

MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 6 FEBRUARY 2023

HOURL CALLED: 7.00pm

PRESENT: The meeting commenced at 7.01pm with the Mayor (Cr B A Blomeley) in the Chair and with Councillors:

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

1. APOLOGIES Nil

IN ATTENDANCE

Acting Chief Executive Officer
(Mr C Paske)

Group Manager Engineering Services
(Mr R Graham)

Manager City Planning
(Mr R Lovell)

Chief Financial Officer
(Ms J Murrell)

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

Manager Governance
(Ms C Shea)

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

Meeting closed at 9.03pm.

COUNCIL MEETING
MONDAY 6 FEBRUARY 2023

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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. 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.

INTEREST DECLARED: **NIL**

4. OMNIBUS ITEMS

4.1 CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Council Meeting held on 23 January 2023 (adjourned meeting 16 January 2023), as circulated, be taken as read and confirmed.

Decision:	MOVED Cr Chong SECONDED Cr Kennedy	
	<p>“That the Minutes of the Council Meeting held on 23 January 2023 (adjourned meeting 16 January 2023), as circulated, be taken as read and confirmed”.</p> <p style="text-align: right;">CARRIED</p>	
	FOR	AGAINST
	Cr Blomeley	Cr Walker (abstained)
	Cr Chong	
	Cr Darko	
	Cr Goyne	
	Cr Hulme	
	Cr Hunter	
	Cr James	
	Cr Kennedy	
	Cr Mulder	
	Cr Ritchie	
	Cr Warren	

4.2 MAYOR'S COMMUNICATION

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

- 24 January: ABC News Radio Interview regarding Kangaroo Bay;
ABC Morning Interview regarding Chambroad outcome;
Media Interview at CCC Chambers regarding Chambroad request for buy-back extension of time outcome;
Meeting with Vice-Chair Multicultural Council of Tasmania;
Mission Australia – Tenant of the Year Gala Lunch;
- 25 January: Official Opening of Elise Archer's Electorate Office by Premier;
- 26 January: Australia Day Citizenship Ceremony – Clarence on the Bay;
- 30 January: Meeting with the Hon. Luke Edmunds MLC;
Meeting with Jennifer Cooper on behalf of Traders in Purple;
- 31 January: Meeting with Colin Allen – Northern Pass Road Landowners Association;
TasWater Briefing – Oyster Industry impacts and concerns;
- 1 February: Premier Briefing on Macquarie Point Arts, Entertainment and Sporting Precinct;
Greater Hobart Mayor's Forum;
Media Event at Risdon Cove regarding Opening of Jazz Festival;
Launch of Clarence Jazz Festival (official opening);

/ contd on Page 5...

MAYOR'S COMMUNICATION /contd...

2 February: 10 Days on the Island Program Launch;
 5 February: Long Table Lunch – Clarence Jazz Festival; and
 Jazz Festival Farewell – Closing Event.

Deputy Mayor Allison Ritchie (on behalf of Mayor)

26 January: Chairman's Lounge – Cricket Tas – Women's T20 International.

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**

Budget
 Committee Structure
 Future of Local Government Review
 Code of Conduct Review
 Confidential Briefing – Kangaroo Bay Boulevard and Rosny Hill
 Cottage School Footway Closure

30 January

RECOMMENDATION:

That Council notes the workshops conducted.

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

"That the Recommendation be adopted".

CARRIED

FOR**AGAINST**

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

Cr Walker (abstained)

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**

Representative: Cr James Walker

Quarterly Reports

September and December Quarterly Reports pending

Representative Reporting

Cr Walker advised that the first meeting of the authority is scheduled for Thursday 9 February 2023.

- **TASWATER CORPORATION**

The Mayor tabled the Quarterly Report to Owners' Representatives – Progress Update to 31 December 2022 and advised that Mayor Wayne Johnston of Meander Valley Council has been appointed as the Chief Owners' Representative. In addition, the Mayor advised that arrangements are being finalised for TasWater representatives to attend a workshop in March to provide elected members with an update on Statewide initiatives and local projects and to answer any questions the councillors may have.

- **GREATER HOBART COMMITTEE**

The Mayor advised that the first meeting of the Greater Hobart Committee is tentatively scheduled for 15 March 2023 and as soon as the date is confirmed will advise council. The Mayor reported on a meeting of the Greater Hobart Mayors held on 1 February and as part of that meeting a discussion with two Shadow Ministers, Mr Dean Winter MHA and the Hon Luke Edmunds MLC. The meeting also enabled finalisation of the forum's State and Federal Budget Submissions.

REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES

Nil.

4.6 WEEKLY BRIEFING REPORTS

The Weekly Briefing Reports of 16, 23 and 30 January 2023 have been circulated to Councillors.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 16, 23 and 30 January 2023 be noted.

Decision:

MOVED Cr Chong **SECONDED** Cr Kennedy

“That the Recommendation be adopted”.

CARRIED

FOR

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

AGAINST

Cr Walker (abstained)

5. PUBLIC QUESTION TIME

Public question time at ordinary Council meetings will not exceed 15 minutes. An individual may ask questions at the meeting. Questions may be submitted to Council in writing on the Friday 10 days before the meeting or may be raised from the Public Gallery during this segment of the meeting.

The Chairman may request 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.

Questions on notice and their answers will be included in the minutes.

Mr Victor Marsh of Bellerive has given notice of the following question:

KANGAROO BAY

“How does the recently elected Mayor’s pre-election platform of continuing to fight for the return of Kangaroo Bay to public hands, differ from the views of the aldermen accused of using ‘tactics reminiscent of Nazi Germany’s Joseph Goebbels’ when opposing development at the 9/2/21 meeting”?

5.2 ANSWERS TO QUESTIONS ON NOTICE

The Mayor provided the following response to the Question at 5.1.

KANGAROO BAY

The matter of the Kangaroo Bay Hotel and Hospitality School has been debated for many years and is rightly an issue that our community cares deeply about. It is a special place, and it deserves to be an iconic focal point for activity in our great city.

My views leading up to the election were clear, that time was nearly up in relation to substantial commencement and action was required from Chambroad or the buy-back option that council has, should be exercised.

As a new council we’ve debated this in recent months and have collectively come to the same conclusion, giving reasonable consideration to the information presented to us throughout and always following due process, which is our duty.

In my view, this approach differs substantially from what I considered was occurring nearly two years ago, in public discourse about the project. Specifically, misinformation about the project was being spread by those opposed to it, leading to significant and unnecessary distress in our community.

/ contd on Page 10...

ANSWERS TO QUESTIONS ON NOTICE /contd...

As I stated publicly following the last Council meeting, my comments were inelegant and clumsy, and I unreservedly apologised if any genuine offence was caused.

In addition, at the 2021 Council meeting in question, I withdrew the comment.

5.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

The Acting Chief Executive Officer provides the following answers to Questions taken on Notice from members of the public at previous Council Meetings.

At Council's Meeting of 23 January Mr Michael Figg of Lauderdale asked the following question.

COUNCIL IMPROVEMENTS

I would like to congratulate the council on the improvements made so far that has been great to see. Just a couple of things from our point of view and brought up by Cr Warren there are a lot of things that we do not see such as if you make an amendment but we don't see what the amendments are and then you talked about a letter that we do not see, so just to make things a little bit better for us to understand if we can either have in the minutes or provided if you have got motion changes in the agenda for us up here would be great or even on the screen that would be a great improvement for us and possibly for people watching on line so that we can understand things a bit better?

ANSWER

We are investigating the possible technical solutions for implementing a range of improvements to help with visibility of council business including tabled documents and amended motions. However, this will not always be possible to be done in real time, particularly when amendments are proposed during the meeting by elected members.

At Council's Meeting of 23 January Mr Victor Marsh of Bellerive asked the following question.

BLUNDSTONE ARENA

The residents of Bellerive have had enough of the false alarm that goes off at Blundstone arena at any old time of day or night for up to half an hour at a time blaring all over Bellerive saying, "this is an emergency; evacuate now". It has been going on for nearly ten years. After a recent big bash match the alarm went off as it does, the fire brigade rocked up as they do, turned off the alarm and by the time they got back to the station the alarm went off again. It is very comforting to know though that the alarm does not go off during an event. My question is, when is the Clarence City Council as the landlord going to do something about the noise nuisance? Just can't keep pretend that this isn't happening.

/ contd on Page 11...

ANSWERS TO QUESTIONS ON NOTICE /contd...**ANSWER**

Council has contacted the venue operator and raised the concerns. The operator has identified that a faulty sensor was the cause of the event on 25 January 2023 and that this particular issue has been fixed.

A meeting has been arranged at the venue in early February to discuss the issue. Subject to the outcome of this investigation, council will then determine if any additional action is required, or any directions to be made.

5.4 QUESTIONS WITHOUT NOTICE

Mr Michael Figg of Lauderdale asked the following question.

LOCAL GOVERNMENT REVIEW

The Local Government Review – I have noticed that Clarence has not yet held any public consultation as part of that or has it?

ANSWER

The Acting CEO advised that Council has been workshopping a formal response for the review and at the same time there is public consultation underway across the State that is being undertaken by the Local Government Review Board in relation to the options paper that they released in December 2022. That engagement process will continue for all of February as the next stage of the review.

In accordance with Council's Policy for Public Question time, the Mayor did not accept a second question from Mr Figg at this stage.

Mrs Joanne Marsh of Bellerive asked the following question.

KANGAROO BAY HOTEL

I attended a forum today about the Kangaroo Bay hotel concept design. It was good to see a councillor attending as an observer. The forums are being held all this week. My question is have any other councillors considered attending as an observer?

ANSWER

The Mayor advised that it is a matter for individual councillors whether they wish to attend. We did receive a briefing last week from the representative from Chambroad running their community consultation which was reasonably well attended by colleagues. Again, it is a matter for individual councillors to decide whether they attend or not.

/ contd on Page 12...

QUESTIONS WITHOUT NOTICE /contd...

As there was sufficient time remaining as part of public question time, the Mayor invited Mr Figg to ask a second question.

LOCAL GOVERNMENT REVIEW

The response that you gave that council is not having a public meeting in relation to the Local Government Review, there is a meeting tomorrow at Sorell would it be worthwhile us attending and giving our views at that meeting as a member of the Clarence Council area?

ANSWER

The Acting Chief Executive Officer provided that he would always encourage any member of our community to participate in consultation regarding the Local Government Review. As the closest body of government to the people it is very important for the review to fully consider all of the community's views in this matter.

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)

SECTION 40T COMBINED SCHEME AMENDMENT APPLICATION – PROPOSED REZONING AND 7 LOT SUBDIVISION (PDPSPAMEND-2021/019004 – 30 HOLLAND COURT, HOWRAH
(REFER ITEM 7.2)

Mr Graeme Geard 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-2022/032618 – 30 BALAMARA STREET, BELLERIVE - CHANGE OF USE TO VISITOR ACCOMMODATION**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Change of Use to Visitor Accommodation at 30 Balamara Street, Bellerive.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Parking and Sustainable Transport and Safeguarding of Airports Codes under the *Tasmanian Planning Scheme - Clarence (the Scheme)*. In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42-day period which has been extended to 9 February 2023 with the agreement of the applicant.

CONSULTATION

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

- Traffic Impact;
- Amenity of the area;
- Condition of property; and
- Property devaluation.

RECOMMENDATION:

A. That the Development Application for Change of Use to Visitor Accommodation at 30 Balamara Street, Bellerive (Cl Ref PDPLANPMTD-2022/032618) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN S1 – SIGN CONSENT.
3. The building is approved as one visitor accommodation occupancy in its entirety and must not be used for multiple visitor accommodation occupancies without the further approval of Council.

ADVICE

A Building Self-Assessment Form must be submitted for the Short- or Medium-Term Visitor Accommodation. Form can be found at: https://planningreform.tas.gov.au/__data/assets/pdf_file/0009/441495/Visitor-Accommodation-Standard-Application-Package-1-August-2018.pdf.

If this form cannot be completed, advice must be sought from a Building Surveyor to determine if a Building Application is required for Change of Use.

- 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**

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

AGAINST

Cr James
Cr Darko (abstained)

7.2 SECTION 40T COMBINED SCHEME AMENDMENT APPLICATION – PROPOSED REZONING AND 7 LOT SUBDIVISION (PDPSPAMEND – 2021/019004) – 30 HOLLAND COURT, HOWRAH**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a combined Section 40T application under the Land Use Planning and Approvals Act 1993 (LUPAA) for a planning scheme amendment and 7 lot subdivision. The proposed scheme amendment involves rezoning the site (1.56 ha) from “Community Purpose” zone to “General Residential” and “Open Space”. Proposed Lot 8 will contain the existing church building that is to be retained.

RELATION TO PLANNING PROVISIONS

The land is zoned Community Purpose under the Tasmanian Planning Scheme – Clarence (the Scheme). It is also subject to the Bushfire-prone Areas, Flood-prone Areas, Landslip Hazard, Natural Assets, Road and Railway Assets and Safeguarding of Airports Codes.

The proposed subdivision is currently Prohibited under the Scheme.

Section 37 of the Land Use Planning and Approvals Act 1993 (LUPAA) provides for Council to consider a request to amend a Local Provision Schedule (LPS).

Section 40T of the Land Use Planning and Approvals Act 1993 (LUPAA) provides for the lodging of an application for a permit which would not be allowed if the planning scheme were not amended as requested.

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.

CONSULTATION

Applications made under Section 40T under LUPAA are not formally open for public comment until after Council has agreed to certify the Amendment and it has been publicly advertised. Draft Permit conditions would also be advertised for public comment as part of the public consultation process for the combined amendment and subdivision of the site.

FINANCIAL IMPLICATIONS

No significant implications.

RECOMMENDATION:

- A. That pursuant to Section 40D (a)(i) of the Land Use Planning and Approvals Act 1993, Council agrees to prepare Amendment PDPSPAMEND-2021-019004 to the Clarence Local Provisions Schedule to rezone 30 Holland Court, Howrah to General Residential and Open Space.
- B. That having decided to prepare the amendment, the Council certifies pursuant to Section 40F(2)(b) of the Land Use Planning and Approvals Act 1993 that the draft amendment meets the Land Use Planning and Approvals Act 1993 subject to the following modifications:
- remove the Open Space zone in the north-east part of the site; and
 - rezone the portion of the site containing the pedestrian walkway to Utilities.
- C. That pursuant to Section 40G of the Land Use Planning and Approvals Act 1993, Council places the amendment and permit on public exhibition for a period of 28 days.
- D. That pursuant to Section 40Y of the Land Use Planning and Approvals Act 1993, Council agrees to grant a permit for a 7-lot subdivision at 30 Holland Court, Howrah subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN AP3 – AMENDED PLANS showing the following changes:
 - deletion of the POS Lot 100;
 - reconfiguration of the lot layout to incorporate Lot 100 into Lot 1;
 - the POS Lot 101 to extend further along the southern boundary towards 5 Mayfair Court for approximately 20m in length; and
 - a 10m wide Public right-of-way along the eastern boundary of the site and connecting through the site from the cul-de-sac to the pedestrian walkway on the South Arm Highway.
 3. GEN POS 4 – POS CONTRIBUTION [3.7%].
 4. GEN – PART 5 Agreement -
 - Combined Lots 1 and 100 the Eucalyptus Ovata trees identified in the Natural Values Assessment, North Barker, 6 January 2023, must not be removed without prior consent of Council; and
 - Lots 1 and 2 dwelling must be designed with a minimum Rw on the western, northern and eastern facades in accordance with the Noise Impact Assessment (NVC, 21 December 2022).
 5. PROP 3 – TRANSFER.

6. ENG A1 – NEW CROSSOVER [TSD-R09 (Urban)].
7. ENG M2 – DESIGNS SD [include additional dot point “pedestrian networks and connections”].
8. NON-STANDARD ENGINEERING CONDITION – Prior to the sealing of the Final Plan, a trail connecting the cul-de-sac to the pedestrian walkway on the South Arm Highway and the Kunyah Reserve must be constructed to the satisfaction of Council’s Manager Environment and Recreation.
9. Prior to the sealing of the Final Plan, an acoustic fence with a minimum height of 2m and finished with anti-graffiti paint must be constructed along the northern boundary of Lots 1 and 2 in accordance with the recommendations of the Noise Impact Assessment (NVC, 21 December 2022). A plan of the fence must be submitted to and approved by Council’s Manager City Planning prior to its construction.
10. ENG M4 – POS ACCESS.
11. ENG M5 – EROSION CONTROL.
12. ENG M7 – WEED MANAGEMENT PLAN.
13. ENG M8A – SERVICE EASEMENTS.
14. ENG R2 – URBAN ROAD.
15. ENG R5 – ROAD EXTENSION.
16. ENG S1 – INFRASTRUCTURE REPAIR.
17. ENG S4 – STORMWATER CONNECTION.
18. ENG S5 – STORMWATER PRINCIPLES.
19. ENG 3A – STORMWATER PRINCIPLES FOR SUBDIVISION.
20. ENG S10 – UNDERGROUND SERVICES.
21. ENG S2 – SERVICES.

22. The development must meet all required Conditions of Approval specified by TasWater notice dated 17 May 2021 [TWDA 2021/00779-CCC].

E. 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 Ritchie

“That the Recommendation be adopted”.

CARRIED

FOR

Cr Blomeley
Cr Chong
Cr Goyne
Cr Hulme
Cr Hunter
Cr James
Cr Kennedy
Cr Mulder
Cr Ritchie
Cr Warren

AGAINST

Cr Darko (abstained)
Cr Walker (abstained)

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

8. REPORTS OF OFFICERS

8.1 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

Nil.

8.2 ASSET MANAGEMENT**8.2.1 DRAFT VICTORIA ESPLANADE AND QUEEN STREET MASTER PLAN – COMMUNITY CONSULTATION****EXECUTIVE SUMMARY****PURPOSE**

To seek approval to consult with the community on the draft Victoria Esplanade and Queen Street Master Plan.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2021-2031 is relevant.

LEGISLATIVE REQUIREMENTS

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

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

CONSULTATION

Community and stakeholder consultation was undertaken as part of the development of the draft master plan. The previous council was consulted at four separate council workshops, most recently on 20 June 2022. Two facilitated workshops have been held with a project reference group made up of local residents, business operators and other stakeholders.

FINANCIAL IMPLICATIONS

Consultation costs will be accommodated within the current approved budget.

RECOMMENDATION:

That Council:

- A. Approve the release of the draft Victoria Esplanade and Queen Street Master Plan for community consultation at the same time as the next stage of consultation on the City Heart Project.
- B. Authorise the Chief Executive Officer to coordinate community consultation to obtain feedback on the draft master plan and to report the consultation outcomes to a future workshop.

/ Refer to Page 23 for Decision on this Item...

**DRAFT VICTORIA ESPLANADE AND QUEEN STREET MASTER PLAN –
COMMUNITY CONSULTATION /contd...**

Decision:	MOVED Cr Walker SECONDED Cr Kennedy	
	“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	

8.3 FINANCIAL MANAGEMENT

Nil Items.

8.4 GOVERNANCE**8.4.1 NATURAL RESOURCE MANAGEMENT COMMITTEE – LAND AND COASTCARE GRANTS****EXECUTIVE SUMMARY****PURPOSE**

To consider the Natural Resource Management Committee's recommendations for the allocation of financial assistance in respect of the 2022/2023 round of Landcare and Coastcare 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 \$40,000 for the Landcare and Coastcare Grants.

RECOMMENDATION:

That Council approves the distribution of financial grants totalling \$31,872.08 to community groups and organisations, as detailed in the attachment to the Associated Report.

Cr Walker left the meeting at this stage (8.16pm).

Decision: **MOVED** Cr Warren **SECONDED** Cr Kennedy

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

8.4.2 REVIEW OF COUNCIL CODE OF CONDUCT**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the review of Council's Code of Conduct in accordance with the *Local Government Act, 1993*.

RELATION TO EXISTING POLICY/PLANS

Council has previously adopted the Model Code of Conduct as its Code of Conduct. The Model Code of Conduct was revised and updated via an Order dated 7 December 2018, and came into effect on 26 December 2018. At its meeting of 25 February 2019, Council adopted the updated Model Code of Conduct. At a meeting on 25 July 2022 Council also adopted a Councillors' Statement of Expectations which is relevant.

LEGISLATIVE REQUIREMENTS

Section 28T of the *Local Government Act, 1993* requires Council to adopt the model Code of Conduct, either with or without any variations permitted under the Act.

Section 28T(7) requires a Council to, within three months of an ordinary election, review its Code of Conduct.

CONSULTATION

The matter was discussed at Council's Workshop on 30 January 2023.

FINANCIAL IMPLICATIONS

There are no financial implications.

RECOMMENDATION:

That Council continues to adopt the Model Code of Conduct and Councillors' Statement of Expectations and notes that the Future of Local Government Review will review the Model Code of Conduct.

Cr Walker returned to the meeting at this stage (8.20pm).

Decision:

MOVED Cr Warren **SECONDED** Cr Kennedy

- "A That Council continues to adopt the Model Code of Conduct noting that the Future of Local Government Review will include a review of the Model Code of Conduct.
- B That Council continues to adopt the recently established Clarence City Council Councillors' Statement of Expectations given its relevance to the Model Code of Conduct."

REVIEW OF COUNCIL CODE OF CONDUCT /Decision contd...

The Mayor advised that he would put the vote on the motion ad seriatum.

“A. That Council continues to adopt the Model Code of Conduct noting that the Future of Local Government Review will include a review of the Model Code of Conduct.”

CARRIED UNANIMOUSLY

“B. That Council continues to adopt the recently established Clarence City Council Councillor’s Statement of Expectations given its relevance to the Model Code of Conduct.”

CARRIED

FOR

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

AGAINST

Cr James
Cr Mulder

8.4.3 CLOSURE OF PUBLIC FOOTWAY – 4 QUEEN STREET, BELLERIVE**EXECUTIVE SUMMARY****PURPOSE**

To consider the closure of the public footway through the land at 4 Queen Street, Bellerive owned by the Cottage School Incorporated (“the School”).

RELATION TO EXISTING POLICY/PLANS

Council’s Strategic Plan 2021-2031 states a key objective is to value the physical, mental and social wellbeing of our community.

LEGISLATIVE REQUIREMENTS

The *Land Use Planning and Approvals Act, 1993* and the *Local Government (Highways) Act, 1982* are applicable.

CONSULTATION

Consultation will occur with the community via the closure of public footway process in accordance with the *Local Government (Highways) Act, 1982*.

FINANCIAL IMPLICATIONS

The recommendation has no direct implications on Council’s Annual Operating Plan.

RECOMMENDATION:

- A. That the Chief Executive Officer be authorised to commence the procedures set out in the *Local Government (Highways) Act, 1982* to advise of Council’s intention to close the public footway.
- B. That once the procedures have been completed to close the public footway and there are no objections to the closure of the public footway, that the Chief Executive Officer be authorised to remove the Part 5 Agreement registered on the title to 4 Queen Street, Bellerive in accordance of the *Land Use Planning and Approvals Act, 1993*.
- C. That the Cottage School Incorporated be advised that it is responsible for all costs associated with the removal of the Part 5 Agreement.
- D. That, if objections are received in relation to Council’s intention to close the public footway, the objection is to be referred to the Magistrates Court (Administrative Appeals Division) and councillors to be advised in writing of the objection.

Decision: **MOVED** Cr Mulder **SECONDED** Cr Goyne

“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 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 (19 December)

Additional response regarding the part of the question asked by Councillor Mulder at Council's meeting of 19 December 2022 relating to alleged sale of alcohol.

Question

The Friday before last, AFL Tasmania conducted operations at council owned facilities at Wentworth Park. One of the long-term tenants of this particular area, Clarence Zebras, had actually booked through council, as I'm informed, the venue for their AGM but were unable to conduct their meeting due to the presence of AFL Tasmania, who are not a tenant of that particular room.

My questions are, did AFL Tasmania actually book these rooms, was their use of these rooms lawful and was the sale of alcohol legal?

ANSWER

The sale of alcohol at council facilities such as the Wentworth Park Clubrooms is legal if the permit holder has a liquor licence. Council has confirmed with AFL Tasmania that it held a valid liquor licence at the time this event took place.

Cr Warren

1. Further to a question asked earlier regarding extending the permit for Rosny Hill and this is by way of a question from a constituent, at what stage do we decide that something is important enough to come back to council to make that decision about an extension or that it can be made by a planning officer. The feeling in the community was that this is important enough that council should be making the decision. How do we make that distinction?

ANSWER

(Mr Lovell) The council has provided delegated powers to the officers to deal with certain matters that are procedural in nature through to permits of various kinds. It has done so in the knowledge that any application falling into those categories will be dealt with under delegation. There is no provision in the delegation that would give any direction to what type of items that should notwithstanding be referred to council or another body. Without any distinction other than that of the delegation itself which just specifies the nature of particular matters we deal with there is no guidance for me to send any particular item to council or to guess which ones should go to council. I am governed by the delegation so it would be a matter for council to decide whether to change that delegation.

Question contd

Would it be possible for a council decision for any future extensions to come back to us for review?

ANSWER

It is within councils' power to remove or modify the relevant delegation. Should council consider doing so, it is suggested that the following matters are relevant to that decision:

- Whether the delegation is withdrawn in full or part and if in part, what the appropriate triggers should be for selecting the relevant decision-making process.
 - The Land Use Planning and Approvals Act 1993 provides that a planning permit may be granted two extensions of time, equating to six years and council currently deals with around 40 to 50 per year.
 - An application for an extension of time is not advertised and the assessment is not an opportunity to reassess the original application. The Act does not specify matters to be taken into consideration, however it is generally regarded that there should be a consideration of the reasons why a permit has not been commenced and whether additional time is appropriate, having regard to factors such as the reasons for the delay (for example: the scale of the project, financing or contractual arrangements, economic climate, or other unforeseen impacts - such as a pandemic, or impacts on any new adopted planning strategy).
 - Whether a new process alters the level of certainty and whether that may have reputational or economic development implications to be addressed.
 - Whether there are resource implications for the council.
2. In response to a query from a constituent which is a frequent occurrence on this particular issue, I recall may be last year possibly the year before we were doing a business case on FOGO and can I ask where we are up to on that please?

ANSWER

(Mr Graham) We have not progressed that further at this stage, but it is likely that it will be one of the items to be discussed for the 2023-24 budget.

Cr James

1. With regard to the 1 Gordon Street, Richmond proposal which you exercised your delegation to approve do you seek in writing from the applicant to say that they are refusing to grant an extension of time or is it done verbally over the phone?

ANSWER

(Mr Lovell) We normally ask verbally over the phone and particularly when it is an urgent matter, and it is the only way we can reach someone. We cannot compel them to respond in writing, we do also use emails. Our preference is to do it in writing but sometimes circumstances of urgency mean that we accept a verbal declaration that they are not prepared to agree to the extension. I am unaware of the method we used on this occasion.

2. In relation to the Niche Structure Plan on the Tranmere peninsula my understanding is that there is an urban growth boundary matter that sits within that plan that basically says categorically that no development is to occur over the 70m contour level. Given that there is another project in the pipeline with Skylands can we mix and match or can we discard or basically start afresh given that council did spend \$80,000 on the structure plan?

ANSWER

(Mr Lovell) The Niche project has approximately 50% of the amount still in the budget to complete the project. It was put on hold by council at a workshop when the Skylands proposal came up. The purpose of that deferral was to wait and see what the outcome of the Skylands project would be and then to resume the Niche work from there. As the project is incomplete, in the event that any changes were required as a result of any decision council might make on that Skylands proposal there is scope to alter the brief or change the direction of the study accordingly.

Cr Hulme

A number of people raised the issue of parking for the Bellerive ferry service with me during the election and also after it, so I have submitted an elected members' request about what options if any are being explored. The response I received was that it was not considered to be a park and ride service and that passengers were encouraged to walk, cycle or be dropped off or connect via public transport. That is obviously the intention with the service, but I am interested to know how well that matches the practicalities and the realities of what has happened. Has there been any investigation into whether the service has had an impact on parking in the area and to what extent?

ANSWER

(Mr Graham) From recollection we presented some information to council at a workshop in August and then made some changes to parking restrictions in the area. Our Principal Engineer had been undertaking a survey of parking for an entire year and so had good relative data. I can reproduce that information and provide to council.

The information has now been provided through a separate Memo to council.

Cr Mulder

1. Regarding on-going drainage issues in Wellington Street Richmond much of which results from the large vegetable farm and its huge water usage accelerated by the approved Richmond Green subdivision. My question is, will this overflow and inadequate stormwater drainage be addressed when the Richmond Green subdivision has been completed and how?

ANSWER

Further information (Mr Graham) The approved subdivision includes stormwater infrastructure to allow stormwater runoff from the catchment east of Prossers Road catchment to flow through to the Wellington Street open drain. Some further low flows may occur through the Wellington Street open drain after the subdivision is complete, due to the subdivision having greater impervious area than the previous open land.

2. At the last meeting the CEO advised that commitments made during elections are not prejudgments and therefore do not raise conflict of interest issues. On a related matter would a conflict of interest arise where a person has made a contribution to a councillor's election campaign?

ANSWER

Whether a conflict of interest may arise needs to be assessed by a councillor on a case-by-case basis.

Councillors are required to notify of gifts and/or donations, including political donations, exceeding the value of \$50 by notifying the Chief Executive Officer.

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 PROPERTY MATTER - BELLERIVE
- 11.3 LEGAL MATTER

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

- proposals to acquire land or an interest in land or for the disposal of land;
- applications by Councillors for a Leave of Absence; and
- matters relating to actual or possible litigation taken, or to be taken, by or involving the council or an employee of the council;

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 Chong 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 style="text-align: right;">CARRIED UNANIMOUSLY</p>
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The meeting closed at 9.03pm.