

MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 19 DECEMBER 2022

HOURL CALLED: 7.00pm

PRESENT: The meeting commenced at 7.00pm with the Mayor (Cr B A Blomeley) in the Chair and with Councillors:

H Chong
J Darko
E Goyne
D Hulme
B Hunter
R H James
W Kennedy
T Mulder
A Ritchie
J Walker
B Warren; present.

1. APOLOGIES Nil

ORDER OF BUSINESS Items 1 – 11

IN ATTENDANCE

Chief Executive Officer
(Mr I Nelson)

Acting Group Manager Engineering Services
(Ms A Moore)

Manager City Planning
(Mr R Lovell)

Acting Chief Financial Officer
(Mr R Purves)

Acting Manager Health and Community Well-being
(Ms T Cockburn)

Manager Communication and Strategic Development
(Mr C Paske)

Manager Governance
(Ms C Shea)

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

The Meeting closed at 8.41pm.

COUNCIL MEETING
MONDAY 19 DECEMBER 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”.

- invited those present to pause for a moment of quiet reflection and respect before commencing the council meeting.
- 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. APOLOGIES

Nil

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 28 November 2022, as circulated, be taken as read and confirmed.

Decision: **MOVED** Cr Chong **SECONDED** Cr Kennedy

“That the Minutes of the Council Meeting held on 28 November 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

- 1 December: Launch of Summer – Surf Life Saving Tasmania;
International Day for People with Disability;
Exhibition Opening – Stitch by Stitch;
- 2 December: Clarendon Vale Neighbourhood Centre AGM;
CWA Lindisfarne – Turning on Christmas Lights;
- 4 December: Swinging Christmas Event;
- 5 December: Headspace Hobart Meeting;
- 6 December: ABC Radio Interview with Ryk Goddard (Council AGM);
Road Safety Blitz Media Event;
Copping Refuse Disposal Site Joint Authority AGM;
- 7 December: Mercury Photo with – Access and Inclusion Re: Foreshore Trails;
Greater Hobart Mayors Forum;
Mayor's Workshop and Dinner;
- 8 December: Southern Tasmania Regional Waste Authority Forum;
LGAT Annual Conference and Dinner;
- 9 December: LGAT Annual Conference (Day 2);
Meeting with BYC Commodore;
- 10 December: Carols by the Beach;
- 13 December: Clarence Legacy Widows Event;
Australian Christian College – Graduation Evening;
- 14 December: Bellerive Primary School – Mr Hay Farewell Assembly;
Rokeby Neighbourhood Centre Christmas Lunch;
BBL 12 Season Launch;
SES – End of Year BBQ;
- 15 December: South Arm RSL Sub-branch Inc – Thank You Function;
Coal River Christmas Event;

/ contd on Page 5...

MAYOR'S COMMUNICATION /contd...

- 16 December: ABC Interview (TV) – Kangaroo Bay Development;
HOFM Pre-record News Bulletin – Kangaroo Bay;
19 December: Cambridge Primary School – End of Year Assembly Invitation; and
Clarence Emergency Management Committee Meeting.

Deputy Mayor Allison Ritchie (on behalf of Mayor)

- 30 November: Army Cadets-60 ACU Grand Opening;
7 December: Opening of Tasmanian Archives;
13 December: Richmond Primary School – End of Year Assembly Invitation;
14 December: Crime Stoppers – Tasmania Online Launch;
WMNC Community Christmas Lunch;
15 December: Eastside Lutheran College – End of Year Assembly Invitation; and
St John's Catholic – End of Year Assembly Invitation.

Councillor Daniel Hulme (on behalf of Mayor)

- 2 December: 50th Anniversary of Australian Fujian Association Tasmania.

Councillor Emma Goynes (on behalf of Mayor)

- 15 December: Bayview Secondary College – End of Year Assembly Invitation.

Councillor Beth Warren (on behalf of Mayor)

- 15 December: A Christmas Evening with the Merediths.

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:

PURPOSE	DATE
Presentation regarding Skylands Project City Heart Project Update Confidential Briefing Chambroad	5 December
Confidential Briefing Chambroad	12 December

RECOMMENDATION:

That Council notes the workshops conducted.

Decision: **MOVED** Cr Chong **SECONDED** Cr Kennedy

“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: Cr James Walker

Quarterly Reports

September Quarterly Report pending

Representative Reporting

The Mayor advised that the Authority held its Annual General Meeting on 6 December and elected Councillor Walker as Chairperson of the Authority, subject to council's decision at Item 8.4.2 regarding committee appointments on tonight's agenda.

- **TASWATER CORPORATION**

- **GREATER HOBART COMMITTEE**

The Mayor reported on the meeting of the four metro Mayors on 7 December 2022 and advised that it was a highly productive meeting with Minister Street. The committee also finalised and prioritised their 2023/24 State Budget Submission.

REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES

Nil.

4.6 WEEKLY BRIEFING REPORTS

The Weekly Briefing Reports of 28 November and 5 and 12 December 2022 have been circulated to Councillors.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 28 November and 5 and 12 December 2022 be noted.

Decision: **MOVED** Cr Chong **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

Nil.

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)

CHAMBROAD REQUEST FOR EXTENSION OF TIME AND MODIFIED DEVELOPMENT PROPOSAL FOR A HOTEL

(REFER ITEM 8.4.3)

Greg Hudson addressed the meeting regarding the above matter.

Finely Zhang 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-2022/026489 – 26A ESPLANADE, LINDISFARNE - BOAT SHED AND JETTY**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a boat shed and jetty at 26A Esplanade, Lindisfarne.

RELATION TO PLANNING PROVISIONS

The land is zoned Open Space (97%) and Recreation (2%) and subject to the Parking and Sustainable Transport Code, Coastal Erosion Hazard Code, Coastal Inundation Prone Areas Code, Flood-prone Hazard Areas Code, Landslip Code, Natural Assets Code, Potentially Contaminated Land Code and Safeguarding of Airport Assets 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 was extended with the consent of the applicant until 21 December 2022.

CONSULTATION

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

- boat related issues;
- address;
- size and scale of the development;
- lack of consultation;
- parking;
- streetscape and setbacks;
- building code; and
- habitat.

RECOMMENDATION:

A. That the Development Application for Boat Shed and Jetty at 26A Esplanade, Lindisfarne (CI Ref PDPLANPMTD-2022/026489) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. Construction access and methodology plan must be submitted and approved by Council's Group Manager Engineering Services prior to commencement of works.

3. An erosion and sedimentation control plan, in accordance with the *Hobart Regional Soil and Water Management on Building and Construction Sites document*, must be submitted and approved by Council's Group Manager Engineering Services prior to the commencement of works. The plan must outline the proposed construction practices in relation to:
- erosion, siltation, sedimentation and runoff from the property during construction;
 - procedures to prevent soil and debris being carried into the River Derwent; and
 - how works would be undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010).

ADVICE

- a. The Department of Natural Resources and Environment (Conservation Assessments) recommends that the impact site is surveyed by a suitably qualified person in accordance with the *Guidelines for Natural Values Surveys - Estuarine & Marine Development Proposals*.
- b. A building surveyor will be required for the construction of the boatshed in relation to the application for building approval.
- c. Marine and Safety Tasmania (MAST) recommends no vessels are to be berthed on the eastern side of the proposed development.
- 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 Hulme SECONDED Cr Mulder	
	"That the Recommendation be adopted".	
	CARRIED	
	FOR	AGAINST
	Cr Blomeley	Cr James
	Cr Chong	Cr Mulder
	Cr Darko	
	Cr Goyne	
	Cr Hulme	
	Cr Hunter	
	Cr Kennedy	
	Cr Ritchie	
	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
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Nil Items.

8.2 ASSET MANAGEMENT

Nil Items.

8.3 FINANCIAL MANAGEMENT

Nil Items.

8.4 GOVERNANCE**8.4.1 QUARTERLY REPORT TO 30 SEPTEMBER 2022****EXECUTIVE SUMMARY****PURPOSE**

To consider the Chief Executive Officer's Quarterly Report covering the period 1 July 2022 to 30 September 2022.

RELATION TO EXISTING POLICY/PLANS

The Report uses as its base the Annual Plan adopted by Council and is consistent with Council's adopted Strategic Plan 2021-2031.

LEGISLATIVE REQUIREMENTS

There is no specific legislative requirement associated with regular internal reporting.

CONSULTATION

Not applicable.

FINANCIAL IMPLICATIONS

The Quarterly Report provides details of Council's financial performance for the period.

RECOMMENDATION

That the Quarterly Report to 30 September 2022 be received.

Decision: **MOVED** Cr Hunter **SECONDED** Cr Ritchie

"That the Recommendation be adopted".

CARRIED UNANIMOUSLY

8.4.2 APPOINTMENT TO COMMITTEES, BOARDS AND AUTHORITIES**EXECUTIVE SUMMARY****PURPOSE**

To appoint Councillors to Committees, Boards and Authorities.

RELATION TO EXISTING POLICY/PLANS

Council, following each ordinary Council election, deliberates on its appointments to committees and outside organisations. A review of Council's committee structure is currently underway however, some committees/bodies fall outside the scope of the review, and it is considered appropriate to appoint representatives to those committees / bodies ahead of finalisation of the review.

LEGISLATIVE REQUIREMENTS

Council Committees and Special Committees are established under Sections 23 and 24 of the Local Government Act 1993.

CONSULTATION

Nominations were sought from councillors for appointment to those committees or bodies requiring appointments prior to completion of the current review.

FINANCIAL IMPLICATIONS

Not applicable.

RECOMMENDATION:

A. That the following schedule of nominations be endorsed by Council:

COMMITTEE, BOARD, AUTHORITY	APPT REQUIRED	NOMINATIONS RECEIVED
Geilston Bay Community Centre Management Committee	Committee Member	Committee Member Cr Ritchie
Howrah Community Centre Committee	Committee Member	Committee Member Cr Goyne
Audit Panel	2 Committee Members	Committee Members Cr Chong Cr Warren
Richmond Advisory Committee	Committee Member	Committee Member Cr Chong

Events Special Committee	Mayor (or nominee) [Chairperson] and 2 Committee Members	Mayor's Nominee Cr Ritchie Committee Members Cr Chong Cr Kennedy
Honours and Awards Committee (formerly Australia Day Awards Committee)	Mayor (or nominee) [Chairperson] and 2 Committee Members	Chairperson Mayor Blomeley Committee Members Cr Goyne Cr Kennedy
Bellerive Community Arts Centre Management	Committee Member	Committee Member Cr Kennedy
South Arm Calverton Hall Management Committee Inc.	Ex-Officio Committee Member	Ex-Officio Committee Member Cr Goyne
Copping Refuse Disposal Site Joint Authority	Council Representative and Proxy	Council Representative Cr Walker Proxy Cr Warren
C Cell Pty Ltd	Director	Director Cr Chong
Southern Tasmanian Regional Waste Authority	Mayor (or nominee) and Proxy	Mayor's Nominee Cr Warren Proxy Cr Hunter
Petitions to Amend Hearings Committee	3 Committee Members	Committee Members Cr Ritchie Cr Hunter Cr Goyne
Clarence Emergency Management Committee	Mayor (or nominee) [Chairperson] and Proxy	Chairperson Mayor Blomeley Proxy Cr Walker
TasWater Owners' Representative	Mayor and Proxy	Representative Mayor Blomeley Proxy Chief Executive Officer
Reconciliation Action Plan Working Group	Chairperson and Working Group Member	Chairperson Cr Warren Working Group Member Cr Darko

Chief Executive Officer Review Committee	Mayor and two committee members (rotational basis 2 year, 1 year)	Chairperson Mayor Blomeley Committee Members Cr Ritchie 2 years Cr Goyne 1 year
Australian Coastal Councils Association	Member Committee of Management (Casual Vacancy for balance of term – November 2023)	Committee Member Cr Hunter

Decision:	MOVED Cr Kennedy SECONDED Cr Hunter “That the Recommendation be adopted”. CARRIED UNANIMOUSLY
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8.4.3 CHAMBROAD REQUEST FOR EXTENSION OF TIME AND MODIFIED DEVELOPMENT PROPOSAL FOR A HOTEL**EXECUTIVE SUMMARY****PURPOSE**

To consider an extension of time request to the current Sale and Development Agreement (SDA) between Chambroad Overseas Investment Australia Pty Ltd (Chambroad) and council and consider a Modified Development proposal put forward by Chambroad for a hotel and associated facilities for the Kangaroo Bay Wharf site.

RELATION TO EXISTING POLICY/PLANS

The Clarence City Council's Strategic Plan 2021 – 2031 and Kangaroo Bay Urban Design Strategy and Concept Plan are relevant.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Significant stakeholder and community consultation was undertaken on the Kangaroo Bay Urban Design Strategy and Concept Plan in 2008, as well as during the Expression of Interest process in 2015.

No stakeholder or broader community consultation has been undertaken by Chambroad on the Modified Development proposal since the request was originally proposed to council on 27 September 2022.

FINANCIAL IMPLICATIONS

In accordance with the current Sale and Development Agreement (SDA) council is obligated to undertake or contribute to public access and amenity works to no less than the value of \$1.6m. If a new development agreement is agreed, this obligation would be transferred to that agreement. Furthermore, if a new development agreement is agreed, the buyback option and pre-agreed buy-back contract will be transferred to the new agreement, including the buy-back amount of \$2.44m plus GST and Stamp Duty.

There may also be financial implications relating to legal costs, depending on council's decision on this matter.

RECOMMENDATION:

That Council:

- A. Notes the terms of the "Standstill Agreement" negotiated between Council and Chambroad Overseas Investment Australia Pty Ltd (Chambroad), dated 14 October 2022, requiring Council to advise Chambroad on or before 5.00pm, 21 December 2022:
 - i. If Council does not accept the Modified Development proposal; and

- ii. Whether or not Council consents to Chambroad's request for a further extension of time to satisfy clause 6.3 of the current Sale and Development Agreement (SDA).
- B. Does not consent to Chambroad's request for a further extension of time to satisfy clause 6.3 of the SDA (as made by a letter, and supporting letter, dated 27 September 2022) and subsequently deferred in accordance with the Standstill Agreement, to achieve substantial commencement of the project under the current SDA, for the reasons set out in this report (specifically at paragraphs 2.12 to 2.16 of the Associated Report)
- C. Does not accept the Modified Development proposal provided by Chambroad (Attachment 3), on the basis that:
 - i. there has been inadequate time to properly consider the Modified Development proposal, and insufficient detail as a consequence of time constraints;
 - ii. there has been no public consultation on the Modified Development proposal undertaken by Chambroad and therefore no opportunity for Chambroad to consider that feedback and refine its design before seeking the agreement of Council; and
 - iii. As of 14 December 2022, Chambroad communicated that they would not include concept designs in the information pack to be released with this agenda item and sought for the draft Development Agreement, which was negotiated under the "Standstill Agreement", to remain confidential at this stage. Both these circumstances were contrary to clearly stated requirements put forward by council officers at the commencement of this current process.

Decision:	MOVED Cr Ritchie SECONDED Cr Goyne
	<p>"That Council:</p> <ul style="list-style-type: none"> A. Notes the terms of the "Standstill Agreement" negotiated between Council and Chambroad Overseas Investment Australia Pty Ltd (Chambroad), dated 14 October 2022, requiring Council to advise Chambroad on or before 5.00pm, 21 December 2022: <ul style="list-style-type: none"> i. If Council does not accept the Modified Development proposal; and ii. Whether or not Council consents to Chambroad's request for a further extension of time to satisfy clause 6.3 of the current Sale and Development Agreement (SDA).

/ Decision contd on Page 23...

CHAMBROAD REQUEST FOR EXTENSION OF TIME AND MODIFIED DEVELOPMENT PROPOSAL FOR A HOTEL /Decision contd...

- B. Does not consent to Chambroad's request for a further extension of time to satisfy clause 6.3 of the SDA (as made by a letter, and supporting letter, dated 27 September 2022) and subsequently deferred in accordance with the Standstill Agreement, to achieve substantial commencement of the project under the current SDA, for the reasons set out in this report (specifically at paragraphs 2.12 to 2.16 of the Associated Report) and summarised below:
- i. that the SDA "substantial commencement" requirement relates to a physical start of works and does not require consideration of contractual or other matters related to the project;
 - ii. that Chambroad has not provided any reasons sufficient to justify why it has not substantially commenced the development by starting the physical works referred to in clause 6.3 of the SDA or why that failure is not within the reasonable control of Chambroad; and
 - iii. that, to the extent if any that Chambroad securing an education provider is relevant, while Chambroad has made significant attempts to secure an education provider to support the project, by its own admission that now appears unlikely to occur in the short to mid-term due to substantial changes to the education market post-pandemic. A further extension of time for substantial commencement, no matter how long, is unlikely to result in Chambroad securing an education provider in the short to medium term.
- C. Does not accept the Modified Development proposal provided by Chambroad (Attachment 3), on the basis that:
- i. there has been inadequate time to properly consider the Modified Development proposal and insufficient detail as a consequence of time constraints;
 - ii. there has been no public consultation on the Modified Development proposal undertaken by Chambroad and therefore no opportunity for Chambroad to consider that feedback and refine its design before seeking the agreement of Council; and

/Decision contd on Page 24...

CHAMBROAD REQUEST FOR EXTENSION OF TIME AND MODIFIED DEVELOPMENT PROPOSAL FOR A HOTEL /Decision contd...

- iii. As of 14 December 2022, Chambroad communicated that they would not include concept designs in the information pack to be released with this agenda item and sought for the draft Development Agreement, which was negotiated under the “Standstill Agreement”, to remain confidential at this stage. Both these circumstances were contrary to clearly stated requirements put forward by council officers at the commencement of this process.”

The Mayor asked the Deputy Mayor to **assume** the Chair while he entered the debate as a Councillor (8.10pm).

The Mayor **resumed** the Chair at 8.15pm.

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

FOR

Cr Blomeley
Cr Chong
Cr Darko
Cr Goyne
Cr Hulme
Cr Hunter
Cr Kennedy
Cr Mulder
Cr Ritchie
Cr Walker
Cr Warren

AGAINST

Cr James

9. MOTIONS ON NOTICE

Nil Items.

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).

Cr Hulme has given notice of the following questions:

PIPE CLAY ESPLANADE

1. In response to correspondence from a resident of Pipe Clay Esplanade, the Mayor indicated that Council officers are working on a Sealing Gravel Roads Strategy so Council can consider a long-term plan to prioritise upgrading of gravel roads.
 - a. Do Council officers have a current estimate of the cost of sealing gravel roads throughout Clarence?
 - b. What's the anticipated timeframe for sealing?
 - c. Are there any roads that Council officers would recommend not sealing? If so, why?
 - d. When is the draft strategy expected to be ready to be presented to councillors?
 - e. In regards to roads not made to Council's standards such as the majority of Pipe Clay Esplanade, is a frontages scheme—with a contribution from benefiting frontages—the only way for Council to take responsibility for maintaining these roads?
2. In response to correspondence from another resident of Pipe Clay Esplanade, the Mayor indicated that Council would consult with the community about options for Pipe Clay Esplanade including road pavement material, pedestrian access, drainage, vegetation and the foreshore edge, after receiving management options from the Pipe Clay Lagoon Local Management Plan. When is it anticipated this consultation will occur? Is there sufficient time to adopt a plan for the road for it to be considered in the 2023-24 Budget?

10.2 ANSWERS TO QUESTIONS ON NOTICE

The Acting Group Manager Engineering Services provided the following Answers to Questions listed at Item 10.1.

PIPE CLAY ESPLANADE

- 1a. Yes, this is being prepared as part of developing the Sealing Gravel Roads Strategy.
- 1b. The Strategy will identify which roads should be resealed and include a program of works for sealing, including timeframe.

contd on Page 27...

ANSWERS TO QUESTIONS ON NOTICE /contd...

- 1c. This will be included in the Strategy. It is likely that a number of roads will be recommended to remain unsealed into the future – on the basis of cost.
- 1d. The Strategy should be finalised for presentation to elected members in the first quarter of 2023.
- 1e. Future funding of road upgrades will be considered on a case by case basis.
2. Funding of planning and design for Pipe Clay Esplanade would be appropriate to consider in the 2023-24 budget with any future upgrade funded in a future year, once the required work has been quantified. This planning and design project could include consultation with adjacent residents to inform the process. Noting the outcome of the Pipe Clay Lagoon Coastal Management Plan will also be relevant to this project.

10.3 ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING

Cr Kennedy

1. When was any maintenance last carried out in Dona Road, Lauderdale?

ANSWER

The maintenance on Dona Road has been as follows:

- 24th Nov 22 Line marking
- 18th Oct 22 Road and Carpark Maintenance - Potholes
- 14th Oct 22 Carpark Maintenance – Asphalt
- 24th June 22 Oval Gravel Carpark Maintenance

2. Do we have any plans in place for the high number of visitation to those popular beaches where already the roads have major problems? When the rain stops the water lies for a long time, crews come in patch up the potholes, it rains again, washes it out. The volume of traffic going into those areas in the next few weeks is going to be huge and people are already asking questions as to how Council is going to manage that level of visitation with the shape the roads are currently in.

ANSWER

Our crews are managing potholes as well as they can. Surf Road in Seven Mile Beach, Esplanade and Lewis Avenue which have some significant damage but until the ground water lowers we cannot do any major repairs because it will just pop up again. Other than that there is no other immediate solution until the groundwater dissipates and then our crews will give those areas a high priority.

(Further information) Council currently has three crews repairing pothole in the city (normally one crew). We continue to monitor potholes on a suburb by suburb basis and as requests are received.

Cr Warren

There are 3 abandoned service stations that I am aware of in our municipality, one in Pass Road, one in Clarence Street and one in East Derwent Highway near Geilston Bay. Given that it would be great to be able to use those for a purpose such as housing for example, social and affordable housing, I would just like to know what is the status of those properties. I presume that they are privately owned. I did notice that the one in Clarence Street had the graffiti removed today which is an improvement but the others are fairly unloved and I would just like to know what the status of those 3 sites is please?

ANSWER

They are privately owned and generally regarded as contaminated sites, so any progress is generally a bit complicated. We will obtain some accurate information for you.

(Mr Paske) We have been in contact with the owners of the service stations to try to get an update (on plans for future use) and to make sure the condition they are in is satisfactory, hence the work on the Clarence Street service station graffiti recently.

Cr Walker

1. Blossom Court playground works are expected to commence I believe in February?

ANSWER

The nominated contractor intends to commence in the first week of February. I believe the end date is towards the end of June but I will update council as works progress.

2. I believe the LGAT meeting is occurring between now and our next council meeting so I note there was some commentary around the dereliction levy. There seems to be some confidence in the wording there so I hope that such sites could be slapped with such a thing.

Cr James

1. I understand that the developer of the Opossum Bay Golf Course has presented to City Planning that substantial development has occurred in relation to that development. If so, has the permit been issued?

ANSWER

We have received documentation from lawyers representing the developer setting out a case where (they say) they have substantial commencement under the permit which would mean that the permit exists indefinitely. However it is quite a complicated process to determine whether that is correct or not so we are undertaking a review and getting external legal advice as well. When the outcome of that is known we will be able to report it to council.

2. Regarding the coastal management plan it is my understanding that the consultant is about to produce his report. If that is true is it expected that a council workshop will be designated for consideration or discussion in relation to that?

Answer

I will get an update from my staff on the coastal management plan and potentially when a workshop will be ready and inform council through a briefing report.

(Further information) We are still awaiting advice from the consultants on the expected timeframe for the draft management plans. It is understood the majority of the scientific assessment is complete and the consultants are evaluating the results and preparing the draft plans. It is expected these will be received by council in the first quarter of 2023, however we will provide council with an update when further advice is received.

Cr Hulme

What is the status of the sale of unused Department of Defence land in Warrane?

ANSWER

Prior to the election the then Mayor and I met with a number of state representatives and Minister Julie Collins regarding that land. We are waiting for some further updates from the Department of Defence; that is a fairly slow process by all accounts. We are due to follow up to see what the progress has been so we will certainly do that before Christmas. It is generally around an 18 month period for disposal through Defence.

We certainly have expressed interest in that land as a potential homeless crisis centre site or something of that nature.

Cr Mulder

1. I refer to a letter to the Editor regarding Pass Road in which very eloquently as Mayor of the council you pointed out that there is a maintenance program for the potholes on Pass Road which included regular repair. Could you just enlighten us as to what is the special program, what sort of timeframe we have, how is the street patrolled and what is the timeframe for repair a pothole when one is discovered? Is Pass Road some exception or do we have regular patrols of all our roads in the city?

ANSWER

At present council has three crews inspecting and repairs potholes throughout the municipality. Due to the state of the road and the amount of traffic our crews are undertaking weekly inspections of Pass Road, with pothole repairs occurring within a week of them being identified.

2. Council has long promoted an Australian Local Government Association program of snap, send, resolve. I would like some information as to how much that is used in the City of Clarence and what are the timelines for resolving something that has been snapped and sent.

ANSWER

Clarence is a member of Snap Send Solve and in 2022 received 34 requests through this system. Upon receiving a 'Snap Send Solve' request we reply directly to this system with an acknowledgement. A request is entered into the council system and the request is addressed in the same manner as all other requests and in accordance with council's adopted levels of service.

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.

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 T1467-22 – 2022-2023 ANNUAL HARD WASTE COLLECTION SERVICE

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; and
- applications by Councillors 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 Hulme 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>
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The Meeting closed at 8.41pm.

CLOSED MEETING /contd...

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

11.2 TENDER T1467-22 - 2022-2023 ANNUAL HARD WASTE COLLECTION SERVICE

Decision:	MOVED Cr Ritchie SECONDED Cr Hunter
	“That Council:
	A. Notes that a complying tender for hard waste collection was not received this year.
	B. Corporate Maintenance Solutions (Tas) Pty Ltd has:
	(i) provided a non-complying tender that proposes a 38 day collection period at a cost of \$301,437.00 excluding GST; and
	(ii) an estimate of collecting 16 to 22 tonnes per day; and
	(iii) a daily service fee of \$7,497.00 excluding GST per day for additional collection days.
	C. In accordance with Regulation 27 of the Local Government (General) Regulations 2015, accepts the Hard Waste Collection Service proposal from Corporate Maintenance Solution (Tas) Pty Ltd in Recommendation B above, with a communications plan which informs the community of the details of the service to be provided.

/ Decision contd on Page 33...

**TENDER T1467-22 - 2022-2023 ANNUAL HARD WASTE COLLECTION SERVICE
/Contd...**

D. 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

FOR

Cr Blomeley
Cr Chong
Cr Darko
Cr Goyne
Cr Hulme
Cr Hunter
Cr James
Cr Kennedy
Cr Ritchie
Cr Walker
Cr Warren

AGAINST

Cr Mulder