BUSINESS Items 1 – 11

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)

Chief Financial Officer
(Ms J Murrell)

Executive Officer to the General Manager
(Ms J Ellis)

The Meeting closed at 10.37 pm.

COUNCIL MEETING
MONDAY 25 JULY 2022

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
1.	ACKNOWLEDGEMENT OF COUNTRY	3
2.	ATTENDANCE AND APOLOGIES	3
3.	DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE	3
4.	OMNIBUS ITEMS.....	4
4.1	CONFIRMATION OF MINUTES	4
4.2	MAYOR’S COMMUNICATION	4
4.3	COUNCIL WORKSHOPS	4
4.4	TABLING OF PETITIONS.....	5
4.5	REPORTS FROM OUTSIDE BODIES	6
	• REPORTS FROM SINGLE AND JOINT AUTHORITIES.....	6
	• REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES	7
4.6	WEEKLY BRIEFING REPORTS.....	10
5.	PUBLIC QUESTION TIME	11
5.1	PUBLIC QUESTIONS ON NOTICE	11
5.2	ANSWERS TO QUESTIONS ON NOTICE.....	11
5.3	ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE.....	11
5.4	QUESTIONS WITHOUT NOTICE	12
6.	DEPUTATIONS BY MEMBERS OF THE PUBLIC.....	14
7	PLANNING AUTHORITY MATTERS	
7.1	DEVELOPMENT APPLICATION PDPLANPMTD-2022/028223 – 37 HOWRAH ROAD, HOWRAH – DEMOLITION OF EXISTING DWELLING AND THE CONSTRUCTION OF A NEW DWELLING	16
7.2	DEVELOPMENT APPLICATION PDPLANPMTD-2022/025936 – 233 CAMBRIDGE ROAD, WARRANE - 7 MULTIPLE DWELLINGS - 1 EXISTING AND 6 NEW AND OUTBUILDING.....	18
8.	REPORTS OF OFFICERS	
8.1	DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS - NIL ITEMS	
8.2	ASSET MANAGEMENT - NIL ITEMS	
8.3	FINANCIAL MANAGEMENT - NIL ITEMS	

8.4 GOVERNANCE

8.4.1	DRAFT ACTIVE LIVING STRATEGY 2022-2032 - COMMUNITY CONSULTATION FEEDBACK AND STRATEGY APPROVAL	24
8.4.2	DRAFT COMMUNITY WELLBEING STRATEGY 2022-2032 - COMMUNITY CONSULTATION FEEDBACK AND STRATEGY APPROVAL	25
8.4.3	ADOPTION OF NEW ALDERMEN STATEMENT OF EXPECTATIONS AND ALDERMEN ISSUES RESOLUTION PROCEDURE	27
8.4.4	URGENT ITEM – WASTE SERVICE CREDIT	29

9. MOTIONS ON NOTICE

9.1	NOTICE OF MOTION – ALD MULDER ELECTED MEMBER TITLE	31
9.2	NOTICE OF MOTION – ALD JAMES HOMELESSNESS IN CLARENCE – VACANT GOLF CLUB BUILDINGS, ROSNY PARK.....	32
9.3	NOTICE OF MOTION – ALD WALKER GRAFFITI REMOVAL	34
10.	ALDERMEN’S QUESTION TIME.....	35
10.1	QUESTIONS ON NOTICE.....	35
10.2	ANSWERS TO QUESTIONS ON NOTICE.....	35
10.3	ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING.....	35
10.4	QUESTIONS WITHOUT NOTICE	39
11.	CLOSED MEETING.....	40
11.1	APPLICATIONS FOR LEAVE OF ABSENCE	
11.2	PROPERTY MATTER	
11.3	CONTRACTUAL MATTER	

1. ACKNOWLEDGEMENT OF COUNTRY

The Mayor:

- made the following statement:

“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”.

- recited the Council prayer; and
- 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. A link to the Agenda is available via Council’s website.

2. ATTENDANCE AND APOLOGIES

Refer to cover page.

3. 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: **NIL**

4. OMNIBUS ITEMS

4.1 CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Council Meeting held on 4 July 2022, as circulated, be taken as read and confirmed.

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

“That the Minutes of the Council Meeting held on 4 July 2022, as circulated, be taken as read and confirmed”.

CARRIED UNANIMOUSLY

4.2 MAYOR’S COMMUNICATION

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

Mayor

5 July: ABC Radio Interview – (Ferry Fares);
 8 July: RDA Tas – Status Update and Scope of Work;
 20 July: Greater Hobarts Mayor’s Forum;
 22 July: Triple M Radio Interview – (Waste);
 22 July: ABC Radio Interview – (Waste); and
 22 July: HIT FM Radio Interview – (Waste).

Deputy Mayor Heather Chong (on behalf of Mayor)

6 July: Breakfast to Celebrate NAIDOC Week with Dr Timothy Ault; and
 20 July: Think Pink – Mental Health Luncheon.

4.3 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

Review of Committees

Draft Statement of Expectations

Confidential Briefing – Blossom Court Park

Confidential Briefing – Possible Land Purchase

11 July

COUNCIL WORKSHOPS /contd...

Update on Kerbside Collection Transition
Master Plans

18 July

RECOMMENDATION:

That Council notes the workshops conducted.

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

4.4. TABLING OF PETITIONS

Nil.

4.5 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.

REPORTS FROM SINGLE AND JOINT AUTHORITIES

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

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

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

Representatives: Ald James Walker

(Ald Luke Edmunds, Deputy Representative)

Quarterly Reports

June Quarterly Report pending.

Representative Reporting

- **TASWATER CORPORATION**

The Mayor tabled the Quarterly Report to Owners' Representatives as at 30 June 2022.

- **GREATER HOBART COMMITTEE**

REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES

TRACKS AND TRAILS ADVISORY COMMITTEE – QUARTERLY REPORT

Chairperson’s Report –Alderman D Ewington

Report to Council for the three-month period for 1 April 2022 to 30 June 2022.

RECOMMENDATION:

That the Chairperson’s Report be received by council.

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

“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 April to 30 June 2022.

RECOMMENDATION:

That the Chairperson’s Report be received by Council.

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

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

Report to Council for the 3-month period, 1 April 2022 to 30 June 2022.

RECOMMENDATION:

That the Chairperson's Report be received by council.

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

OTHER REPORTS**Bellerive Community Arts Centre**

- Ald Kennedy tabled the Minutes of a meeting held on 13 July 2022 and Financial Statements.

Richmond Bicentenary Planning Committee

- Ald Chong tabled the Minutes of a meeting held on 26 June 2022.

4.6 WEEKLY BRIEFING REPORTS

The Weekly Briefing Reports of 4, 11 and 18 July 2022 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 4, 11 and 18 July 2022 be noted.

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

URGENT AGENDA ITEM

The Mayor advised of an Urgent Item to be discussed in accordance with Regulation 8 of the Local Government (Meeting Procedures) Regulations 2015. Refer to Page 29.

The Mayor called for a Procedural Motion.

Decision: **PROCEDURAL MOTION**

MOVED Ald Warren **SECONDED** Ald Mulder

“That pursuant to the provisions of Regulation (8) of the Local Government (Meeting Procedures) Regulations 2015, the Council gives Leave of the Meeting to consider an urgent matter at Item 8.4.4 regarding Waste Service Credit”.

CARRIED

FOR

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

AGAINST

Ald James (abstained)

5. 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.

5.1 PUBLIC QUESTIONS ON NOTICE

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

Nil.

5.2 ANSWERS TO QUESTIONS ON NOTICE

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

Nil.

5.3 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 4 July Joanne Marsh of Bellerive asked the following question.

FENCING – VICTORIA ESPLANADE, BELLERIVE

The tired, unloved safety fencing beside parts of the Victoria Esplanade shared pathway in Bellerive in places where it hasn't disappeared altogether is now reaching the point of exhaustion. Two panels of the fencing have been disconnected from the posts for many months and pose a fall hazard for users of the pathway if leant on. My question is how is community safety being prioritised by the council to ensure that problems are identified, and maintenance is carried out promptly?

ANSWER

An inspection of the fence panels along Clarence Foreshore Trail parallel to Victoria Esplanade, Bellerive was undertaken and confirmed the fence panels are secure.

Community members can report damaged infrastructure to council quickly by contacting council's general email address – clarence@ccc.tas.gov.au or by calling 6217 9500. All reports are logged, and work orders issued where appropriate.

/contd on Page 12...

ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE /contd...

At Council's Meeting of 4 July Victor Marsh of Bellerive asked the following question.

STORMWATER PROBLEMS BELLERIVE BEACH PARK

I believe money has been set aside to fix the continuing stormwater problems at Bellerive Beach Park particularly around the frog pond area and behind the dunes at the end of Beach Street. Since the completion of the most recent stormwater works in the park there have been 2 major rainstorm events on Friday and Saturday 7 and 8 January and Friday 6 May.

My main concern is that on both of these occasions' stormwater has gushed out from under the seawall and washed away large sections of the western end of the beach. Substantial sand replacement was needed on the first occasion and heavy machinery on both occasions to repair the damage which included the beach pontoon being removed. My questions is what has been the cost of these repairs and what amount of money has been allocated to fix these specific and new problems?

ANSWER

The cost of the sand scraping is less than \$1,000 each time. Initial investigations following the storm indicate the sand erosion was as a result of wave action during the storm. However, stormwater officers are continuing to investigate the local stormwater infrastructure to understand whether any infrastructure deficiencies are evident.

5.4 QUESTIONS WITHOUT NOTICE

Mrs Joanne Marsh of Bellerive asked the following question

INFRASTRUCTURE RENEWAL

Claims have been made that the council systematically plans and funds the renewal of roads, footpaths and stormwater systems over the long term. I recently conducted an audit of the tired, unloved kerbs and footpaths on Bellerive Bluff. I noted many inconsistencies in the provision of DDA compliant kerbing and many examples of rough, unsafe footpaths caused by tree roots, asphalt adjoining concrete slabs, service lids, gravel and pot holes. This increases the vulnerability of some community members to accident and injury so my question is how long term is the wait for this infrastructure to be renewed?

The Mayor took the question on notice.

PUBLIC QUESTIONS WITHOUT NOTICE /contd...

Mr Victor Marsh of Bellerive asked the following question:

LIGHT TOWERS BLUNDSTONE ARENA

On Wednesday 24 October 2018 engineers and SES personnel were urgently sent to the Blundstone Arena with large heavy cranes to prevent the western light tower from collapsing due the gale force winds the previous day. It was quickly realised that the bolts connecting the tower at the halfway point had deteriorated, eventually all four light towers were made safe. My question is what measures have the council taken to make sure these light towers are being monitored particularly around where the towers are joined, due to the continuing issue of corrosive salt-laden air?

The Mayor took the question on notice

6. 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)

STORMWATER DRAIN – ANULKA STREET, HOWRAH

Mrs Sally O'May addressed the meeting regarding the above matter.

CURRENT STATE OF PROVISION OF STORMWATER INFRASTRUCTURE, EFFECT ON ENVIRONMENT AND ADJACENT

Mrs Janet Upcher addressed the meeting regarding the above matter.

7 PLANNING AUTHORITY MATTERS

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

7.1 DEVELOPMENT APPLICATION PDPLANPMTD-2022/028223 – 37 HOWRAH ROAD, HOWRAH – DEMOLITION OF EXISTING DWELLING AND THE CONSTRUCTION OF A NEW DWELLING**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for demolition of the existing dwelling and construction of a new dwelling at 37 Howrah Road, Howrah.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Parking and Sustainable Transport, Natural Assets - waterway and coastal protection, Coastal Erosion Hazard, Coastal Inundation Hazard, Flood-prone Areas Hazard, Bushfire-Prone Areas 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 expires on 26 July 2022.

CONSULTATION

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

- Height of the proposed front fence;
- Building envelope;
- Roof pitch;
- Overshadowing and reduction of sunlight;
- Impact on views;
- Impact on surrounding property values;
- Visual impact through bulk;
- Sand erosion;
- Traffic;
- Safety of adjoining beach.

RECOMMENDATION:

- A. That the Development Application for demolition of the existing dwelling and construction of a new dwelling at 37 Howrah Road, Howrah (CI Ref PDPLANPMTD-2022/028223) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. GEN AP3 – AMENDED PLANS [transparency to the new side garden fence (minimum 30%)] and [suitable fence replacement of the timber structure on the south-western corner, abutting the sea wall].
3. ENG S1 – INFRASTRUCTURE REPAIR.
4. ENG A2 – CROSSOVER CHANGE.
5. ENG M5 – EROSION CONTROL.
6. To ensure ongoing passive surveillance of the adjoining road a gate must not be constructed across the driveway, without further council approval.
7. Prior to the issue of Certificate of Likely Compliance or building permit a construction management plan is to be provided following the recommendations within the Coastal Vulnerability Assessment (Geo Environmental Solutions, March 2022) and in accordance with Wetlands and Waterways Works Manual and Tasmanian Coastal Works Manual, to the satisfaction of council's Group Manager Engineering Services. When approved, the management plan will form part of the permit.

ADVICE

The property is within a mapped Coastal Inundation & Erosion Hazard prone area. Accordingly, a Hazard Report is required for Coastal Inundation & Erosion from a suitably qualified person that meets the requirements of the Director's Determinations and Building Act 2016. This report must form part of the certified documents issued by the Building Surveyor for 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.

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

7.2 DEVELOPMENT APPLICATION PDPLANPMTD-2022/025936 – 233 CAMBRIDGE ROAD, WARRANE - 7 MULTIPLE DWELLINGS - 1 EXISTING AND 6 NEW AND OUTBUILDING**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 7 Multiple Dwellings - 1 Existing and 6 New and Outbuilding at 233 Cambridge Road, Warrane.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Parking and Sustainable Transport Code, Road and Railway Transport Code and Safeguarding of Airports Code 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 applicant's consent until 29 July 2022.

CONSULTATION

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

- Overshadowing;
- Noise;
- Density;
- Traffic Impact;
- Fire Risk;
- Privacy;
- Parking; and
- Safety of road users.

RECOMMENDATION:

A. That the Development Application for 7 Multiple Dwellings - 1 Existing and 6 New and Outbuilding at 233 Cambridge Road, Warrane (Cl Ref PDPLANPMTD-2022/025936) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. ENG A5 – SEALED CAR PARKING.
3. ENG M1 – DESIGNS DA.

4. ENG S1 – INFRASTRUCTURE REPAIR.

5. The development must meet all required Conditions of Approval specified by TasWater notice dated 28 February 2022 (TWDA 2022/00229 - CCC).

ADVICE

As the proposed development will intensify the stormwater discharge from the property, approval is required under the Urban Drainage Act 2013. The stormwater system is to be designed as per Council's Stormwater Management Procedure for new development (Stormwater-Management-Procedure-for-New Development(1).pdf). This system can be assessed as part of engineering plans assessment required in Condition 3 of the permit. For further information on stormwater please contact Council's Development Engineers on 6217 9500.

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 von Bertouch

“A That Development Application for 7 Multiple Dwellings - 1 Existing and 6 New and Outbuilding at 233 Cambridge Road, Warrane (CI Ref PDPLANPMTD-2022/025936) be refused the following reasons:

1. The proposal does not comply with Performance Criteria P1 of Clause 8.4.3 (a) General Residential Zone as the development does not have private open space associated with Unit 1 conveniently located in relation to private open spaces for units 3, 5 and 7.
2. The proposal does not comply with Performance Criteria P1 of Clause C3.5.1 c Road and Railway Assets Code as the development does not minimise the safety of vehicular traffic crossing at the junction with Cambridge Road.

B. That the reasons are as follows:

- The proposed private open space associated with Unit 1 (existing building) would be located between the dwelling and frontage and private open spaces for Units 3, 5 and 7 do not meet the minimum required horizontal dimensions of 4m.

DEVELOPMENT APPLICATION PDPLANPMTD-2022/025936 – 233 CAMBRIDGE ROAD, WARRANE - 7 MULTIPLE DWELLINGS - 1 EXISTING AND 6 NEW AND OUTBUILDING /Decision contd...

- Cambridge Road is a secondary road acting as a feeder road for residential properties. The sight distance to the east is 60m which is 5m less than the required 65m sight line for a 60km frontage road. The proposed development would generate 42 vehicle movements per day which exceeds the 40 vehicle movements per day.”

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

FOR

Ald Edmunds
Ald James
Ald von Bertouch
Ald Warren

AGAINST

Ald Chipman
Ald Blomeley
Ald Chong
Ald Ewington
Ald Kennedy
Ald Mulder
Ald Walker

MOVED Ald Ewington **SECONDED** Ald Mulder

“That the Recommendation be adopted”.

CARRIED

FOR

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

AGAINST

Ald James
Ald von Bertouch
Ald Warren

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

8. REPORTS OF OFFICERS

8.1 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

Nil.

8.2 ASSET MANAGEMENT

Nil Items.

8.3 FINANCIAL MANAGEMENT

Nil Items.

8.4 GOVERNANCE**8.4.1 DRAFT ACTIVE LIVING STRATEGY 2022-2032 - COMMUNITY CONSULTATION FEEDBACK AND STRATEGY APPROVAL****EXECUTIVE SUMMARY****PURPOSE**

To provide feedback on the public consultation process and seek council endorsement of the Active Living Strategy 2022-2032.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2021 - 2031, is relevant.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

To date feedback has been provided from internal stakeholders and council's Sport and Recreation Advisory Committee. Community Consultation was undertaken in accordance with council's Community Engagement Policy 2020 over a six-week period, concluding on 20 June 2022.

FINANCIAL IMPLICATIONS

It is anticipated there will be financial implications to progress development of implementation plans and delivery of objectives outlined within the strategy. These considerations will form part of council's annual plan and budget considerations.

RECOMMENDATION:

That council:

- A. Note feedback from the community consultation process for the Active Living Strategy 2022-2032.
- B. Adopt the draft Active Living Strategy 2022-2032.

Decision: **MOVED** Ald Ewington **SECONDED** Ald Kennedy

"That the Recommendation be adopted".

CARRIED UNANIMOUSLY

8.4.2 DRAFT COMMUNITY WELLBEING STRATEGY 2022-2032 - COMMUNITY CONSULTATION FEEDBACK AND STRATEGY APPROVAL**EXECUTIVE SUMMARY****PURPOSE**

To provide feedback on the public consultation process and seek council endorsement of the Community Wellbeing Strategy 2022-2032.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2021 - 2031 is relevant.

LEGISLATIVE REQUIREMENTS

Section 20 of the Local Government Act 1993 describes the role of councils:

- to provide for the health, safety and welfare of the community,
- to represent the interests of the community, and
- to provide for the peace, order and good government of the municipal area.

Section 27 of the *Public Health Act* 1997 requires councils to develop and implement strategies to promote and improve public health.

CONSULTATION

Consultation has been provided from internal stakeholders, including workshops with Aldermen, council's Health and Wellbeing Committee and with individual Aldermen in relation to particular subject matter. Extensive community consultation was also undertaken as part of strategy development.

Community Consultation was undertaken in accordance with council's Community Engagement Policy 2020 over a six-week period, concluding on 20 June 2022.

FINANCIAL IMPLICATIONS

It is anticipated there will be financial implications to progress development of implementation plans and delivery of objectives outlined within the strategy. These considerations will form part of council's future annual plans and budget considerations.

RECOMMENDATION:

That Council:

- A. Note feedback from the community consultation process for the Community Wellbeing Strategy 2022-2032.
- B. Adopt the draft Community Wellbeing Strategy 2022-2032.

/ Refer to Page 26 for Decision on this Item...

**DRAFT COMMUNITY WELLBEING STRATEGY 2022-2032 - COMMUNITY
CONSULTATION FEEDBACK AND STRATEGY APPROVAL /contd...**

Decision:

MOVED Ald Chong **SECONDED** Ald Edmunds

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

8.4.3 ADOPTION OF NEW ALDERMEN STATEMENT OF EXPECTATIONS AND ALDERMEN ISSUES RESOLUTION PROCEDURE**EXECUTIVE SUMMARY****PURPOSE**

To formally consider the adoption of an Aldermen Statement of Expectations and Aldermen Issues Resolution Procedure.

RELATION TO EXISTING POLICY/PLANS

Council previously adopted the state-wide model Code of Conduct at its meeting on 25 February 2019. The Aldermen Statement of Expectations and Aldermen Issues Resolution Procedure have been developed as complementary documents to support the Code of Conduct.

LEGISLATIVE REQUIREMENTS

Under the *Local Government Act* 1993 (Tas), council is required to adopt a Code of Conduct and to have procedures in place to resolve any complaints under the Code of Conduct prior to seeking formal resolution.

The draft Aldermen Statement of Expectations and Aldermen Issues Resolution Procedure will assist council to meet its primary duty of care obligations under the *Work Health and Safety Act* 2012 to ensure, so far as is reasonably practicable, that the health and safety of workers and others is not put at risk by the work carried out by the council.

CONSULTATION

The draft documents were considered at a council workshop on 11 July 2022.

FINANCIAL IMPLICATIONS

There may be financial implications associated with the adoption of the Aldermen Statement of Expectations and Aldermen Issues Resolution Procedure should a mediator be appointed as part of an issues resolution process.

RECOMMENDATION:

That Council formally adopt the Aldermen Statement of Expectations and Aldermen Issues Resolution Procedure, as set out at Attachments 1 and 2 of the Associated Report.

**ADOPTION OF NEW ALDERMEN STATEMENT OF EXPECTATIONS AND
ALDERMEN ISSUES RESOLUTION PROCEDURE /contd...**

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

“A. That Council formally adopt the Aldermen Statement of Expectations and Aldermen Issues Resolution Procedure, as set out at Attachments 1 and 2 of the Associated Report.

And

B. Subject to confirmation from the Director of Local Government that there are no legislative impediments, introduce a voluntary register of Aldermen who have supplied details of a current Working With Vulnerable People ID Card. The list of Aldermen on the voluntary register would be published in both quarterly and annual reports.”

CARRIED

FOR

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

AGAINST

Ald Ewington
Ald James
Ald Mulder

8.4.4 URGENT ITEM – WASTE SERVICE CREDIT**EXECUTIVE SUMMARY****PURPOSE**

To consider amending the 2022/2023 Budget to distribute a credit of the waste service rate for paused green waste and recycling waste services.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2021-2031 and Annual Plan 2022-2023 and Estimates 2022- 2023 are relevant.

LEGISLATIVE REQUIREMENTS

This item is presented to Council as an urgent matter of business in accordance with Regulation 8(6) of the Local Government (Meeting Procedures) Regulations 2015. The nature and details of this matter were not known at the time of Agenda preparation of this meeting. The General Manager certifies under Section 65 of the Local Government Act, 1993 that the qualified advice required in this matter has been obtained and taken into account in the preparation of this report.

CONSULTATION

No community consultation has been undertaken on this matter. However significant feedback has been received from the community regarding the waste collection service impact by telephone, email and social media comments.

FINANCIAL IMPLICATIONS

The amendment to council's 2022/2023 budget is estimated to be approximately \$90,000. This represents the waste rate charges for residents directly impacted by the paused green waste service and the paused recycling service. This can be met within council's current waste budget and council cash backed Waste Reserve. Section 82(5) of the Local Government Act 1993 requires a simple majority of council as the total amount of the budget is not altered.

RECOMMENDATION:

That Council authorises the General Manager and their delegate the Chief Financial Officer to credit property owners directly impacted by the pause in green waste and recycling service that occurred in the period 15 July 2022 to 31 July 2022, the pro-rata amount of the waste rate charge as defined in council's rating resolution approved in June 2022.

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

URGENT ITEM – WASTE SERVICE CREDIT /contd...

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

9. MOTIONS ON NOTICE

9.1 NOTICE OF MOTION – ALD MULDER ELECTED MEMBER TITLE

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

“That for the purposes of Section 25(2) of the Local Government Act 1993, an elected member of the Clarence City Council shall be known as a ‘councillor’.”

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

Decision:

MOVED Ald Mulder **SECONDED** Ald James

“That for the purposes of Section 25(2) of the Local Government Act 1993, an elected member of the Clarence City Council may be known as a ‘councillor’.”

CARRIED

FOR

Ald Chipman
Ald Chong
Ald Edmunds
Ald James
Ald Kennedy
Ald Mulder
Ald Walker
Ald Warren

AGAINST

Ald Blomeley
Ald Ewington
Ald von Bertouch

**9.2 NOTICE OF MOTION – ALD JAMES
HOMELESSNESS IN CLARENCE – VACANT GOLF CLUB BUILDINGS,
ROSNY PARK**

In accordance with Notice given, it was:

Decision:	MOVED Ald James SECONDED Cr Mulder														
	<p>“1. As Council has strengthened corroboration with specialised services such as Salvation Army, St Vincent DePaul and Housing Connect to best respond to people experiencing homelessness in Clarence therefore,</p> <p>2. Council explores opportunities for further support services and provide by way of accommodation for the homeless in the vacant Golf Club buildings at Rosny Park for and,</p> <p>3. During the winter months of 2022 and,</p> <p>4. Any ongoing arrangement for the use of the buildings determined by Council following the conclusion of the City Heart Consultation process.”</p>														
	AMENDMENT														
	MOVED Cr Walker SECONDED Cr Chong														
	“That council request staff develop an options paper to inform and guide council’s role in addressing homelessness within Clarence”.														
	The AMENDMENT was put and CARRIED														
	<table> <tr> <td>FOR</td><td>AGAINST</td></tr> <tr> <td>Cr Chipman</td><td>Cr Edmunds</td></tr> <tr> <td>Cr Chong</td><td>Cr Ewington</td></tr> <tr> <td>Cr Kennedy</td><td>Ald James</td></tr> <tr> <td>Cr Mulder</td><td>Ald Blomeley (abstained)</td></tr> <tr> <td>Cr Walker</td><td>Ald von Bertouch (abstained)</td></tr> <tr> <td>Cr Warren</td><td></td></tr> </table>	FOR	AGAINST	Cr Chipman	Cr Edmunds	Cr Chong	Cr Ewington	Cr Kennedy	Ald James	Cr Mulder	Ald Blomeley (abstained)	Cr Walker	Ald von Bertouch (abstained)	Cr Warren	
FOR	AGAINST														
Cr Chipman	Cr Edmunds														
Cr Chong	Cr Ewington														
Cr Kennedy	Ald James														
Cr Mulder	Ald Blomeley (abstained)														
Cr Walker	Ald von Bertouch (abstained)														
Cr Warren															

/Decision contd on Page 33...

**NOTICE OF MOTION – ALD JAMES
HOMELESSNESS IN CLARENCE – VACANT GOLF CLUB BUILDINGS, ROSNY
PARK /Decision contd...**

The **AMENDMENT** became the **MOTION** and was **put** and **CARRIED**

FOR

Cr Chipman
Ald Blomeley
Cr Chong
Cr Edmunds
Cr Kennedy
Cr Mulder
Cr Walker
Cr Warren

AGAINST

Cr Ewington
Ald James
Ald von Bertouch

**9.3 NOTICE OF MOTION – ALD WALKER
GRAFFITI REMOVAL**

In accordance with Notice given, it was:

Decision:	MOVED Cr Walker SECONDED Cr Edmunds	
	“That council request the General Manager to seek service level agreements with other government utilities enabling council to remove graffiti on their infrastructure within Clarence.”	
	FOR	AGAINST
	Cr Chipman	Cr Ewington
	Ald Blomeley	Ald James
	Cr Chong	
	Cr Edmunds	
	Cr Kennedy	
	Cr Mulder	
	Ald von Bertouch	
	Cr Walker	
	Cr Warren	
		CARRIED

10. 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.

10.1 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.

10.2 ANSWERS TO QUESTIONS ON NOTICE

Nil.

10.3 ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING

Ald Mulder

In regard to the Greater Hobart Plan I believe submissions have now closed and I understand from the letter from the Minister that somehow or other this is going to telegraph into a review of the STRLUS, the urban growth boundary. Can I ask what is the relationship between the Greater Hobart Plan and the review of the urban growth boundary and secondly, as part of the same thing there are a number of properties in the urban growth boundary which are zoned something else. Will those properties be picked up in the review that flows from the Greater Hobart Plan, in other words are they being discussed in the Greater Hobart Plan, and will it flow on, so just an explanation as around this process the Minister seems to do one thing and then move here and then move there it is very confusing for us poor little landowners who are waiting for some decisions?

ANSWER

In respect to the first part of the question:

The urban growth boundary (UGB) is a component of the Southern Regional Strategy Plan (STRLUS). Under Section 5A (7) of the Land Use Planning and Approvals Act 1993 (LUPAA), the Minister must keep all regional land use strategies (including STRLUS) under regular and periodic review. According to the Government's planning reform web site, the indicative work program for the comprehensive revision of regional strategies will conclude with consultation, review, and adoption phases in 2024.

The draft Greater Hobart Plan acknowledges the STRLUS is to be reviewed, in conjunction with the other regional land use strategies, but that the Greater Hobart Plan will be used to inform the Minister's review (p32). Given the significant work that has gone into the development of the Greater Hobart Plan, it can be expected that great weight would be put on its recommendations when the Minister completes his review.

However, it can also be expected that similar weight would be given to the Greater Hobart Plan when the Minister considers occasional requests to amend the STRLUS, including those involving the UGB.

In respect to the second part of the question:

The UGB does not place any limitation on the rezoning of land that lies in or inside the UGB.

It may be noted that the areas within a UGB typically contain land that is subject to many different zonings. Some zonings are obviously urban – General Residential, Central Business, or Light Industrial, for example. However, other zonings are associated with non-urban activities, such as Rural Living or Landscape Conservation.

So, while the rezoning process for any property in UGB will involve relevant strategic consideration, this will not involve the UGB itself, since the subject land will already be contained within it.

In terms of looking at future forms of growth, the Greater Hobart Plan also avoids the specifying specific properties, rather it deals with identifying growth the scenario in broad terms.

Ald Ewington

1. Would it be possible to have a brief report on record of accidents and incidents in Mornington Road or parking issues or requests for something to be done up there. I have had quite a few people ask me, I would just be interested to know what records we have of accidents or incidents or people asking us to do something about parking up there or whether we have had any feedback on that?

(Mayor) I know officers have done a lot of work in regard to Mornington Road has there been a safety audit done?

ANSWER

(Mr Graham) I think we put some money in the budget, but I don't think it was adopted for this financial year. We can obtain records from DSG on reported traffic accidents for the last five years.

(Further information) The requested information is being prepared and will be forwarded to Aldermen through a separate Memo.

2. Could we have an update on the stairs at Little Howrah Beach access and the washdown point for kayaks and also the eastern end of Bellerive Beach stairs that one has been out of action with signs up for about five months?

ANSWER

In relation to the Little Howrah Beach access steps, officers are currently coordinating a building surveyor to review design/approval. A contractor has been engaged to undertake works once approvals are in place.

Kayak washdown points are installed at Bellerive and Roches Beach (Bayview Park). Funding is in place for providing a washdown at Geilston Bay. This will be planned with the jetty works proposed nearby. In respect to kayak wash down points if this part of the question relates to Little Howrah Beach there is presently a kayak rack and tap/hose available. Funding has not been provided within the current budget for a further upgrade of this facility, however, it is expected to be included as part of the Little Howrah Beach master plan development process which will commence later this year.

Council officers are coordinating immediate repairs of the steps at the eastern end of Bellerive Beach and undertaking design and certification for full replacement in due course.

Ald Walker

Through the LGAT AGM was the motion in relation to derelict properties passed and what were the results if so?

ANSWER

(Deputy Mayor) It wasn't raised at the AGM at all, it was not on the agenda.

(Mayor) Motions of that nature are not dealt with at AGM's they will be at the next general meeting.

Question contd

Which is in December?

(Mayor) I believe it is September but will let you know.

(Further information) The derelict buildings motion was passed at the March 2022 LGAT General Meeting. An update on progress in respect to this motion was provided to elected members at the 18 July workshop.

Ald Peers

Is there any delay with the new drainage system at Lindisfarne oval? Every time I go there no one seems to be working there and I know the cricket club is getting very frustrated. I don't know if it is on time, or behind can I just have some guidance on that?

ANSWER

The nature of the works being undertaken is weather dependent. Unfortunately, recent weather patterns have not been kind with a total of seven working days in May and 23 working days in June lost due to bad weather. The May rain event was an extreme weather event of over 120mm of rain in a 24 hour period, this unanticipated event required extensive additional recovery works to be undertaken at the site by the contractor.

It is critical the ground is capable of withstanding the machinery working on it in order to be assured of a quality playing surface on project completion. The project team are in close communication with the contractor who is keen to see the project brought to satisfactory completion as soon as possible.

In the recent two weeks the weather has improved, and the ground is drying out. It is expected the contractor will be able to proceed with scheduled works over the coming weeks and we anticipate practical completion by the second week in August. A grass growing period is then required to ensure there is sufficient strength before the oval is available for cricket use.

Ald Blomeley

Could I have an update on where things are at with the Rosny Hill development?

ANSWER

We are waiting for a response from Hunter Developments, and we were expecting that about a week ago. We are in contact pretty much fortnightly, so I am not entirely sure what they are waiting for at the moment. Once we have that feedback, we will bring that to a workshop.

Ald James

1. Some time ago the Sport and Recreation committee went into recess. My question is when is it expected to be reactivated and is it basically dependent on a new constitution?

ANSWER

(Mayor) We did discuss that, and we are working on a new constitution which we intend to bring back. It was not considered appropriate to advertise for community members for them to only be on the committee for several months because their term under the current constitution would finish at the end of October, so we are trying to rewrite the constitution to give us more flexibility in that regard.

(General Manager) On the upcoming workshop agenda for 11 July we will be talking to you about a proposal related to special committees of council and the Sport and Recreation committee will be captured in that.

2. Regarding the Opossum Bay golf course proposal, my understanding is that an extension of time has not been granted and therefore are we able to conclude that the process and the project will not proceed?

ANSWER

The development application for the Arm End golf course was granted a statutory extension of time of six months as all development applications were because of COVID-19. That runs out in early October and the issue will be whether substantial commencement has been achieved by that date.

Ald Warren

Given that it is NAIDOC week is Clarence Council connected in any way with events that are occurring this week and where can people find a list of events that are happening in Clarence?

ANSWER

You would have noticed in the foyer some information about NAIDOC week and some printed information on what is available. Today was the raising of the flag at piyura kitina /Risdon Cove and some elected members and some officers were present. There are other events planned for however some are by invitation only.

10.4 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.

11. 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.

11.1 APPLICATIONS FOR LEAVE OF ABSENCE

11.2 PROPERTY MATTER

11.3 CONTRACTUAL MATTER

In accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015 the reports in the Closed Meeting section of the Council Agenda were dealt with on the grounds that the detail covered in the reports relates to:

- contracts and tenders for the supply of goods and services;
- proposals to acquire land or an interest in land or for the disposal of land; and
- applications by Aldermen for a Leave of Absence.

The content of reports and details of the Council decisions in respect to items listed in “Closed Meeting” are to be kept “confidential” and are not to be communicated, reproduced or published unless authorised by the Council.

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

The Meeting closed at 10.37 pm

CLOSED MEETING /contd...

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

11.3 MORNINGTON PARK WASTE TRANSFER STATION CONTRACT EXTENSION**Decision:**

MOVED Cr Walker **SECONDED** Cr Chong

- “A. That council authorises the General Manager to finalise negotiations of the longer-term extension of the current Mornington Park Waste Transfer Station Construction and Operating Agreement and to execute the final extension contract documentation.
- 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.”

The Mayor asked the Deputy Mayor to **assume** the Chair while he entered the debate as a Councillor (10.34pm).

The Mayor **resumed** the Chair at 10.35pm.

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