

MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 27 FEBRUARY 2023

HOURLY 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

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 Communication and Strategic Development
(Mr C Paske)

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)

Manager Policy and Strategy
(Ms T Doubleday)

Acting Manager Regulatory Services
(Mr R Brennan)

Meeting closed at 9.12pm.

COUNCIL MEETING
MONDAY 27 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. 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 6 February 2023, as circulated, be taken as read and confirmed.

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

“That the Minutes of the Council Meeting held on 6 February 2023, 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:

7 February:	Geilston Bay Tennis Club Recognition Event;
9 February:	Exhibition Opening Rosny Barn - Five Views (Landscape Group Show);
10 February:	ABC Radio Interview - Skylands / WA Trip;
	50 Years Wrest Point Casino Anniversary;
11 February:	Ministers Meeting – Warrane Defence Force Land Discussions;
14 February:	Richard Gilbert from BYC - Chambroad Site discussion;
	Northern Pass Road Landowners Association meeting;
15 - 18 February:	Perth Projects Tour;
20 February:	Senator Claire Chandler Meeting;
	Chris Hazell – Spectran Group (Ferguson Southern Hobart Road Network Bypasses;
	Spencer's Café meeting;
23 February:	SERDA General Meeting;
	Mona Foma Hobart Opening;
24 February:	ABC Radio interview - WA trip;
	Hon Julie Collins MP - Clarence Headspace Election Commitment;
	Where is the Line Training with Commissioner Bolt;
25 February:	WNCL Final Event - Tas Tigers v South Australia Scorpions;
	Climate Notes - Mona Foma Festival;
	Jack Jumpers MVP Dinner;
26 February:	Estia Festival; and
27 February:	Dr Lisa Stafford - Planning Inclusive Communities Research Project.

Councillor Tony Mulder (on behalf of Mayor)

15 February: Cuppa with a Cop.

Councillor Beth Warren (on behalf of Mayor)

16 February: Cricket Tasmania: Women in Leadership Lunch.

/ contd on Page 3...

4.2 MAYOR'S COMMUNICATION

The Mayor also:

- tabled his interim report regarding the recent study tour to Perth, Western Australia and read the report to the meeting; and
- announced his election as Vice President to the South East Regional Development Association (SERDA) at the Association's meeting held on 23 February 2023.

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
City Heart Concepts	
Budget	
Waste Strategy Response	
Workshop Schedule and Timing	
Councillor Allowances and Reimbursement Policy	
Family Day Care Construction Project	14 February

RECOMMENDATION:

That Council notes the workshops conducted.

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

“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**

Representative: Cr James Walker

Quarterly Reports

September and December Quarterly Reports pending.

Representative Reporting

Cr Walker advised that the Authority would be having a Strategic Planning Meeting on 1 March 2023.

- **TASWATER CORPORATION**

- **GREATER HOBART COMMITTEE**

REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES

EVENTS SPECIAL COMMITTEE

- Cr Ritchie tabled the minutes of a meeting held on 19 January 2023.

RICHMOND ADVISORY COMMITTEE

- Cr Chong tabled the minutes of a meeting held on 14 December 2022.

RICHMOND BICENTENARY PLANNING COMMITTEE

- Tabled the summary notes from the meeting held on 12 February 2023.

4.6 WEEKLY BRIEFING REPORTS

The Weekly Briefing Reports of 6, 13 and 20 February 2023 have been circulated to Councillors.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 6, 13 and 20 February 2023 be noted.

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

“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.

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

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

COUNCIL MEETING BEHAVIOUR

I received an emailed Mayoral letter on 24/1/2023 re expectations of council meeting behaviour. I responded to the Mayor in a letter dated 31/1/2023. In the letter I stated “As Mayor of Clarence you hold a position of influence and responsibility. Your position brings with it a high level of accountability”. I requested that you answer my 23/1/2023 question, which you took on notice and answered on the 6/2/23. I also requested that you apologise to me, your colleagues and the community, in the chamber, for the rulings and demands you made at the 23/1/23 council meeting.

My question is: Why haven’t you apologised?

Mr Bradley Walker of Howrah has given notice of the following questions:

1. ADJOURNED COUNCIL MEETING 16 JANUARY 2023

Adjourned council meeting of 16 January 2023 is noted as being adjourned because of “unavailability of several councillors and attendees”. Minutes for this meeting show there was a quorum of councillors and only the Manager Governance (C Shea) from the usual noted attendees missing. Will all future meetings with this level of attendance be adjourned, and if not, why was this one?

2. COUNCIL MEETING 6 FEBRUARY 2023

Meeting of 6 February 2023 at 1.38.00 on the video recording. After Councillor James made an error with Mathew Healey’s name which could easily been sawpast. He was then stopped mid speech, singled out in front of the entire council chambers to highlight this mistake by Mayor Brendan Blomeley. Then Mayor Brendan Blomeley is heard to continue and say, “tread carefully”. What was the intent or reasons for this further statement/direction?

5.2 ANSWERS TO QUESTIONS ON NOTICE

The Mayor provided the following responses to the Questions at 5.1.

COUNCIL MEETING BEHAVIOUR

I thank Mr Marsh for his question, and in the interests of transparency, I will table and read the letter that I sent to him, on the 24th of January 2023:

“Dear Mr Marsh,

I wanted to write to you following our interaction at last night’s council meeting to provide context and an explanation on the decision I made as Chair of the meeting.

Since being elected Mayor, I have sought to create an environment around the council table that respects differing perspectives and views on how to make this City a better place with my ultimate desire for the duration of my term being that we always present as our ‘best selves’.

My aim over the next four years is to create a period of real achievement for our city so that, in October 2026, we can all proudly look back and point at tangible ‘wins’ for our community.

While a difference of opinion and ‘the contest of ideas’ is important for the democratic process, I need Elected Members and members of the public alike to be mindful of the standard of behaviour expected of us all, and for conducting meetings in a respectful manner.

Last night it felt to me that your statement leading up to your second question without notice was seeking to dredge up old issues in an attempt to disparage and embarrass me. This is why I ruled your question as improper and consequently asked you to take your seat. I would also note that I had provided you with discretion on asking the second question given our meeting procedures clearly state that “each person in the public gallery will be given an opportunity to ask one question without notice.”

I respect the passion in which you engage in the democratic process of our council meetings and acknowledge you are a regular and valued contributor of questions with and without notice. I hope to see you in chambers again soon and trust that this letter provides further context for my ruling last night.

Yours faithfully

Councillor Brendan Blomeley
MAYOR”

Now, I didn’t apologise as I felt I had adequately explained – both in my letter of the 24th of January and at the subsequent Council meeting, the reasoning for my actions, as chair of the meeting.

However, if Mr Marsh genuinely felt aggrieved by my approach, then I apologise.

It was and is always my intention to run a meeting with good order and a higher purpose, not to embarrass anyone.

Mr Marsh, I hope you and my colleagues can take this in the spirit it is offered.

But I would ask you to also reflect, as I have, on how you approach this council, its elected members and staff in the future.

As I have said previously, we all have a responsibility to bring our best selves to this place, in the interests of our community, and that includes members of the public.

I will not allow members of the public – or elected members for that matter - to misuse the questions with or without notice, to take “pot shots” at elected members or Council staff.

That is not what they are there for and our meeting regulations are clear in this regard.

I will not allow members of the public – or elected members for that matter - to misuse the questions with or without notice, to take “pot shots” at elected members or Council staff. That is not what they are there for and our meeting regulations are clear in this regard.

ADJOURNED COUNCIL MEETING 16 JANUARY 2023

The meeting procedures allow for me to adjourn a meeting for a number of reasons, not just on whether we have a quorum or not.

In the extraordinary circumstances of four councillors not being able to attend because of a traffic jam on the Tasman Bridge, following consultation with colleagues present I determined to adjourn the meeting so that all councillors could attend the following week.

This was particularly pertinent given two of the affected councillors had notices of motion on the agenda that would otherwise have lapsed.

COUNCIL MEETING 6 FEBRUARY 2023

I corrected Councillor James as I know he takes pride in accuracy and wouldn't have wanted a mistake on the Director of Local Government's name to be left uncorrected.

I took it by his reaction on the night that he welcomed this intervention, he even thanked me for doing so.

5.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

5.4 QUESTIONS WITHOUT NOTICE

Mr Figg from Lauderdale asked the following question.

ROCHES BEACH COASTAL MANAGEMENT PLAN

My question concerns past consultation and current consultation on the Roches Beach coastal management plan. There has been a lot in the last 10 years about global warming, coastal inundation and erosion. My property is one of the many of the 190 odd kilometres of coastal properties in Clarence. I would like to know, to simplify the question, everything I have read so far is from the point of view of government and council on almost a retreat policy. Can the council through you Mr Mayor, tell us are we going to be allowed to defend our properties and if so, will we be hung up on any regulations or any matter that may stop us defending our own properties?

ANSWER

(Chief Executive Officer) That will require a detailed response so we will take the question on notice.

Mr Nick Cowhan from Acton Park asked the following question.

YOUTH PROGRAMMES

My question relates to the perceived increase in youth crime and anti-social behaviour at numerous shopping centres that have been reported on many social media platforms such as Facebook and others. There are quite a few programs, JCP Youth and Backtrack Youth Works that we could approach, and I would be happy to be the lead person on this. What would council's position be to provide any funding to allow us to set up a program to help these youths be nudged back onto the right path and hopefully allow these kids to have a brighter future?

ANSWER

(Mayor) Thank you for your question and your obvious genuine interest in this topic. We are heading into our budget discussions at the moment but there is some work that has been occurring which I will ask the Chief Executive Officer to outline.

(Chief Executive Officer) In regard to council's position we run a youth program and are in regular contact with a range of service providers as well as Tasmania Police in respect to a number of issues within the city. If you would like to leave your details, we would be happy to contact you to discuss what our programs are and also what you may have access to, plus the budget process.

Mr Victor Marsh from Bellerive asked the following question.

BLUNDSTONE ARENA LIGHT TOWERS

On 25 July 2022, I had a question without notice regarding the condition and safety of the Blundstone Arena light towers, in particular the section where the towers are joined. From as early as 2015 I was concerned about rust stains around the joins. On 24 October 2018, two large cranes were brought in to stop the park towers from possible collapse after gale force winds the previous day. All four towers were checked and repaired. If you go to the Arena while there are gale force winds blowing and eyeball the light banks or towers, you will clearly see these swaying quite alarmingly. Recently devices have been attached to all four towers where they are joined at the middle. The users of this Arena and the general public have a right to know whether these light towers are safe. My question is what is the purpose of these devices that have recently been attached?

ANSWER

(Chief Executive Officer) Have you contacted Cricket Tasmania regarding your question?

(Mr Marsh) No I consider the Clarence Council to be the landlord.

(Chief Executive Officer) They are the operators of the site and have primary responsibility for the safety of those towers, so they are in the best place to respond.

(Mr Marsh) I have tried that before with other matters and they just say commercial-in-confidence.

(Mayor) We will take this on notice and have a detailed response for you in the next agenda. We will contact Cricket Tasmania.

Mr Scott Jones from Howrah asked the following question

SPEED LIMIT PASS ROAD

I was wondering if the council would consider delaying changing the speed limit on Pass Road which I believe is going to occur on 1 March, until some community consultation takes place. I note that there was a petition last year to fix Pass Road to improve the quality which I signed but I know there was no talk of changing the speed limit when that occurred.

ANSWER

(Mr Graham) As a result of the petition last year signed by 287 people, council adopted a position to write to the Transport Commissioner for a reduction in the speed limit. In January this year we received a direction from the Transport Commissioner, and we are following through with that for the speed limit to be changed as from Wednesday this week. The signs are erected we just have to remove the covers from them, and we have been writing to stakeholders. We will be releasing media on our social media platforms and the general media and Facebook. Our intention at the moment is to follow through with council's direction.

Further Information

The change from 80km/h will affect a 1.5kilometre stretch of road between Houston Drive, Cambridge, and Winterborne Road, Rokeby. The speed limit will remain 60km/h on Pass Road both north and south of the changed section.

Mrs Joanne Marsh from Bellerive asked the following question.

HARD WASTE COLLECTION

I received a letter from council informing me that my hard waste collection day was Wednesday 15 February from 6am. Residents were asked to put out waste the evening before or by 6am on collection day. Our area's collection did not begin until Monday 20 February, during this delay it was windy and passers-by were able to scavenge, scattering carefully placed items around.

My question is what happened to cause the delay in collection?

ANSWER

(Mr Graham) As I have informed councillors, we have been 4-5 days behind on the hard waste collection due to the volume of material going out. The contractor has been able to obtain external sub-contractors to try and get back on schedule. We are still at least 4 days behind at the moment and we are working as hard as we can through social media to inform our ratepayers and residents of our current timeframes.

6. DEPUTATIONS BY MEMBERS OF THE PUBLIC

(In accordance with Regulation 38 of the Local Government (Meeting Procedures) Regulations 2015 and in accordance with Council Policy, deputation requests are invited to address the Meeting and make statements or deliver reports to Council)

DEVELOPMENT APPLICATION PDPLANPMTD-2022/031777 – 52 SURF ROAD, SEVEN MILE BEACH – 2 PERGOLAS AND GARAGE/BOAT SHED
(REFER ITEM 7.2)

Mrs Erin Jackson 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-2022/032895 – 50 EAST DERWENT HIGHWAY, ROSE BAY - 2 MULTIPLE DWELLINGS (ONE NEW AND ONE EXISTING)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for two Multiple Dwellings (1 existing and 1 proposed) at 50 East Derwent Highway, Rose Bay.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Parking and Sustainable Transport Code, Road and Railway Assets 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 1 March 2023.

CONSULTATION

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

- Density;
- Privacy;
- Building envelope, overshadowing and separation between dwellings;
- Visual impacts;
- Private Open Space; and
- Driveway and parking widths.

RECOMMENDATION:

A. That the Development Application for two Multiple Dwellings (one New and one Existing) at 50 East Derwent Highway, Rose Bay (CI Ref PDPLANPMTD-2022/032895) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. ENG M1 – DESIGN DA [access, carpark and driveways and service upgrades].
3. ENG A5 – SEALED CAR PARKING.

4. ENG S1 – INFRASTRUCTURE REPAIR.

5. Prior to undertaking any access (or other) works in the state road reserve an Access Permit is required from the Department of State Growth in accordance with Section 16 of the Roads and Jetties Act 1935.

Application for permits can be found at https://www.transport.tas.gov.au/roads_and_traffic_management/permits_and_bookings. Applications must be received by the Department of State Growth at least 20 business days before the expected start date for works, to allow enough time to assess the application.

6. The development must meet all required Conditions of Approval specified by TasWater notice dated 15 December 2022 (TWDA 2022/02008-CCC).

B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

Decision: **MOVED** Cr Mulder **SECONDED** Cr Hulme

“That the Recommendation be adopted”.

Cr Walker left the meeting at this stage (7.44pm).

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 (abstained)

7.2 DEVELOPMENT APPLICATION PDPLANPMTD-2022/031777 – 52 SURF ROAD, SEVEN MILE BEACH - 2 PERGOLAS AND GARAGE/BOAT SHED**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for two pergolas and garage at 52 Surf Road, Seven Mile Beach.

RELATION TO PLANNING PROVISIONS

The land is zoned Low Density Residential and subject to the Coastal Inundation Hazard Code, Road and Railway Assets Code, Safeguarding of Airports Code and Parking and Sustainable Transport Code under the Tasmanian Planning Scheme - Clarence (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42-day period which expires on 1 March 2023 as agreed with the applicant.

CONSULTATION

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

RECOMMENDATION:

- A. That the Development Application for two pergolas and garage at 52 Surf Road, Seven Mile Beach (C1 Ref PDPLANPMTD-2022/031777) be refused as the proposal is contrary to the provisions of the Tasmanian Planning Scheme-Clarence for the following reason.
 - 1. The proposal does not comply with clause 10.4.3 Setbacks Performance Criterion P1 (b) and (c) in that the proposed frontage setback is not compatible with the streetscape and character of development existing on established properties in the area.
- 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.

/ Refer to Page 17 for Decision on this Item...

DEVELOPMENT APPLICATION PDPLANPMTD-2022/031777 – 52 SURF ROAD, SEVEN MILE BEACH - 2 PERGOLAS AND GARAGE/BOAT SHED /contd...

Decision:	MOVED Cr Kennedy SECONDED Cr Warren																						
	<p>“A That the Development Application for two pergolas and garage at 52 Surf Road, Seven Mile Beach (Cl Ref PDPLANPMTD-2022/031777) be approved subject to the following condition.</p> <p>1. GEN AP1 – ENDORSED PLANS.</p> <p>B. That the reasons are as follows:</p> <ul style="list-style-type: none">• The development complies with Clause 10.4.3 P1 Setbacks and Performance Criterion P1 (b) and (c) in that the proposed frontage setback is compatible with the streetscape and character of developments existing on established properties in the area.” <p>Cr Walker returned to the meeting at this stage (7.49pm)</p> <p>The MOTION was put and CARRIED</p> <table><tr><td>FOR</td><td>AGAINST</td></tr><tr><td>Cr Blomeley</td><td>Cr Hunter</td></tr><tr><td>Cr Chong</td><td>Cr James</td></tr><tr><td>Cr Darko</td><td></td></tr><tr><td>Cr Goyne</td><td></td></tr><tr><td>Cr Hulme</td><td></td></tr><tr><td>Cr Kennedy</td><td></td></tr><tr><td>Cr Mulder</td><td></td></tr><tr><td>Cr Ritchie</td><td></td></tr><tr><td>Cr Walker</td><td></td></tr><tr><td>Cr Warren</td><td></td></tr></table>	FOR	AGAINST	Cr Blomeley	Cr Hunter	Cr Chong	Cr James	Cr Darko		Cr Goyne		Cr Hulme		Cr Kennedy		Cr Mulder		Cr Ritchie		Cr Walker		Cr Warren	
FOR	AGAINST																						
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Cr Ritchie																							
Cr Walker																							
Cr Warren																							

7.3 DEVELOPMENT APPLICATION PDPLANPMTD-2022/033052 – 1/272 CARELLA STREET, TRANMERE - 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 1/272 Carella Street, Tranmere.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Parking and Sustainable Transport Code and Landslip Hazard Code under the Tasmanian Planning Scheme - Clarence (the Scheme). In accordance with the Scheme the proposal is a Discretionary use.

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42-day period which expires on 1 March 2023 as agreed with the applicant.

CONSULTATION

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

- Occupancy rate;
- Amenity of the area;
- Parking impact;
- Devaluation of property;
- Condition of property;
- Property management; and
- Impact on housing supply.

RECOMMENDATION:

A. That the Development Application for a change of use to Visitor Accommodation at 1/272 Carella Street, Tranmere (Cl Ref PDPLANPMTD-2022/033052) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. Prior to the commencement of the visitor accommodation use, signage must be installed to clearly identify the parking spaces allocated to guests.

3. The maximum occupancy of the visitor accommodation use must not exceed 10 persons at any given time.

4. GEN S1 – SIGN CONSENT.

ADVICE

A Building Self-Assessment Form is required to be submitted for the Short- or Medium-Term Visitor Accommodation. The 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, please seek advice from a registered Building Surveyor to determine if a Building Application is required for the 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 Kennedy
	<p>“A. That the Development Application for a change of use to Visitor accommodation at 1/272 Carella Street, Tranmere (C1 Ref PDPLANPMTD-2022/033052) be approved subject to the following conditions and advice.</p> <ol style="list-style-type: none"> 1. GEN AP1 – ENDORSED PLANS. 2. Prior to the commencement of the visitor accommodation use, signage must be installed to clearly identify the parking spaces allocated to guests. 3. GEN S1 – SIGN CONSENT. <p>ADVICE A Building Self-Assessment Form is required to be submitted for the Short- or Medium-Term Visitor Accommodation. The 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</p>

/ Decision contd on Page 20...

DEVELOPMENT APPLICATION PDPLANPMTD-2022/033052 – 1/272 CARELLA STREET, TRANMERE - CHANGE OF USE TO VISITOR ACCOMMODATION
/Decision contd...

If this form cannot be completed, please seek advice from a registered Building Surveyor to determine if a Building Application is required for the change of use.

- The visitor accommodation use approved under this permit is limited to the accommodation of no more than 12 persons at any one time. Exceedance of this requires new permits to be issued under the *Land Use Planning and Approvals Act 1993* and the *Building Act 2016*.

- 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.”

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

**7.4 DEVELOPMENT APPLICATION PDPLANPMTD-2022/033057 – 34
KARoola ROAD, LINDISFARNE - SECONDARY RESIDENCE****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Secondary Residence at 34 Karoola Road, Lindisfarne.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42-day period which has been extended with the applicant's consent to 1 March 2023.

CONSULTATION

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

- Parking and vehicular access;
- Noise;
- Privacy and building height;
- Stormwater runoff;
- Vegetation removal; and
- Egress and access.

RECOMMENDATION:

A. That the Development Application for Secondary Residence at 34 Karoola Road, Lindisfarne (CI Ref PDPLANPMTD-2022/033057) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. The secondary residence must share with the existing dwelling all access, parking, and water, sewerage, gas, electricity and telecommunications connections and meters. The secondary residence must be contained on the same lot as the main dwelling and must not be located on a separate lot created under the Strata Titles Act 1998.

- 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 James **SECONDED** Cr Chong
“That the Recommendation be adopted”.
Cr Mulder left the meeting at this stage (8.16pm).
The **MOTION** was **put** and **CARRIED UNANIMOUSLY**

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 Items.

8.2 ASSET MANAGEMENT**8.2.1 DRAFT TASMANIAN WASTE AND RESOURCE RECOVERY STRATEGY (2022-2025)****EXECUTIVE SUMMARY****PURPOSE**

To consider the State Government Waste and Resource Recovery Board's *Draft Tasmanian Waste and Resource Recovery Strategy (2022-2025)*.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2021-2031 is relevant.

LEGISLATIVE REQUIREMENTS

The Waste and Resource Recovery Act 2022 and associated Regulations are relevant.

CONSULTATION

The *Draft Tasmanian Waste and Resource Recovery Strategy (2022-2025)* is undergoing community consultation at present.

FINANCIAL IMPLICATIONS

There are no financial implications associated with Council's response to this consultation.

RECOMMENDATION:

That Council:

- A. Notes the Waste and Resource Recovery Board's *Draft Tasmanian Waste and Resource Recovery Strategy (2022-2025)* (Attachment 1 to the Associated Report).
- B. Authorises the Chief Executive Officer to provide a submission to the Waste and Resource Recovery Board noting Council's key considerations and recommendations regarding the *Draft Tasmanian Waste and Resource Recovery Strategy (2022-2025)*; as set out in Attachment 2 to the Associated Report.

Decision:

MOVED Cr James **SECONDED** Cr Walker

"That the Recommendation be adopted".

Cr Mulder returned to the meeting at this stage (8.19pm).

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

8.3 FINANCIAL MANAGEMENT

Nil Items.

8.4 GOVERNANCE**8.4.1 QUARTERLY REPORT TO 31 DECEMBER 2022****EXECUTIVE SUMMARY****PURPOSE**

To consider the Chief Executive Officer's Quarterly Report covering the period 1 October 2022 to 31 December 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 31 December 2022 be received.

Decision: **MOVED** Cr Ritchie **SECONDED** Cr Kennedy

"That the Recommendation be adopted".

CARRIED UNANIMOUSLY

8.4.2 DRAFT DIGITAL STRATEGY 2023-2033 - CONSULTATION FEEDBACK AND STRATEGY APPROVAL**EXECUTIVE SUMMARY****PURPOSE**

To provide feedback on the consultation process and seek Council endorsement of the Digital Strategy 2023-2033.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2021 - 2031 is relevant.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Community Consultation was undertaken in accordance with Council's Community Engagement Policy 2020 over a six-week period, concluding December 2022.

FINANCIAL IMPLICATIONS

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

RECOMMENDATION:

That Council:

- A. Notes feedback from the consultation process for the Digital Strategy 2023-2033.
- B. Adopts the draft Digital Strategy 2023-2033.

Decision: **MOVED** Cr Kennedy **SECONDED** Cr Hulme

"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)

**8.4.3 DRAFT CULTURAL CREATIVE STRATEGY 2023-2033 - CONSULTATION
FEEDBACK AND STRATEGY APPROVAL****EXECUTIVE SUMMARY****PURPOSE**

To provide feedback on the consultation process and seek Council endorsement of the Cultural Creative Strategy 2023-2033.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2021 - 2031 is relevant.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

To date consultation has been provided from internal stakeholders and a review team consisting of University of Tasmania staff and council officers. Community Consultation was also undertaken in accordance with Council's Community Engagement Policy 2020 over a six-week period, concluding December 2022.

FINANCIAL IMPLICATIONS

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

RECOMMENDATION:

That Council:

- A. Notes feedback from the consultation process for the Cultural Creative Strategy 2023-2033.
- B. Adopts the draft Cultural Creative Strategy 2023-2033.

/ Refer to Page 29 for Decision on this Item...

**DRAFT CULTURAL CREATIVE STRATEGY 2023-2033 - CONSULTATION
FEEDBACK AND STRATEGY APPROVAL /contd...**

Decision:	MOVED Cr Chong SECONDED Cr Kennedy	
	“That the Recommendation be adopted”.	
	CARRIED	
	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	

**8.4.4 DRAFT SUSTAINABILITY STRATEGY 2023-2033 - CONSULTATION
FEEDBACK AND STRATEGY APPROVAL****EXECUTIVE SUMMARY****PURPOSE**

To provide feedback on the consultation process and seek Council endorsement of the draft Sustainability Strategy 2023-2033.

RELATION TO EXISTING POLICY/PLANS

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

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Community Consultation was undertaken in accordance with Council's Community Engagement Policy 2020 over a six-week period, concluding December 2022.

FINANCIAL IMPLICATIONS

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

RECOMMENDATION:

That Council:

- A. Notes feedback from the consultation process for the draft Sustainability Strategy 2023-2033.
- B. Adopts the draft Sustainability Strategy 2023-2033.

/ Refer to Page 31 for Decision on this Item...

**DRAFT SUSTAINABILITY STRATEGY 2023-2033 - CONSULTATION FEEDBACK
AND STRATEGY APPROVAL /contd...**

Decision:	MOVED Cr James SECONDED Cr Warren																								
	“That the Recommendation be adopted”.																								
	The Mayor asked the Deputy Mayor to assume the Chair while he entered the debate as a Councillor (8.40pm).																								
	The Mayor resumed the Chair at 8.42pm.																								
	The MOTION was put and CARRIED																								
	<table><tr><td>FOR</td><td>AGAINST</td></tr><tr><td>Cr Blomeley</td><td>Cr Walker (abstained)</td></tr><tr><td>Cr Chong</td><td></td></tr><tr><td>Cr Darko</td><td></td></tr><tr><td>Cr Goyne</td><td></td></tr><tr><td>Cr Hulme</td><td></td></tr><tr><td>Cr Hunter</td><td></td></tr><tr><td>Cr James</td><td></td></tr><tr><td>Cr Kennedy</td><td></td></tr><tr><td>Cr Mulder</td><td></td></tr><tr><td>Cr Ritchie</td><td></td></tr><tr><td>Cr Warren</td><td></td></tr></table>	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	
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Cr Hulme																									
Cr Hunter																									
Cr James																									
Cr Kennedy																									
Cr Mulder																									
Cr Ritchie																									
Cr Warren																									

8.4.5 FUTURE OF LOCAL GOVERNMENT REFORM OPTIONS PAPER SUBMISSION**EXECUTIVE SUMMARY****PURPOSE**

To provide feedback and input into the latest round of consultation by the Future of Local Government Review Board, including feedback on the Options Paper – Review Stage 2, released in December 2022.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2021-2031 is relevant.

LEGISLATIVE REQUIREMENTS

The *Local Government Act* 1993 is relevant.

CONSULTATION

The Local Government Review Board has been undertaking stakeholder and community consultation on the Options Paper across Tasmania throughout February 2023.

FINANCIAL IMPLICATIONS

The financial implications of the suggested reforms listed in the Options Paper have not yet been quantified but if any of the recommendations were to be implemented there may be far reaching and unknown financial implications to consider.

RECOMMENDATION:

That Council:

- A. Approves the submission (Attachment 1 to the Associated Report), including officer feedback and elected member input, in response to the Local Government Review Board Options Paper (Attachment 2 to the Associated Report) released in December 2022.
- B. Notes and advises the Local Government Review Board that it reserves the right to make further representations on reform options at a later date in the reform process.

/ Refer to Page 33 for Decision on this Item...

FUTURE OF LOCAL GOVERNMENT REFORM OPTIONS PAPER SUBMISSION
/contd...

Decision:	MOVED Cr Warren SECONDED Cr Ritchie
	“That Council:
	A. Notes that several councillors have made individual submissions to the Local Government Review Board in relation to the Options Paper.
	B. Notes that while some councillors do not agree with all comments provided in the submission (Attachment 1 of the Associated Report), authorises the Chief Executive Officer to submit the submission, including officer feedback and elected member input, in response to the Local Government Review Board Options Paper (Attachment 2 to the Associated Report) released in December 2022.
	C. Notes and advises the Local Government Review Board that it reserves the right to make further representations on reform options at a later date in the reform process.”
	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 Kennedy**

Who owns the property at 13 Dart Lane Rokeby – is it council-owned or private?

ANSWER

Council owns the land identified as 13 Dart Lane and also the laneway identified as 15 Dart Lane.

Council staff were aware of issues with long grass and building materials at this site. As the works are still the responsibility of the original developer and their contractor, Council staff liaised with the relevant parties and can now confirm the grass has been cut. The contractor will further assess the site for additional remediation/tidy up works required and carry out as necessary before the property is handed over to the Council's maintenance team for continuing the future maintenance.

Cr Chong

We recently had a speed trailer in North Terrace, Lauderdale following complaints from the residents regarding speed of vehicles travelling through there. Have we got the results of that yet and what is proposed to be done about it?

ANSWER

(Mr Graham) Following the petition a speed trailer has been placed in North Terrace twice and during the time that the speed trailer has been there we have seen a reduction in traffic speed. We will download some of the information and summarise it for Council. The next stage in terms of traffic calming will be through the master plan process which Council will consider as part of the forthcoming budget.

(Further information) A request will be submitted for Council's consideration in the 2023/24 budget to allow for:

- Pedestrian crossing points on North Terrace including the introduction of traffic calming devices such as roadside vegetation, kerb bulbing at crossings and improved pedestrian ramps; and
- Works to formalise the canal side edge of North Terrace by removing the gravel shoulder and providing a flush concrete edge to the road surface (similar to South Terrace). Bollards and planting will be used to better define the edge of the park and remove the opportunity for informal parking.

Cr Warren

Could I ask for an update on the consultation process for Kangaroo Bay, whether we have had significant or interest in our council survey?

ANSWER

(Acting Chief Executive Officer) We have had significant interest in the survey, many, many hundreds of responses and officers are already trawling through the verbatim comments to analyse that in time for Council consideration around 6 March; at the same time as Chambroad proposes to bring back its consultation to Council.

Cr Darko

Could we have an update on the status including any budget allocation for the development of off-lead greyhound recreation areas?

ANSWER

(Mr Graham) I believe a briefing went to Council advising that we are considering the current location compared with other possibilities. I will follow up with officers and provide an update to Council.

(Further information) Council allocated \$30,000 towards the proposed off-lead greyhound area in its 2022/23 budget. Officers are currently using those funds to conduct feasibility assessments of the current proposed site at Clarendon Vale, and also potential alternative sites within the city. Officers are also investigating conducting a temporary (3 to 6 month) trial of a greyhound off-lead area at an alternative location later this year. In addition to providing valuable information and feedback from owners to assist with the design of a permanent facility, the trial, if instituted would provide an off-lead area for greyhounds in the short-term. Further information will be provided in the coming weeks to Councillors on a potential trial to progress towards a greyhound off-lead facility.

Cr Goyne

Could we have an update on the acquisition of Department of Defence Land on Cambridge Road?

ANSWER

Taken on Notice

(Further information) Council has been in ongoing discussions with the State Government and the Department of Defence on the possibilities for the site. Council has advocated for a mixture of social housing and crisis accommodation and associated services for the site to help address the housing crisis in Greater Hobart. Further detail will be provided to councillors as talks progress in the coming months.

Cr Walker

1. My question is regarding something that we have been made aware of through residents' concerns regarding repeated fire alarms going off in commercial properties, one in particular. Could you spell out what is Council's role when something like this is happening on a regular basis and does that role change somewhat if Council is in a leasing arrangement with said facility?

ANSWER

(Acting Chief Executive Officer) My understanding is that it does not change our role in terms of the enforcement of the Act in relation to noise pollution, but we will come back with further information.

(Further information) For any investigation into noise complaints causing disturbance, Council applies due process during investigations and affords the person responsible for the activity, the opportunity to rectify the issues within an appropriate timeframe.

False alarms going off frequently and causing disturbance to nearby residents or the general public could be considered a nuisance under S.53(3) of the *Environmental Management and Pollution Control Act 1994* (EMPCA).

If progress is not being made as agreed or instructed, Council can consider issuing an Environment Protection Notice on the person responsible for the activity in accordance with S.44(1)(b) of the EMPCA (serious or material environmental harm or environmental nuisance has occurred and remediation of that harm or nuisance is required). The Notice could require the person, on behalf of the organisation, to take necessary actions to reduce or eliminate the noise so as not to cause a noise nuisance to surrounding/nearby residents. Timeframes for specific works can be applied and infringement notices served for non-compliance or prosecution.

If it is the case that Council lease a facility, the regulatory approach is consistent with that detailed above, where the matter is addressed and worked through with the responsible person/s on behalf of the property or organisation.

2. What is the average cost to Council to create a square metre of footpath and average cost to fix a pothole? Now obviously potholes would vary in size, but I am hopeful to get some understanding of those metrics.

ANSWER

There are many variables when constructing footpaths, including variations in terrain that will require additional excavation, fill material, drainage, retaining structures, quality of base material, working around / matching into existing services, construction joints etc. That said, a straightforward concrete path will cost approximately \$120/m² with the price rising based on site issues. An asphalt path will be from \$80m² based on the same factors as a concrete path.

Pothole repair is also highly variable. Again, the size of a pothole, the number of potholes in an area, ie the number of potholes completed in a day based around travel times, traffic flows on a road as additional traffic control may be required on a higher speed road or if sight distance is poor. If a failure is beyond potholing then the dig out process is considerably more expensive. The pothole crew (without additional traffic control) and materials cost approximately \$1500/day.

Cr James

1. My question is regarding the Cremorne Pipeclay management plan. Have the consultants concluded their survey and if so, is there the intention to include funds in the budget 2023/24?

ANSWER

(Mr Graham) We are due to receive the draft report from the consultants in late March early April. We believe that we may receive the Roches Beach plan at the same time. Council officers will review that and then we will workshop with Council. It is unlikely that we will be looking at funds for next financial year because there is consultation with the community required and several workshops with Council.

2. With regard to the Kangaroo Bay Boulevard, a development application went through this place some time back and is there a clause for substantial commencement to occur and also when will the permit expire?

ANSWER

(Acting Chief Executive Officer) There is no current agreement on substantial commencement as you would be aware from the briefing. We have to establish a sale and development agreement as the next step of the process. The development permit is open to extensions that all permits are, that is the requesting of two extensions as we have discussed previously with Councillors and the granting of those giving a total of six years.

Cr Hulme

1. I refer to my question without notice at the last meeting regarding Bellerive ferry parking. In the response there is a note that the information regarding the survey was provided in a memo to Council, but I do not actually recall receiving that memo. Could you advise when it was sent?

ANSWER

(Mr Graham) My apologies that has not been sent but will go to Council this week.

(Further information) The memo was provided to Councillor Hulme (and circulated to other Councillors) on 10 February 2023.

2. I refer to an elected member request I had about parking issues in the road that runs between East Derwent Highway and the Esplanade in Lindisfarne. The request about possible parking restrictions was lodged in November. I just wondered if some light could be shed on why it is taking so long to respond?

ANSWER

Taken on notice.

(Further information) The memo was provided to Councillor Hulme on 10 February 2023. Weekly updates on the progress of Elected Member Requests are provided each week to enable follow up by councillors if required.

Cr Hunter

1. A number of community members have raised concerns about the Seven Mile Beach Golf Course development. I am just wondering whether once a development application has been approved are the permit conditions publicly available?

ANSWER

(Mr Lovell) Copies of any permit are available to Councillors upon request, whether or not they are available to the public is something we would need to explore. There are sometimes privacy issues with permits, and they may differ from permit to permit. A practical example of that is some permits might show a person's house which has happened before, neighbours would like to see what is going on inside the house which raises privacy issues around that. It probably does not apply to the golf course but there are certain things we would need to check. I would need to take advice from our legal officers.

2. The planning matter raised tonight regarding the church made me question whether Clarence Council has a public open space strategy and if not is there any proposed timeline?

ANSWER

(Mr Lovell) We have a public open space policy which is taken into account in assessing planning applications involving subdivisions and we are currently working on expanding that policy to deal with how we are selecting open space, where to locate it. We came upon that need during the last council term in relation to providing open space in the Risdon Vale area. The Councillors who were part of the previous council would be aware of that project. We are working on it at the moment so we will probably conduct a workshop in the very near future.

Cr Mulder

1. There are 2 large real estate billboard signs on Estramena Drive, Oakdowns. Last October I was informed that the agent involved had been directed to remove the signs. Why are they still there?

ANSWER

(Mr Lovell) I am not aware of that but it sounds like something our enforcement officers would deal with so I will take that on notice and report back on how the matter is dealt with.

(Further information) Asset Management is coordinating to have the signs removed.

2. In accordance with the Minutes of the last meeting Councillors are required to notify gifts and/or donations including political donations exceeding the value of \$50 to the Chief Executive Officer. Mr Mayor have you provided such notification regarding the political donation made at your campaign launch last year?

ANSWER

(Mayor) In answer to that, I have at all times complied fully with the disclosure requirements and expectations. A review of the register of gifts will indicate that I received one donation of \$500 in September of last year. The launch that you referred to was not for me it was for the Better Clarence Team and that was spelled out very clearly to every person that attended that event. It was spelled out in every piece of correspondence and let me just reassure you, colleagues and the general public, that at all times I have complied fully with the expectations of full disclosure.

I would just like to make the point too and refer back to the letter that was sent by Mr Mathew Healey the Director of Local Government and point 4 of his letter which states quite clearly *“Accusations of Impropriety - Councillors must not accuse others of impropriety without pursuing their claim through the appropriate formal channels. Councillors must also avoid unreasonably inferring or attaching intent or meaning to the action of others for the purpose of damaging their reputation causing or lessening the value of their contribution to discussion or debate.”* So, I will just leave that with you but also make the point to that I was very genuine when I forwarded that letter to all colleagues on 23 January saying this term of council needs to be one of always bringing our best selves to this chamber and it is not appropriate for you to make those sort of imputations. It is absolutely incorrect - there is no basis in fact whatsoever and I would strongly suggest particularly in light of our Code of Conduct and Statement of Expectations that you tread very carefully. That is all I will be saying on this matter Cr Mulder. I am happy to draw a line under it but if further action is required further action will be taken. Thank you.

Cr Ritchie

My question is regarding all abilities playground equipment. Could I be provided with a list of the recreation facilities across Clarence and detailing those which have within them any all abilities equipment?

ANSWER

Taken on notice.

(Further information) Since 2013, Council has focused on the provision of inclusive, all abilities play facilities and supporting infrastructure in all new parks and playgrounds. Our existing regional playgrounds at Bellerive Beach Park, Bellerive and Simmons Park, Lindisfarne are both designed with inclusion as a key driver. Each park provides play equipment items that are identifiable as “all-abilities” such as basket swings, Liberty Swing, wheel-chair accessible carousel, in-ground trampolines, inclusive swing seats and ground level play panels and features. Just as importantly, they also provide inclusive supporting infrastructure such as generous path widths and grades, accessible park furniture, access to shade and weather shelter, spaces for retreat/quiet and continuous paths of travel from arrival to key park facilities. An inclusive, all-abilities approach to design will also be evident in the soon to be constructed local parks at Blossom Park (Cambridge), South Arm Oval and Pindos Park, Tranmere.

Council does not have a readily available list to specifically identify all abilities equipment and its location in Clarence. A list of parks and reserves providing play equipment can be located on our website under the 'My Neighbourhood' tab.

Council will soon consider a draft Inclusive Play Policy. The Policy notes Council will ensure, as far as practicable for its play spaces to be inclusive and accessible and provide opportunities for people of all ages and abilities to participate in high value play. The Policy sets inclusion and universal design as drivers for all projects undertaken by council related to play and commits to continuous improvement across all aspects of play provision – maintenance, new capital projects, renewals, upgrades, consultation, strategic planning and the ongoing training of staff.

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 T1483-22 – ANNUAL RESEAL PROGRAM – ASPHALT RESURFACING WORK 2022/2023

11.3 TENDER T1452-22 – SOUTH ARM OVAL PLAY SPACE

11.4 T1454-22 – PROVISION OF FLEET OPERATING LEASES AND MANAGEMENT SERVICES

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;
- 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:**PROCEDURAL MOTION**

MOVED Cr Chong **SECONDED** Cr Hulme

“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”.

CARRIED UNANIMOUSLY

The Meeting closed at 9.12pm.

CLOSED MEETING /contd...

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

11.2 TENDER T1483-22 ANNUAL RESEAL PROGRAM – ASPHALT RESURFACING WORK 2022/2023**Decision:****MOVED** Cr Chong **SECONDED** Cr Hunter

- “A. That the Tender Response from Downer EDI Works Pty Ltd in the amount of \$519,030.06, excluding GST, be accepted for the Tender T1483-22 Annual Reseal Program – Asphalt Resurfacing Works 2022/2023 for various streets in Clarence.
- B. That, in accordance with Regulation 34(3) of the Local Government (Meeting Procedures) Regulations 2015, Council authorises for release of the Council’s decision (only) in respect to this item to the general public via the open minutes of this meeting and for communication to relevant parties.”

CARRIED UNANIMOUSLY

11.3 TENDER T1452-22 – SOUTH ARM OVAL PLAY SPACE**Decision:****MOVED** Cr Walker **SECONDED** Cr Kennedy

- “A. That the Tender received from Botanic Resources for \$289,835.50, excluding GST, be accepted for the South Arm Oval Play Space Construction.
- B. That Council reallocates funds from the Passive Recreation Program within the Annual Estimates to the South Arm Oval Play Space as follows:
- South Arm Highway – gravel footpath - \$35,165
- C. That, in accordance with Regulation 34(3) of the Local Government (Meeting Procedures) Regulations 2015, Council authorises for release of the Council’s decision (only) in respect to this item to the general public via the open minutes of this meeting and for communication to relevant parties.”

CARRIED UNANIMOUSLY

11.4 T1454-22 – PROVISION OF FLEET OPERATING LEASES AND MANAGEMENT SERVICES**Decision:****MOVED** Cr Walker **SECONDED** Cr Hulme

- “A. That Council awards the Tender to LeasePlan Australia Ltd for the Provision of Fleet Operating Leases and Management Services for a period of three years commencing 1 March 2023, with an option of an extension for a further three years.
- B. That, in accordance with Regulation 34(3) of the Local Government (Meeting Procedures) Regulations 2015, Council authorises for release of the Council’s decision (only) in respect to this item to the general public via the open minutes of this meeting and for communication to relevant parties.”

CARRIED UNANIMOUSLY