

# MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 17 OCTOBER 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**

Chief Executive Officer  
(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)

Manager Communication and Strategic Development  
(Mr C Paske)

Executive Officer to the Chief Executive Officer  
(Ms J Ellis)

The Meeting closed at 9.08pm.

**COUNCIL MEETING**  
**MONDAY 17 OCTOBER 2022**

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**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 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.

Nil

## 4. OMNIBUS ITEMS

### 4.1 CONFIRMATION OF MINUTES

#### RECOMMENDATION:

That the Minutes of the Council Meeting held on 26 September 2022, as circulated, be taken as read and confirmed.

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

“That the draft Minutes of the Council Meeting held on 26 September 2022, as circulated, be taken as read and confirmed subject to the following amendment to Closed Item 11.6 – ‘subject to the final report being provided to Council out-of-session’ be appended to Recommendation 1, and that Alderman von Bertouch be recorded as voting for Recommendations 2 and 3.”

**CARRIED UNANIMOUSLY**

### 4.2 MAYOR’S COMMUNICATION

#### RETIREMENT OF COUNCIL’S MANAGER HEALTH AND COMMUNITY DEVELOPMENT

The Mayor acknowledged the retirement of Council’s Manager Health and Community Development noting the following.

John commenced employment with Clarence City Council on the 24<sup>th</sup> of May 1999 as the Manager – Customer Services.

In that capacity John was responsible for Customer Service, City Ranger Services and Community Services.

In the 2009 reorganisation, John took on additional responsibility as the Manager – Health and Community Development including:

- Regulatory Services – City Rangers, Environmental Health, Building & Plumbing ;
- Community Cultural Arts & Events;
- Youth Services;
- Children’s Services;
- Community Planning & Development.

John has held this position for the past 13 years. On several occasions throughout his tenure John has also been appointed to act as the General Manager during periods of leave.

During his 23 years of service with council, John has seen the city grow and develop considerably and he and his team have been responsible for many new community initiatives.

On behalf of Council the Mayor thanked John for his outstanding service to the City of Clarence and wished him all the very best for the future.

/ contd on Page 5...

**MAYOR'S COMMUNICATION /contd...****KANGAROO BAY DEVELOPMENT UPDATE**

The Chief Executive Officer provided the following update:

Clarence City Council and Chambroad Overseas Investment Australia Pty Ltd (Chambroad) entered into a Sale and Development Agreement in 2017, following a vote in favour of the development.

Under this agreement, Chambroad was required to have achieved substantial commencement by 12 October 2022.

Chambroad has requested an extension of time to achieve substantial commencement. Whilst Chambroad remains committed to the development, it has also provided an alternative proposal for part of the site due to the current inability to secure an educational provider, which would enable the hotel development to proceed within a quicker timeframe.

Rather than make a decision on an extension of time, and then separately consider the alternative proposal, Council and Chambroad have agreed a process to defer consideration of the extension of time in order to properly consider the alternative proposal.

In accordance with this agreed alternative process, Chambroad will provide council with a briefing and details of its alternative proposal, and Council will have until 21 December 2022 to accept the alternative proposal and grant an extension of time or refuse both.

This process reserves the rights of both Council and Chambroad under the Sale and Development Agreement.

Council will provide further updates in due course.

**MEETINGS / ATTENDANCES****Mayor**

- 29 September: National Police Remembrance Day Service;
- 30 September: Trophy Tour regarding (T20 Cricket World Cup) Media Shoot;  
2022 Tasmanian Export Awards;
- 2 October: Cantiamo Choir Concert;
- 3 October: Netherlands 80<sup>th</sup> Anniversary Reception;  
Bellerive Bluff Land & Coastcare Group;
- 4 October: Ryk Goddard Radio Interview – Various Topics;  
Clarence Plains Tool Library – Official Grand Opening;
- 7 October: Launch of Sparking Conversations Igniting Action (Bushfire Awareness);
- 10 October: ABC Mornings Interview – Topic “Mayors”;
- 12 October: Greater Hobart Mayor’s Forum;
- 13 October: Exhibition Opening – Miniatures Society of Tasmania.

**Deputy Mayor Heather Chong (on behalf of the Mayor)**

- 5 October: Headspace Hobart’s 10<sup>th</sup> Birthday;  
2022 Open House Hobart Program Launch Event;
- 6 October: Exhibition Opening – Minds Do Matter.

**Councillor Tony Mulder (on behalf of the Mayor)**

- 17 October: The ICC Men’s T20 World Cup 2022 Games

#### **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**

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: Cr James Walker

**Quarterly Reports**

September Quarterly Report pending.

**Representative Reporting**

Cr Walker advised that the AGM of the Copping Refuse Disposal Site Joint Authority is to be held on Tuesday 25 October.

- **TASWATER CORPORATION**

- **GREATER HOBART COMMITTEE**



**REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES**

**BICYCLE ADVISORY COMMITTEE – QUARTERLY REPORT**

**Chairperson’s Report – Alderman D Ewington**

Report to Council for the three month period, 1 July 2022 to 30 September 2022.

**RECOMMENDATION:**

That the Chairperson’s Report be received by council.

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

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

## **NATURAL RESOURCE MANAGEMENT – QUARTERLY REPORT**

### **Chairperson's Report – Councillor Beth Warren**

Report to Council for the three-month period 1 July to 30 September 2022.

#### **RECOMMENDATION:**

That the Chairperson's Report be received by Council.

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

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**TRACKS AND TRAILS ADVISORY COMMITTEE – QUARTERLY REPORT**

**Chairperson's Report –Alderman D Ewington**

Report to Council for the three month period for 1 July 2022 to 30 September 2022.

**RECOMMENDATION:**

That the Chairperson's Report be received by Council.

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

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**4.6 WEEKLY BRIEFING REPORTS**

The Weekly Briefing Reports of 26 September and 3 and 10 October 2022 have been circulated to Councillors.

**RECOMMENDATION:**

That the information contained in the Weekly Briefing Reports of 26 September and 3 and 10 October 2022 be noted.

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

“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 Chief Executive Officer 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 Chief Executive Officer provided 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.

**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.

**FURTHER INFORMATION**

At the football game, patrons started leaving the venue early due to the result becoming evident well advanced of the end of the game. The buses arrived late to Church Street, in addition to entering from Beach Street instead of Douglas Street. The result was, there was no opportunity to install the temporary fencing to direct patrons. This matter has been addressed with the bus operator for future events.

**5.4 QUESTIONS WITHOUT NOTICE**

Mr Thomas Chick of Mornington asked the following question.

**CHANGE OF TITLE****QUESTION**

Assuming that for the purpose of the Local Government Act you are still the General Manager, for what reason and when did your role transition within council as a corporate body from General Manager to Chief Executive Officer?

**ANSWER**

The Mayor advised that council made a decision at its last meeting that consistent with a lot of other councils around Australia and also Hobart and Launceston that we would move to re-title the General Manager to Chief Executive Officer. In doing so, we approved a delegation to ensure that all the powers of a General Manager could be executed by the Chief Executive Officer.

Mr Victor Marsh of Bellerive asked the following question.

**CONCERT NOISE COMING FROM BLUNDSTONE ARENA****QUESTION**

An elderly resident Cath Hyland who lives at the bottom of King Street rang me at 6.20pm tonight. She was very distressed about the concert noise coming from the arena. She said her house was vibrating, she wears a hearing aid and couldn’t hear her television properly. My question is, has the council any authority to limit the amount of noise caused by music being played at the T20 World Cup?

**ANSWER**

The Chief Executive Officer 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)

### **LOCAL MATTERS BELLERIVE BLUFF**

Joanne Marsh of Bellerive addressed the meeting regarding the above matter.

### **DEVELOPMENT APPLICATION PDPLANPMTD-2022/027863 – 3 DROUGHTY POINT ROAD, ROKEBY – STORAGE (2 SHIPPING CONTAINERS AND FENCING (REFER ITEM 7.1)**

Tabitha Docherty addressed the meeting regarding the above Development Application.

John Besier 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-2022/027863 – 3 DROUGHTY POINT ROAD, ROKEBY – STORAGE (2 SHIPPING CONTAINERS AND FENCING)****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for storage (2 shipping containers and fencing) at 3 Droughty Point Road, Rokeby.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Local Business and subject to the Electricity Transmission Infrastructure Protection, Safeguarding of Airports, Parking and Sustainable Transport and Road and Railway Assets 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 with the written consent of the applicant on 21 October 2022.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and three representations (one with four signatories and one with multiple submissions) were received raising the following issues:

- Description of use;
- Property access;
- Pedestrian safety;
- Noise;
- Stormwater;
- Visual impact;
- Swift parrot habitat;
- Clarence Plains Historic Trail; and
- South Arm Road Rokeby Stage 3 Corridor Plan.

**RECOMMENDATION:**

A. That the Development Application for storage (2 shipping containers and fencing) at 3 Droughty Point Road, Rokeby (Cl Ref PDPLANPMTD-2022/027863) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. GEN AP3 – AMENDED PLANS [the location of outdoor storage areas (excluding the display of goods for sale) together with details of how these areas are to be treated or screened so as not to be visible from any road or public open space adjoining the site].
3. GEN AP3 – AMENDED PLANS [the provision of a site total of nine on-site car parking spaces].
4. External lighting to illuminate external vehicle parking areas and pathways must be provided, and must be located, designed and baffled to ensure that no direct light is emitted outside the boundaries of the site.
5. GEN S1 – SIGNS CONSENT.
6. GEN AM5 – TRADING HOURS [Monday – Saturday, 7am to 9pm; Sundays and Public Holidays, 8am to 9pm].
7. GEN S1 – SIGNS CONSENT.
8. ENG M1 – DESIGNS DA.
9. ENG A1 – NEW CROSSOVER.
10. ENG A5 – SEALED CAR PARKING.
11. ENG M5 – EROSION CONTROL.
12. ENG S1 – INFRASTRUCTURE REPAIR.
13. ENG S3B – WATER SENSITIVE URBAN DESIGN PRINCIPLES.

#### ADVICE

- Based on the information provided, the development is likely to adversely affect TasNetworks' operations. Consideration needs to be given to the underground electrical infrastructure which runs under the new concrete driveway. This infrastructure may need extra protection depending on the type of traffic that will be using the driveway to access the site.

To understand what these requirements may entail, it is recommended the proponent contact TasNetworks Early Engagement team at [early.engagement@tasnetworks.com.au](mailto:early.engagement@tasnetworks.com.au) at their earliest convenience.

- The development will intensify the stormwater discharge from the property and hence requires approval under the Urban Drainage Act 2013 and the stormwater is to be designed as per council's Stormwater Management Procedure for new development (Stormwater-Management-Procedure-for-New-Development (1).pdf).

- 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> Cr Mulder <b>SECONDED</b> Ald James																				
	<p>“A. The Officers Recommendation for approval be amended as follows:</p> <p>2. GEN AP3 – AMENDED PLANS [location of outdoor storage areas (excluding display of goods for sale) together with details of how these areas are to be treated or screened so as not to be visible from any road, public space or dwellings adjoining the site.]</p> <p>B. 6. GEN AM5 – TRADING HOURS [Monday to Saturday 8am – 6pm; Sundays and Public Holidays, 10am to 4pm.]”</p> <p><b>REASONS</b></p> <p>A. Visual Impact - Clause 14.4.5 P1 requires “outdoor storage areas, ..., to be located, treated or screened to not cause an unreasonable loss of visual amenity. The proposal has been conditioned to require screening from a public place, while Clause 14.4.5 P1 is not limited to public places. Under the circumstances (long and narrow lot) it is not unreasonable to include the visual impacts on long established adjacent dwellings.</p> <p>B. Hours of Operation - Despite being in a local business zone nearby residences were lawfully erected under a former planning scheme and long predate the proposed use of this site. As such the hours of operation are unsuited to a narrow lot bounded by two established residences.</p> <p style="text-align: right;"><b>CARRIED</b></p> <table> <tr> <td><b>FOR</b></td><td><b>AGAINST</b></td></tr> <tr> <td>Cr Chipman</td><td>Ald Ewington</td></tr> <tr> <td>Ald Blomeley</td><td>Ald James</td></tr> <tr> <td>Cr Chong</td><td>Ald von Bertouch</td></tr> <tr> <td>Cr Edmunds</td><td></td></tr> <tr> <td>Cr Kennedy</td><td></td></tr> <tr> <td>Cr Mulder</td><td></td></tr> <tr> <td>Ald Peers</td><td></td></tr> <tr> <td>Cr Walker</td><td></td></tr> <tr> <td>Cr Warren</td><td></td></tr> </table>	<b>FOR</b>	<b>AGAINST</b>	Cr Chipman	Ald Ewington	Ald Blomeley	Ald James	Cr Chong	Ald von Bertouch	Cr Edmunds		Cr Kennedy		Cr Mulder		Ald Peers		Cr Walker		Cr Warren	
<b>FOR</b>	<b>AGAINST</b>																				
Cr Chipman	Ald Ewington																				
Ald Blomeley	Ald James																				
Cr Chong	Ald von Bertouch																				
Cr Edmunds																					
Cr Kennedy																					
Cr Mulder																					
Ald Peers																					
Cr Walker																					
Cr 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****8.1.1 PETITION – EQUITABLE ACCESS TO LITTLE HOWRAH BEACH****EXECUTIVE SUMMARY****PURPOSE**

To consider the petition tabled at the council meeting on 26 September 2022 requesting council implement an interim plan to provide equitable access to Little Howrah Beach.

**RELATION TO EXISTING POLICY/PLANS**

Council's Strategic Plan 2021-2031, Active Lifestyle Living Strategy 2022-2032 and Access and Inclusion Plan 2021-2025 are relevant.

**LEGISLATIVE REQUIREMENTS**

Section 57 of the *Local Government Act 1993* sets out the requirements for a paper petition.

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

**CONSULTATION**

No formal consultation has been undertaken on potential upgrades to improve access to Little Howrah Beach.

**FINANCIAL IMPLICATIONS**

The recommended works to construct an access ramp to the beach are estimated to cost \$10,000 with an estimated further \$3,000 per annum required to maintain the ramp. Funds are available to undertake this work.

**RECOMMENDATION:**

That Council:

- A. Notes the petition and the Chief Executive Officer's ("CEO") advice that the petition partially complies with section 57 of the *Local Government Act 1993*.
- B. Notes the CEO's advice that it is not possible to provide an equitable "DDA" access in the short to medium term, for the reasons set out in the report and authorises the CEO to progress investigations and construction of a temporary, short-term concrete access ramp to enable beach access from the end of the existing access ramp at the public amenities block at Little Howrah Beach, subject to council officers consulting with key stakeholders about the suitability of the proposed ramp.

- C. Authorises the expenditure of \$10,000 from a previous budget allocation for a DDA compliant ramp, plus ongoing maintenance costs of approximately \$3,000 per annum to maintain the ramp in safe and functional order.
- D. Authorises the CEO to write to petitioners acknowledging the petition and advising of council's decision.

<b>Decision:</b>	<b>MOVED</b> Ald Ewington <b>SECONDED</b> Ald von Bertouch “That the Recommendation be adopted”. <b>CARRIED UNANIMOUSLY</b>
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## 8.2 ASSET MANAGEMENT

Nil Items.

<b>8.3 FINANCIAL MANAGEMENT</b>
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Nil Items.

**8.4 GOVERNANCE****8.4.1 COMMUNITY SUPPORT GRANTS****EXECUTIVE SUMMARY****PURPOSE**

To consider the Community Support Grants Assessment Panel's recommendations for the allocation of financial assistance in respect of the September 2022 round of Community Support Grants.

**RELATION TO EXISTING POLICY/PLANS**

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

**LEGISLATIVE REQUIREMENTS**

Nil.

**CONSULTATION**

Nil.

**FINANCIAL IMPLICATIONS**

There is an annual budget of \$35,000 for the bi-annual Community Support Grants.

**RECOMMENDATION:**

That Council approves the distribution of financial grants totalling \$10,866.90 to community groups and organisations, as detailed in the schedule attached to the Associated Report.

/ Refer to Page 24 for Decision on this Item...



**COMMUNITY SUPPORT GRANTS /contd...**

<b>Decision:</b>	<b>MOVED</b> Ald Peers <b>SECONDED</b> Cr Kennedy	
	“That the Recommendation be adopted”.	
	The Mayor asked the Deputy Mayor to assume the Chair while he entered the debate as a Councillor (8.24pm).	
	The Mayor <b>resumed</b> the chair at 8.25pm.	
	The <b>MOTION</b> was <b>put</b> and <b>CARRIED</b>	
	<b>FOR</b>	<b>AGAINST</b>
	Cr Chipman	Ald James (abstained)
	Ald Blomeley	
	Cr Chong	
	Cr Edmunds	
	Ald Ewington	
	Cr Kennedy	
	Cr Mulder	
	Ald Peers	
	Ald von Bertouch	
	Cr Walker	

**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 Chief Executive Officer 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 Mulder

My question relates to the issue at Pass Road and several other areas in the city where residents have requested speed humps, but I am not aware of policy or are there any road rules or design standards about suggesting where speed humps would or would not be suitable. My question is what are the policy parameters for deciding whether or not to use speed humps as a traffic calming measure?

**ANSWER**

(Mr Graham) I will provide a briefing report on the warrants from the Australian Standards and then we can consider whether council specifically needs a policy.

The Transport Commissioner has issued directions for the installation of road humps on public streets. This direction was issued following changes to Section 49A of the Traffic Act 1925.

The Direction requires:

- Road authorities must consult directly with the owners and occupiers of the properties along the section of road on which it is proposed to install the road humps, and with bus operators and emergency services.
- Records of the consultation must be retained
- Road hump schemes are to be developed in accordance with AS 1742 – Manual of uniform traffic control devices, Part 13: Local traffic and management plan; and
- Austroads Guide to Traffic Management, Part B; Local area traffic management.

Approval of road humps is no longer required by the Transport Commissioner. Road humps are just one traffic device for managing speed and other issues along a public road. Research has shown road humps do not manage antisocial driver behaviour on the roads and are not necessarily the answer for managing speeds. Consideration needs to be given to the overall road environment.

Council engineers will prepare information and recommendations for the new council to consider in relation to adopting a Traffic Calming Devices policy in accordance with the Traffic Act 1925, the Australian Standards and Austroads guidelines.

Cr Kennedy

Many of us are receiving communication from people in Acton Park, Cremorne and Seven Mile Beach about the amount of water that continues to lie in those areas, and this is even when there is no rain. It just doesn't go away. I believe just from social media posts that one of our engineers had visited the area of Seven Mile Beach in particular in the last week or so and if that has happened that is great but there are questions from the community as to whether there will be answers from those visits?

My question is has there been a visit to check the water that continues to lie in people's loungerooms as well as on the roads?

**ANSWER**

(Mr Graham) I am not aware of a visit specifically in terms of Seven Mile Beach. We have received the latest Bill Cromer draft report which requires some slight modifications and then we will make that public on our website.

Council staff are also looking at coming back to council on how we can look at the next stage of monitoring specifically for Seven Mile Beach. Cremorne, Acton Park and Seven Mile Beach are very flat areas and require absorption of the ground water and it is taking time, but we are trying to address this. We will come back to council specifically on the monitoring in Seven Mile Beach.

Are we are reviewing the monitoring?

**ANSWER**

We are coming back to council on what we will recommend for the future, and it is highly likely we will need a budget item for the following financial year to expand the monitoring that we have there at the moment.

Ald Peers

Is anything going to be done with Pipeclay Esplanade, it is the worst I have seen it. Can we do something?

**ANSWER**

I have some information from the Manager Operations. I have a number of letters from residents to respond to and I will provide councillors with a copy so that they can understand where we are in terms of the re-sheeting of Pipeclay Esplanade. The long term aim is to wait for the Coastal Management Plan to come back to council so that we can manage that road in the future.

(Further information) Council's grader is attending priority locations and expected to attend to Pipe Clay Esplanade in the last week of October/first week of November 2022.

Ald Blomeley

1. My question relates to the council-owned land adjacent to Glebe Hill Village. We were all at the opening and it was all nicely mown and very clean and now it is not nicely mown and not very clean, there is a lot of rubbish there as well over the road which has been cleaned up recently, I understand by our crews. Can we have that addressed in the near future please?

**ANSWER**

It can be brought into our work schedule. It depends which road it is as some roads are not being managed by us at the moment, they are still with the developer for twelve months. I can liaise with Ald Blomeley directly.

(Further information) The Glebe Hill shopping development has undertaken works on council's Pass Road road reservation in order to undertake works close to the property boundary. We are waiting for the developer to complete all works before the area is handed over to council to maintain.

2. I refer to the 13 units at 34 Clinton Road and there have been 3 or 4 flooding events there over the last 2-3 years for a number of unit owners. Has a report been commissioned and if so, is it possible for that to be made publicly available please?

**ANSWER**

We know there is a manhole which has popped a number of times in recent years. We are engaging consultants to do some flood modelling of the pipeline that leads through to there. We have arranged for the work to be done but work has not commenced yet but we can certainly inform councillors of the report and we will advise residents, but it could be 2-3 months before we receive the information

Ald von Bertouch

1. This follows on from a question I asked on 25 July 2022 in relation to the Little Howrah Beach park and the access to the beach. The answer at the time when I asked if there was a short term possibility of an access was that there was not an easy or affordable short term option to do that. Can you let us know if there has been any further update in relation to the possibility of a short term ramp. My understanding is that there have been deliberations with another Alderman and I am just wondering where things are at with that matter?

**ANSWER**

I have had discussions with several other Aldermen and the Mayor on this issue. You are absolutely right, my advice in July was that there was no cheap option to remedy that. That was in the context that not only is the bottom of the ramp difficult to make DDA compliant the ramp itself is not able to be made DDA compliant. In the context of the discussions at that time my advice was that there is no easy solution for an accessible ramp which is what is being sought.

I amended that advice last week following a lot of discussion with various elected members and others within council on the basis that if one accepts that the ramp that exists there now is not a DDA ramp, it is simply a ramp, then there may be some latitude to upgrade the access at the bottom provided everyone accepts that it will not be a DDA access either and that could be done as a short term solution.

So, there is a fair degree of compromise of what is achievable in terms of the short term with a view towards the longer term being the master plan for the area which will absolutely include a DDA access, probably at another location towards the end of the beach where the gradients are a lot shallower.

At this point in time, I am expecting to receive advice on 2 or 3 options probably by the end of this week or early next week and once I have that I will circulate that for information.

2. Could you advise if there has been any progress in reopening the ground floor of the Alma's Activities Centre?

**ANSWER**

(Mr Toohey) I am not aware of any formal written request to use the ground floor of Alma's. I am aware that we have been approached by another organisation about the possible use in the short term, but I am not aware of it having progressed beyond an informal conversation.

(Further information) Council has received a request to lease the ground floor of Almas to the Cottage School. The request has been made to assist the school with alternative classroom accommodation during building works next year. Council officers are currently in discussion regarding this possibility with school representatives.

**Question contd**

What has happened in terms of our interaction with the Department of Education in relation to the use of the ground floor?

**ANSWER**

I have corresponded on at least 2 occasions with the Department of Education and have not received a response indicating interest from them in taking that over.

**Ald James**

1. My question is in regard to Pipeclay Esplanade  
Could I have a response following my telephone conversation with Mr Graham on Friday when he said he was in the vicinity of Pipeclay Esplanade and would go and inspect it and he has acknowledged that that he did. At the time you advised that there was going to be a discussion with the building supervisor or the operations manager at the depot and that was to take immediate action to have some grading and pothole repair. So is that immediate action that you did suggest going to happen and that you have had discussions with the manager operations and that we can expect the grader and some other activity happening early next week.

**ANSWER**

(Mr Graham) I don't believe I responded with "immediate action". I have received information from the Manager Operations I have not had the chance to address that yet because, if the road is continually wet, we cannot put the grader through there so it has to be appropriate conditions for the grader so once I have that information, I will get a briefing to Aldermen to advise what we are doing in terms of potholes.

(Further information) Council's grader is attending priority locations and expected to attend to Pipe Clay Esplanade in the last week of October/first week of November 2022.

2. We had discussions tonight in relation to Pass Road and a motion was carried in relation to allocating funds for that project in the 2023-2024 financial year. My question is in relation to the \$960,000 that was in a sort of carry-over from our budget discussions that was identified as being there in limbo so my question is whether or not that \$960,000 and as part of any process could be redirected towards the Coastal Management Plan a situation in which we are eagerly awaiting the consultant's report?

**ANSWER**

(Mayor) A matter for council.

Cr Warren

1. My question is regarding a food permit for an open garden at Otago Bay on 15 October. I understand that this particular event has been running for some years, maybe ten years, and having a food permit or not having a food permit was perhaps an oversight and they have now applied for it. I wondered what flexibility there is in our financial records to perhaps provide an exemption from the fee for the permit for charities, do we have discretion in that area?

**ANSWER**

In some circumstances the fee schedule provides me with a delegation to exercise that discretion for not for profit organisations or charities so I will have to make sure that it applies to that particular fee.

2. I have been contacted by a number of residents over the last 48 hours at least 4 people expressing concern over a social media post on Facebook by a current Alderman and a response to that by another Alderman who is seeking re-election, so my question is what is the process for a member of the public to raise a code of conduct issue and is there a cost associated with that?

**ANSWER**

There is a process and that commences with the complainant filling out a declaration form which is available on the DPAC website and that needs to be accompanied by any evidence and satisfy the other requirements of the Act such as what attempts have been made to remedy the situation and the fee that is associated with that is \$85. The fee is part of the validation process for making a complaint.

(Mayor) The fee is refundable if the complaint charge is upheld.

Question contd

If 4 people for example were to make the same complaint, could they do that on a joint application and split the fee four ways?

**ANSWER**

The issue is about the application not how many people support it. I think it takes the form or part of it as a statutory declaration so that might have some complexity to it but essentially you can have multiple people making a complaint or individuals and multiple people making a complaint about the same thing.

(Further information) Section 28V(5) of the Local Government Act provides that a complaint is not to be made by more than two people jointly.

#### **10.4 QUESTIONS WITHOUT NOTICE**

A Councillor may ask a Question without Notice of the Chairman or another Councillor or the Chief Executive Officer. 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 Chief Executive Officer may decline to answer a question without notice.

#### **ACKNOWLEDGEMENT OF ALD EWINGTON AND LUKE EDMUNDS**

The Mayor presented certificates acknowledging Alderman Dean Ewington who is not contesting the forthcoming Local Government Election and Luke Edmunds who was recently elected to the Legislative Council for the Division of Pembroke. On behalf of Council, the Mayor thanked them for their valuable contribution to the Council and the Clarence community since 2018.

#### **RETIREMENT OF MAYOR**

The Deputy Mayor and Chief Executive Officer presented a certificate to acknowledge the Mayor, Councillor Doug Chipman who is retiring from Council after 22 years. On behalf of the Councillors and staff the Deputy Mayor and Chief Executive Officer thanked the Mayor for his service and dedication to Clarence and wished him well for his retirement.

There being no further business the Mayor declared the meeting closed at 9.08pm.