

MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 26 SEPTEMBER 2022
--

HOURL CALLED: 7.00pm

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

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

1. APOLOGIES Nil

ORDER OF BUSINESS Items 1 – 11

IN ATTENDANCE

General Manager
(Mr I Nelson)

Group Manager Engineering Services
(Mr R Graham)

Manager City Planning
(Mr R Lovell)

Chief Financial Officer
(Ms J Murrell)

Manager Health and Community Development
(Mr J Toohey)

Executive Officer to the General Manager
(Ms J Ellis)

The Meeting closed at 9.20pm.

COUNCIL MEETING
MONDAY 26 SEPTEMBER 2022

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11.5 TENDER T1471-22 RICHMOND RIVERBANK PARK INFRASTRUCTURE UPGRADE

11.6 ANNUAL REVIEW – GENERAL MANAGER

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.

The Mayor also provided the following acknowledgement of the passing of Her Majesty, Queen Elizabeth II:

On behalf of my fellow Councillors, Clarence City Council would like to join the rest of Tasmania, Australia and the world in passing on our deepest sympathies and condolences on the passing of Her Majesty, Queen Elizabeth II.

I, along with so many, have long admired the sense of duty and dedication that Her Majesty brought to her role throughout her extraordinary 70-year reign.

Her Majesty was very fond of our state, visiting Tasmania an incredible seven times throughout her reign, and we will forever be honoured by her attention and the wonderful memories of these visits that live on in so many Tasmanians.

Her Majesty leaves a legacy that is unrivalled in modern history. A legacy of dependability, adaptability, stoicism, and dignity that will be an inspiration for many generations to come.

May she rest in peace.

2. ATTENDANCE AND APOLOGIES

Refer to cover page.

The Mayor noted the vacancy created by the recent election of Cr Luke Edmunds to the Legislative Council and advised that this would be filled at the forthcoming Local Government elections.

3. DECLARATIONS OF INTERESTS OF COUNCILLORS 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 Councillors 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 5 September 2022, as circulated, be taken as read and confirmed.

Decision: **MOVED** Ald James **SECONDED** Ald Peers

“That the Minutes of the Council Meeting held on 5 September 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

6 September: Private Citizenship Ceremony;
 8 September: Recipients of Conspicuous Service Decorations and Meritorious Awards at Government House;
 13 September: Howrah Primary School Visit;
 14 September: DST Annual General Meeting;
 16 September: LGAT General Meeting;
 17 September: Clarence Plains Bike Collective Open Day;
 19 September: Meeting with Senator Carol Brown;
 20 September: BEST and SERDA – Annual General Meetings;
 21 September: Meeting with Minister Julie Collins;
 25 September: Exhibition Opening – Poochibald Art Prize.

The Mayor noted that at the visit to the Howrah Primary School he and Ald Ewington were briefed by Year 6WK. The students were very interested in the workings of local government, and it was part of their overall program to understand governments and democracy better around the country. The Mayor tabled letters from three of the students who took the opportunity to write to him indicating a desire to see a pontoon off Little Howrah Beach.

Deputy Mayor Heather Chong (on behalf of Mayor)

7 September: Celebrate Indigenous Literacy Day;
 10 September: HMA Onam Festival;
 16 September: Football Tas Awards Night.

4.3 COUNCIL WORKSHOPS

In addition to the Councillor'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:

No workshops were conducted by council since its last ordinary council meeting.

4.4. TABLING OF PETITIONS

(Note: Petitions received by Councillors are to be forwarded to the General Manager within seven days after receiving the petition).

The General Manager tabled the following petition.

From 226 signatories requesting council:

- implement a short to medium term plan, to provide equitable access onto Little Howrah beach, due to the unsafe, inequitable condition at the end of the existing ramp. (Whilst planning continues for a long term solution in association with the master plan being developed).
- Complete plans for equitable access points at other high use surrounding beaches as a matter of urgency.

It is noted that some pages of the petition do not comply with the requirements of the Local Government Act, 1993 however, this is being followed up with the petition organiser.

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: Cr James Walker

Quarterly Reports

None pending.

Representative Reporting

- **TASWATER CORPORATION**
- **GREATER HOBART COMMITTEE**

REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES

RICHMOND ADVISORY COMMITTEE

- Cr Chong tabled the minutes of a meeting held on 17 August 2022.

BELLERIVE COMMUNITY ARTS CENTRE

- Cr Kennedy tabled the minutes of a meeting held on 14 September 2022.

4.6 WEEKLY BRIEFING REPORTS

The Weekly Briefing Reports of 5, 12 and 19 September 2022 have been circulated to Councillors.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 5, 12 and 19 September 2022 be noted.

Decision: **MOVED** Ald James **SECONDED** Ald Peers

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

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 a Councillor 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 5 September Victor Marsh of Bellerive asked the following question.

BOTP 23 JULY FOOTBALL MATCH**BACKGROUND**

On 23 July 2022, Redline buses were contracted to provide the service for the AFL game at Bellerive oval, a service usually provided by Metro. The traffic management diagram for 23 July provided to residents shows that a fenced 6.5m wide bus storage area forms part of the traffic management plan for 2022 AFL games. On 23 July the fenced bus storage area was not in place and supervisors were not in place to actively control the movement of buses and pedestrians if a bus operator accidentally hits someone in Church Street after an event and we are talking about a lot of drivers who have never experienced driving amongst large moving crowds, the sole responsibility would be on that driver because he or she are classified as professional operators.

/contd on Page 10

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

“What explanation can council’s BOTP representative give for this failure to adhere to the traffic management plan”?

ANSWER

Council officers have made enquiries with the venue operator and have not yet received a detailed response. Notwithstanding, it is clear that changes were made to the transport arrangements for the event and that those arrangements were not discussed with the BOPT group. We are seeking advice regarding the change. We will aim to have a further response for the next meeting.

5.4 QUESTIONS WITHOUT NOTICE

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

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

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

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

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)

DEVELOPMENT APPLICATION PDPLANPMTD-2022/026549 – 18 LOWLYNN COURT, GEILSTON BAY – 2 MULTIPLE DWELLINGS
(REFER ITEM 7.2)

Mr Tom Fazackerley addressed the meeting regarding the above development application.

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-2021/021631 – 7 BUCHANAN STREET, BELLERIVE - ADDITIONS AND ALTERATIONS TO DWELLING**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for additions and alterations to the dwelling at 7 Buchanan Street, Bellerive.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42-day period which has been extended with the consent of the applicant and expires on 28 September 2022.

CONSULTATION

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

- Privacy;
- Solar access; and
- Visual impact.

RECOMMENDATION:

A. That the Development Application for additions and alterations to the dwelling at 7 Buchanan Street, Bellerive (CI Ref PDPLANPMTD-2021/021631) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AP3 – AMENDED PLAN [a reduction in the scale of the dwelling additions as per the amended plans dated 10 August 2022].
3. Prior to the issue of any building consent or building permit (including demolition) and/or plumbing permit pursuant to the *Building Act 2016* (whichever occurs first), certificates of title for the site Volume 106104 Folio 1 and Volume 106104 Folio 2, must be adhered in accordance with Section 110 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, to the satisfaction of Council's Manager City Planning.

ADVICE

- The *Building Act 2016* and Australian Standards prescribe pool safety requirements, which must be met.
- As building work is being carried out on the boundary, a Form 6 Protection Works Notice may be required. Please consult your Building Surveyor to advise if necessary.
- All plumbing works must comply with the Tasmanian Plumbing Code and Australian Standard 3500.

- 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 Peers **SECONDED** Cr Kennedy

“That the Recommendation be adopted”.

CARRIED

FOR

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

AGAINST

Ald James
Cr Mulder

7.2 DEVELOPMENT APPLICATION PDPLANPMTD-2022/026549 – 18 LOWLYNN COURT, GEILSTON BAY - 2 MULTIPLE DWELLINGS

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the application made for 2 Multiple Dwellings at 18 Lowlynn Court, Geilston Bay.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Parking & Sustainable Transport Code, Natural Assets Code, Flood-Prone Areas Hazard 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 expires on 28 September 2022, extended in accordance with s57(6A) of the Land Use Planning and Approvals Act 1993.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and no representations were received.

RECOMMENDATION:

- A. That the Development Application for 2 Multiple Dwellings at 18 Lowlynn Court, Geilston Bay (CI Ref PDPLANPMTD-2022/026549) be refused as it is contrary to the provisions of the Tasmanian Planning Scheme - Clarence, with regard to:
1. Not satisfying Performance Criteria P3 of *clause 8.4.2 Setbacks and building envelope for all dwellings* by its southern side boundary setback not being consistent with properties in the area, creating overshadowing and visual bulk impact on the adjoining vacant lot to the south, resulting in unreasonable adverse impact on the adjoining lot's amenity.
 2. Not satisfying Performance Criteria P2 of *clause 8.4.3 Site Coverage and private open space for all dwellings*, as the dwellings' nominated private open spaces are designed and located in such a manner that they are not capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play.

- 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** Cr Mulder **SECONDED** Cr Walker

“That the Recommendation be adopted”.

PROCEDURAL MOTION**MOVED** Cr Mulder **SECONDED** Ald Blomeley

“That consideration of this Item be deferred to later in the meeting to allow preparation and circulation of an alternative motion.”

CARRIED**FOR**Ald Blomeley
Ald Ewington
Ald James
Cr Kennedy
Cr Mulder
Ald Peers
Cr Warren**AGAINST**Ald von Bertouch
Cr Walker
Cr Chipman (abstained)
Cr Chong (abstained)

The Mayor advised that the Item will be deferred until after Item 10.4.

Refer to Page 29 for decision

7.3 DEVELOPMENT APPLICATION PDPLANPMTD-2022/029299 – 19 SCOTT STREET, BELLERIVE - DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF 3 MULTIPLE DWELLINGS**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for Demolition of the Existing Dwelling and Construction of 3 Multiple Dwellings at 19 Scott Street, Bellerive.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Parking and Sustainable Transport and Safeguarding of Airports 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 28 September 2022.

CONSULTATION

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

- Loss of Amenity/Overshadowing;
- Demolition of existing house;
- Building heights/Visual Impacts;
- Precedent setting development;
- Impact on adjoining heritage listed properties/heritage character;
- Impact on Streetscape;
- Scale of development;
- Tasmanian Heritage Listed properties not included in the Local Heritage Code and lack of protection for Heritage listed properties;
- Local Area Objectives - Back Beach Precinct; and
- Potential damage during construction;

RECOMMENDATION:

- A. That the Development Application for Demolition of Existing Dwelling and Construction of 3 Multiple Dwellings at 19 Scott Street, Bellerive (Cl Ref PDPLANPMTD-2022/029299) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. ENG A2 – CROSSOVER CHANGE.
3. ENG A5 – SEALED CAR PARKING.
4. ENG M1 – DESIGNS DA.
5. ENG S1 –INFRASTRUCTURE REPAIR.
6. The development must meet all required Conditions of Approval specified by TasWater notice dated 13/07/2022 (TWDA 2022/01086-CCC).

ADVICE

- a. Tas Networks should be contacted for advice on whether upgrades are required to the electricity supply for this development.
 - b. Advice from a Building Surveyor will be required in relation to any building permit requirements that may apply under the Building Act 2016 and the Directors Determinations for excavation works associated with future development. The existing dwelling and surrounding properties may also be affected by a rock breaker where a Form 6 Notice of Protection Work under Section 76 of the Building Act 2016 may be required.
- 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 Peers SECONDED Cr Kennedy	
	“That the Recommendation be adopted”.	
	CARRIED	
	FOR	AGAINST
	Cr Chipman	Ald James
	Ald Blomeley	
	Cr Chong	
	Ald Ewington	
	Cr Kennedy	
	Cr Mulder	
	Ald Peers	
	Ald von Bertouch	
	Cr Walker	
	Cr Warren	

The Mayor adjourned deliberations as a Planning Authority at (7.21pm).

8. REPORTS OF OFFICERS**8.1 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS****8.1.1 PETITION – PASS ROAD UPGRADE – MOTORIST, CYCLIST AND PEDESTRIAN SAFETY****EXECUTIVE SUMMARY****PURPOSE**

To consider the petition tabled at the Council Meeting on 5 September 2022 requesting Council consider upgrading Pass Road to mitigate flooding and enhance safety for all road users.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2021-2031 is relevant.

LEGISLATIVE REQUIREMENTS

Section 60 of the *Local Government Act 1993* (Tas) requires Council to formally consider petitions within 42 days of receipt.

CONSULTATION

No consultation has been undertaken on the upgrade of Pass Road.

FINANCIAL IMPLICATIONS

Council has \$1,415,104 funds available for Pass Road reconstruction. Further funds are required in order to upgrade Pass Road from Glebe Hill Road to Connor Place.

RECOMMENDATION:

That Council:

- A. Notes the petition.
- B. Notes the General Manager's advice that the petition complies with Section 57 of the *Local Government Act 1993* (Tas.).
- C. Notes that design is well underway for the Pass Road reconstruction from Glebe Hill Road to Connor Place and the design and cost estimates are to be presented to a future council workshop prior to 2023-2024 budget consideration.
- D. Authorises the General Manager to request the Traffic Commissioner to reduce the existing 80 km/h Pass Road sections to 60 km/h, until the Pass Road upgrade works are complete.
- E. Authorises the General Manager to write to petitioners acknowledging their concerns and advising of council's decision.

/ Refer to Page 20 for Decision on this Item...

PETITION – PASS ROAD UPGRADE – MOTORIST, CYCLIST AND PEDESTRIAN SAFETY /contd...

Decision:	MOVED Ald Blomeley SECONDED Cr Chong “That the Recommendation be adopted”. CARRIED UNANIMOUSLY
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8.2 ASSET MANAGEMENT

Nil Items.

8.3 FINANCIAL MANAGEMENT

Nil Items.

8.4 GOVERNANCE**8.4.1 KANGAROO BAY HOTEL AND HOSPITALITY SCHOOL SITE****EXECUTIVE SUMMARY****PURPOSE**

To authorise the General Manager, in relation to the Agreement between Council and Chambroad Overseas Investment Australia Pty Ltd (Chambroad), to respond to any advice or request from Chambroad regarding “substantial commencement” in accordance with the terms of the Agreement, with the aim of recognising and preserving Council’s rights until the new Council can consider any advice or request following the conclusion of the upcoming election.

RELATION TO EXISTING POLICY/PLANS

Clarence City Council Strategic Plan 2021-2031 is relevant.

LEGISLATIVE REQUIREMENTS

The *Local Government Act 1993* is relevant.

CONSULTATION

Not applicable.

FINANCIAL IMPLICATIONS

There are no financial implications at this time.

RECOMMENDATION:

That Council:

- A. Notes that Chambroad are expected to provide advice regarding its progress in accordance with the Sale and Development Agreement before 13 October 2022.
- B. In the event that “substantial commencement” has not been achieved by Chambroad, authorise the General Manager to take whatever action is necessary to preserve Council’s rights in accordance with the Sale and Development Agreement.
- C. Requests that the General Manager provide a report to Council as soon as practical after the upcoming council elections setting out any advice from Chambroad, identifying options and recommending a preferred option.

Decision: **MOVED** Cr Mulder **SECONDED** Cr Warren

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

9. MOTIONS ON NOTICE

Nil

10. COUNCILLOR'S QUESTION TIME

A Councillor 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, a Councillor may give written notice to the General Manager of a question in respect of which the Councillor 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

Cr Warren

I was in Petchey Street a couple of days ago and noticed that the parking was end to end the entire length of the street and this was a week day. I was there on a weekend as well and there was no such problem with parking so I would think that was fairly reasonable to link it to the ferry. In our solution that we were looking at to provide some additional 2 hour parking spots for residents, I do not recall that there was anything in Petchey Street so my question is, first of all were there considerations made for Petchey Street but secondly we approved a DA in that area a year ago and I was concerned about the parking at that stage because there were a large number of blocks on a small piece of land so I think we have some issues ahead of us in terms of parking and I just wondered is there is any news on whether that development is going ahead?

ANSWER

A recent council workshop explained the outcome of a car parking review in the Bellerive area following a year of monitoring from the commencement of the Bellerive Ferry service. Letters have been sent to local residents adjacent to the local areas where car parking restrictions will be sign posted. This includes three car spaces in Petchey Street. Councillors have been provided with maps of the affected streets via the Briefing Report of 5 September 2022.

The proposal referred to in the question concerns 8 Petchey Street, for which a planning permit for 17 multiple dwellings was granted on 11 August 2021. It therefore has an expiry of 11 August 2023, although this may be extended on request. At this time, building and plumbing applications have not been lodged, and it is a matter for the developer to decide on timing, however, there remains ample time to do so within the life of the planning permit.

Ald James

1. I am trying to ascertain the timeline in regard to Chambroad's request if it decides to lodge and seek an extension of time. Firstly, it is my understanding that they have until 14 October to determine as to whether or not substantial commencement has started. What is the deadline that Chambroad has to decide to have substantial commencement of the project otherwise if they do not start that work by a certain time council has the opportunity to consider the buyback clause, so I would just like to ascertain from the General Manager as to whether substantial commencement has to commence before 14 October if it does not, then council at its meeting on 17 October could decide to say substantial commencement has not commenced and therefore there is the opportunity for council to buy back?

ANSWER

The critical date is 14 October and depending what Chambroad presents to council ahead of that date will impact on what council might need to do but those decisions at this point in time will be confidential.

2. Prior to 14 October what would happen in relation to another party obviously seeking to purchase the land and therefore the sale and development agreement that council currently has.

ANSWER

That is hypothetical and also treads on confidential information, so I am not at liberty to divulge that publicly.

Ald Blomeley

My understanding is that there is a window of 6 months or so post 14 October for both parties to exercise their rights under the SDA, is that correct?

ANSWER

Yes, that is correct.

Ald Peers

A ratepayer asked me today, we had an application from the lifestyle village at Risdon Vale and we refused it. I wanted to know has anything come back to council, any other further applications?

ANSWER

(Mayor) I think the fact is that they were seeking a change to the urban growth boundary.

(Mr Lovell) We have had discussions with a new consultant in the last few weeks. They were of a negotiation/discussion nature around the issues, so I think it is inappropriate to go into detail at this point other than to say there has been progress on behalf of the applicant recently.

Cr Walker

1. Have you put pen to paper or fingers to keyboard in relation to the letter to the future of local government directions paper?

ANSWER

The intention was to do it this week.

Question contd

So the window does not close until the end of this week?

ANSWER

I wrote to the Review Board a few weeks ago regarding an extension of time until the end of this week.

2. My question given the phenomenal pressure of growth we are experiencing at the moment is how close to a full contingent of planning officers are we at the moment?

ANSWER

We are awaiting the onboarding of two more staff, one appointment has been made. That is not to say there are not difficulties at the moment because of a high rate of medical issues that we and other groups are experiencing that reduces the effective staff numbers.

Question contd

When those staff come onboard that would be getting up to the full complement of staff that have been allocated?

ANSWER

That is correct.

Cr Mulder

1. Could the General Manager advise what works are planned in regard to Pass Road in particular the section between Glebe Hill Road and Winterbourne and the section between Winterbourne and Connor Place?

ANSWER

I think that I answered those before in terms of details. We have received headworks for the section of Glebe Hill to Winterbourne. There was a contribution for the upgrade of that section so we will be arranging consultants to complete the design of that section. Our engineers are designing that section from Winterbourne to Connor Place. As I mentioned before, it will allow width for bitumen shoulder for cyclists, road reconstruction, additional width for drainage and also additional width for footpath but that will be costed with estimates to come to council at a workshop prior to budget time for council to give me direction on funding in the following financial year.

2. In relation to the excellent survey we did as a result of a motion from Ald James in regard to parking on Bellerive Bluff in that particular area. Are you aware that Roads Tasmania were on social media just this week trumpeting the fact they are about to do a parking survey on Bellerive Bluff and if not isn't it about time we got our heads together on this?

ANSWER

Council was informed at a workshop that Roads Tasmania were doing licence plate recognition in trying to obtain origin data and we will be fully informed of the outcome of that survey.

10.4 QUESTIONS WITHOUT NOTICE

A Councillor may ask a Question without Notice of the Chairman or another Councillor 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, a Councillor or the General Manager may decline to answer a question without notice.

7.2 DEVELOPMENT APPLICATION PDPLANPMTD-2022/026549 – 18 LOWLYNN COURT, GEILSTON BAY - 2 MULTIPLE DWELLINGS

Council resumed its deliberations as a Planning Authority at (8.15pm).

With the Leave of the Meeting Cr Mulder and Cr Walker withdrew their motion to adopt the officer's recommendation (refer to Page 16).

Decision:	<p>MOVED Ald Blomeley SECONDED Ald James</p> <p>“A That the Development Application for 2 Multiple Dwellings at 18 Lowlynn Court, Geilston Bay (CI Ref PDPLANPMTD-2022/026549) be approved subject to the following conditions and advice:</p> <ol style="list-style-type: none"> 1. GEN AP1 – ENDORSED PLANS. 2. GEN AP3 – AMENDED PLAN Insert: <ul style="list-style-type: none"> • the communal bin area location of sufficient size to accommodate six bins, and suitably screened from both the frontage and landscape plantings providing screening to Unit 1; and • a permanently fixed external privacy screen, for the full length of Unit 2's east facing living room window (DGW 18/27), with a uniform transparency of not more than 25%. 3. The development must be undertaken in accordance with the recommendations of the Flood Hazard Report, prepared by Flüssig Engineers, dated 10 August 2022, as attached to this permit. Documentation demonstrating compliance with the recommendations must be submitted to and approved by Council's Group Manager Engineering Services prior to an occupancy permit being issued. 4. ENG A5 – SEALED CAR PARKING. 5. ENG M1 -DESIGNS DA. 6. ENG S1 – INFRASTRUCTURE REPAIR.
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Decision contd on Page 30...

DEVELOPMENT APPLICATION PDPLANPMTD-2022/026549 – 18 LOWLYNN COURT, GEILSTON BAY - 2 MULTIPLE DWELLINGS /Decision contd...

7. The development must meet all required Conditions of Approval specified by TasWater notice, dated 23/03/2022 (TWDA 2022/00378-CCC).

ADVICE

Based on the information provided, the development is not likely to adversely affect TasNetworks' operations. It is recommended that the customer or their electrician contact TasNetworks on 1300 137008 if they have any questions regarding any upgrades, they may require to their electricity supply due to this development.

B. That the reasons are as follows:

- The proposal is discretionary and provides in excess of the minimum ground level private open space (POS).
- There is no unreasonable loss of amenity to adjoining properties.
- Unit positions have been informed by the Flood Report by Flussig Engineers dated 10 August 2022.

CARRIED

FOR

Cr Chipman
Ald Blomeley
Ald Ewington
Ald James
Cr Kennedy
Cr Mulder
Ald Peers
Cr Warren

AGAINST

Cr Chong
Ald von Bertouch
Cr Walker

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

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 TENDER T1456-22 – ASPHALT SUPPLY CART AND LAY
- 11.3 CONTRACTUAL MATTER
- 11.4 TENDER T1448-21 - PARKING MONITORING AND MANAGEMENT SOLUTION
- 11.5 TENDER T1471-22 - RICHMOND RIVERBANK PARK INFRASTRUCTURE UPGRADE
- 11.6 ANNUAL REVIEW – GENERAL MANAGER

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;
- information of a personal and confidential nature or 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:	<p>PROCEDURAL MOTION MOVED Ald Peers SECONDED Ald Blomeley</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 style="text-align: right;">CARRIED UNANIMOUSLY</p>
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The meeting closed at 9.20pm.

CLOSED MEETING /contd...

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

11.2 TENDER T1456-22 – ASPHALT SUPPLY CART AND LAY

Decision:	MOVED Cr Chong SECONDED Ald James
	“A. That the Council accepts the Tender submitted by Rokit Asphalt Pty Ltd for the amount of \$168,111.00 excluding GST for the provision of 2022-2024 Asphalt Supply, Cart and Lay within the City of 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.”
	Ald Walker left the meeting at this stage (8.49pm).
	The MOTION was put and CARRIED UNANIMOUSLY

Cr Walker returned to the Meeting at 8.51 pm

11.4 TENDER T1448-21 PARKING MONITORING AND MANAGEMENT SOLUTION
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Decision:	MOVED Ald Ewington SECONDED Ald von Bertouch	
	<p>“A. That the Council accept the tender from DCA Cities Holdings Pty Ltd, for a fee structure of \$220,000 per annum, for the Parking Monitoring and Management Solution.</p> <p>B. That the General Manager be authorised to negotiate the final contract for the Works and the final terms of the support and maintenance agreement in accordance with the approved Tender.</p> <p>C. That, in accordance with Regulation 34(3) of the Local Government (Meeting Procedures) Regulations 2015, Council authorises for release of the Council’s decision (only) in respect to this item to the general public via the open minutes of this meeting and for communication to relevant parties.”</p>	
	CARRIED	
	FOR	AGAINST
	Cr Chipman	Ald James
	Ald Blomeley	Cr Mulder
	Cr Chong	Ald Peers
	Ald Ewington	
	Cr Kennedy	
	Ald von Bertouch	
	Cr Walker	
	Cr Warren	

11.5 TENDER T1471-22 RICHMOND RIVERBANK PARK INFRASTRUCTURE UPGRADE**Decision:****MOVED** Cr Chong **SECONDED** Ald Peers

- “A. That the Tender response from State-Wide Earthworks Pty Ltd for the amount of \$707,949.50 excluding GST, be accepted for the Richmond Riverbank Park Infrastructure Upgrade works.
- B. That Council reallocates funds to the Richmond Riverbank Park Infrastructure Upgrade project from the Annual Estimates as follows:
- Charles Street road upgrade project \$300,000
- C. That, in accordance with Regulation 34(3) of the Local Government (Meeting Procedures) Regulations 2015, Council authorises for release of the Council’s decision (only) in respect to this item to the general public via the open minutes of this meeting and for communication to relevant parties.”.

CARRIED UNANIMOUSLY