

MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 15 MAY 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)

Acting Manager City Planning
(Ms R Olsen)

Chief Financial Officer
(Ms J Murrell)

Manager Communication and Strategic Development
(Mr C Paske)

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

Acting Manager Regulatory Services
(Mr R Brennan)

Manager Governance
(Ms C Shea)

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

Meeting closed at 9.25pm.

COUNCIL MEETING
MONDAY 15 MAY 2023

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
1.	ACKNOWLEDGEMENT OF COUNTRY	3
2.	ATTENDANCE AND APOLOGIES	3
3.	DECLARATIONS OF INTERESTS OF COUNCILLORS OR CLOSE ASSOCIATE.....	3
4.	OMNIBUS ITEMS	4
4.1	CONFIRMATION OF MINUTES	4
4.2	MAYOR’S COMMUNICATION	4
4.3	COUNCIL WORKSHOPS	5
4.4.	TABLING OF PETITIONS.....	6
4.5	REPORTS FROM OUTSIDE BODIES	7
	• REPORTS FROM SINGLE AND JOINT AUTHORITIES	7
	• REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE .. BODIES.....	7
4.6	WEEKLY BRIEFING REPORTS.....	8
5.	PUBLIC QUESTION TIME.....	9
5.1	PUBLIC QUESTIONS ON NOTICE	9
5.2	ANSWERS TO QUESTIONS ON NOTICE.....	9
5.3	ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE.....	9
5.4	QUESTIONS WITHOUT NOTICE	9
6.	DEPUTATIONS BY MEMBERS OF THE PUBLIC	11
7	PLANNING AUTHORITY MATTERS	
7.1	DEVELOPMENT APPLICATION PDPLANPMTD-2022/031357 – 8 LAMB PLACE, CAMBRIDGE – TWO SERVICE INDUSTRY(MOTOR REPAIRS AND SERVICING) BUILDINGS AND SIGNAGE	13
7.2	DEVELOPMENT APPLICATION PDPLANPMTD-2022/031767 – 39 CAMBRIDGE ROAD, BELLERIVE (WITH ACCESS VIA 2 PERCY STREET AND 1-7 CLARENCE STREET, BELLERIVE) – DEMOLITION AND MIXED USE BUILDING (10 MULTIPLE DWELLINGS AND COMMERCIAL SPACE).....	15
7.3	DEVELOPMENT APPLICATION PDPLANPMTD-2023/034665 – 1/38 FREDERICK HENRY PARADE, CREMORNE - CHANGE OF USE TO SHORT TERM ACCOMMODATION.....	20
7.4	DEVELOPMENT APPLICATION PDPLANPMTD-2022/032466 – 2A RINGWOOD ROAD, LAUDERDALE AND 450 SOUTH ARM ROAD, LAUDERDALE - 13 MULTIPLE DWELLINGS, 9 VISITOR ACCOMMODATION UNITS, OFFICES, PILATES STUDIO AND BREWERY AND CAFÉ.....	22

8. REPORTS OF OFFICERS

8.1 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS - NIL ITEMS

8.2 ASSET MANAGEMENT - NIL ITEMS

8.3 FINANCIAL MANAGEMENT - NIL ITEMS

8.4 GOVERNANCE

8.4.1 APPOINTMENT OF COUNCILLORS TO COUNCIL SPECIAL COMMITTEES29

9. MOTIONS ON NOTICE

9.1 NOTICE OF MOTION - COUNCILLOR RITCHIE COUNCILLOR LEAVE OF ABSENCE PROVISIONS32

10. COUNCILLORS' QUESTION TIME34

10.1 QUESTIONS ON NOTICE.....34

10.2 ANSWERS TO QUESTIONS ON NOTICE.....34

10.3 ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING.....34

10.4 QUESTIONS WITHOUT NOTICE41

11. CLOSED MEETING42

11.1 APPLICATIONS FOR LEAVE OF ABSENCE

11.2 T1421-21 BEACH STREET, BELLERIVE – STORMWATER UPGRADE

11.3 FUNDING SUPPORT REQUEST

1. ACKNOWLEDGEMENT OF COUNTRY

The Mayor:

- made the following statement:

“Before proceeding, I pay my respects to the Mumirimina people as the traditional and original custodians of the lands on which we meet, and I acknowledge the continuing connection of the Tasmanian Aboriginal people to the skies, land and waterways.

I 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 24 April 2023, as circulated, be taken as read and confirmed.

Decision: **MOVED** Cr Hunter **SECONDED** Cr Chong

“That the Minutes of the Council Meeting held on 24 April 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:

25 April:	ANZAC Day Dawn Service – Clarence RSL Sub-brach; ANZAC Day Service – Lindisfarne RSL; ANZAC Breakfast – the Governor & RSL President Chris Parker; ANZAC Day Service – South Arm RSL;
26 April:	Greater Hobart Mayor's Forum;
27 April:	Zonta Club of Hobart Fundraising Cocktail Party;
29 April:	Nepalese Business Expo 2023;
3 May:	LGAT Presidential Candidates – Presentation; Review of Local Government Board Briefing;
4 May:	Meeting with Clifton Beach Surf Lifesaving Club;
5 May:	Uni Revue 2023;
6 May:	Eastern Region Junior Soccer Association – Season Opening;
7 May:	Nelson Eastern Suburbs Football Club Home Day 2023;
8 May:	Citizenship Ceremony – Private Session; Government House Invitation – Coronation of Their Majesties King Charles III and Queen Camilla;
11 May:	Derwent Estuary Program (DEP) with Media; Government House Invitation – Investiture of 2023 Australia Day Honours and Meritorious Service Awards;
12 May:	Dob in a Hoon – Media & Photo Opportunity; Government House Invitation to Investitures for Recipients 2023 Australia Day Honours and Meritorious Service Awards; 2023 Gala Presentation Dinner for the Tasmanian Young Achiever Awards; and
13 May:	Clifton Beach Surf Life Saving Club Annual Dinner and Presentation Evening.

/ contd on Page 5...

MAYOR'S COMMUNICATION /contd...**Deputy Mayor Councillor Allison Ritchie (on behalf of Mayor)**

25 April: ANZAC Day Service Cambridge Memorial Oval;
 28 April: International Workers' Memorial Day; and
 14 May: Exhibition Opening – Rosny Barn – Artist Simon Spain.

Councillor Emma Goyne (on behalf of Mayor)

25 April: ANZAC Day Service – Richmond Soldiers Memorial.

Councill Bree Hunter (on behalf of Mayor)

25 April: ANZAC Day Service (Dawn Service) – South Arm RSL

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
Warrane Urban Regeneration Project Budget	1 May
Presentation – Draft Local Area Plan for Seven Mile Beach Budget Finalisation Committee Appointments Confidential Update – Tender Response Pass Road Upgrade	8 May

RECOMMENDATION:

That Council notes the workshops conducted.

Decision: **MOVED** Cr Hunter **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

March Quarterly Report pending.

Representative Reporting

- **TASWATER CORPORATION**

- **GREATER HOBART COMMITTEE**

The Mayor reported that the Greater Hobart Mayors are due to meet on 24 May for their monthly meeting.

REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES

Nil.

4.6 WEEKLY BRIEFING REPORTS

The Weekly Briefing Reports of 24 April and 1 and 8 May 2023 have been circulated to Councillors.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 24 April and 1 and 8 May 2023 be noted.

Decision: **MOVED** Cr Hunter **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.

Nil.

5.2 ANSWERS TO QUESTIONS ON NOTICE

The Mayor may address Questions on Notice submitted by members of the public.

Nil.

5.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

5.4 QUESTIONS WITHOUT NOTICE

Mr Michael Figg of Lauderdale asked the following question.

COUNCIL LOGOS

As everyone sitting around here is a representative of the community which I am part of and how the council is a stickler for the rules can you tell me why council has two logos? The logo on all of the vehicles is the sunrise over the water and the mountains and on the carpet, the building, the flag and on your signs in here is the old logo and also some of the correspondence we get is with the old logo. Can you clarify what is your logo?

ANSWER

(Mayor) One is a logo, and one is a shield. There is a policy which governs the use of both.

(CEO) The shield is the formal crest of Council, or the formal badge of Council and the sun logo is effectively a brand.

QUESTIONS WITHOUT NOTICE /contd...

(Further information) The “Shield” is Council’s official emblem, adopted in 1980. It is used for official/formal purposes to represent the Council including the City flag, ceremonial/civic use, Council meeting papers, legal documents etc. The “Brighter Place” logo was adopted in 2001 as part of a marketing plan and is used to promote the location and identity of Clarence. It is used for general communication with the public, brochures, promotion material, website etc.

Mr Victor Marsh of Bellerive asked the following question.

PUBLIC PIER – KANGAROO BAY

During the time that the public pier at Kangaroo Bay has been opened it has required regular cleaning, maintenance and repairs to damaged seats and signs caused by people fishing and vandals. Recently a deliberately lit fire has severely damaged a seat and totally destroyed the jetty’s navigational light, so my question is what will the total cost to ratepayers be when all current repairs are completed?

ANSWER

The Mayor took the question on notice.

Mrs Joanne Marsh of Bellerive asked the following question (read out by Mr Marsh).

BEWARE OF WILDLIFE SIGNAGE

Is it possible for Council to erect a sign saying “Beware of Wildlife” on Victoria Esplanade parallel to the old fort? There is a large family of pademelons crossing the road at all times of the day and considering that a percentage of motorists are not obeying the 40km/h speed limit.

ANSWER

(Mayor) Mr Marsh, I think that is a very good suggestion, we will take that on notice and come back to you and Mrs Marsh.

The CEO read the following question from Mr David Griggs of Risdon Vale.

HOUSING AND RENTAL CRISIS

I am asking council to become more proactive with severe housing and rental crisis.

I want Council to investigate and report on a differential rating model for properties that are converted into the short stay rental market as opposed to them being a normal rental property. For it to be cheaper rates for a rental property than air b&b or short stay rental property?

ANSWER

(CEO) On 20 March 2023 Deputy Mayor Ritchie moved a successful motion that addressed this issue. On the back of that motion, we have written to the State Government and to the Local Government Association of Tasmania and the issue is to be debated at the next Local Government Association of Tasmania General Meeting.

6. DEPUTATIONS BY MEMBERS OF THE PUBLIC

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

DEVELOPMENT APPLICATION PDPLANPMTD-2022/031357 – 8 LAMB PLACE, CAMBRIDGE – TWO SERVICE INDUSTRY (MOTOR REPAIRS AND SERVICING) BUILDINGS AND SIGNAGE (REFER ITEM 7.1)

Mr Graeme Soden addressed the meeting regarding the above development application.

DEVELOPMENT APPLICATION PDPLANPMTD-2022/032466 – 2A RINGWOOD ROAD, LAUDERDALE AND 450 SOUTH ARM ROAD, LAUDERDALE – 13 MULTIPLE DWELLINGS, 9 VISITOR ACCOMMODATION UNITS, OFFICES, PILATES STUDIO AND BREWERY AND CAFÉ (REFER ITEM 7.4)

Mr Andrew Lyden 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-2022/031357 – 8 LAMB PLACE, CAMBRIDGE – TWO SERVICE INDUSTRY(MOTOR REPAIRS AND SERVICING) BUILDINGS AND SIGNAGE**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for two service industry (Motor repairs and Servicing) buildings and Signage at 8 Lamb Place, Cambridge.

RELATION TO PLANNING PROVISIONS

The land is zoned Light Industrial and subject to the Parking and Sustainable Transport Code, Road and Railway Assets Code, Flood-Prone Hazard Areas Code, Signs Code and Safeguarding of Airports Code under the Tasmanian Planning Scheme - Clarence (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42-day period which has been extended with the applicant's agreement to 17 May 2023.

CONSULTATION

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

- Overshadowing;
- Visual impact;
- Potential future development on subject site;
- Construction risk to existing sound attenuation wall;
- Overall height of building;
- Noise;
- Use of proposed development; and
- Open space zone development restrictions.

RECOMMENDATION:

A. That the Development Application for two service industry (Motor Repairs and Servicing) buildings and signage at 8 Lamb Place, Cambridge (CI Ref PDPLANPMTD-2022/031357) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AP2 – STAGING.

3. GEN S1 – SIGN CONSENT.
4. ENG A5 – SEALED CAR PARKING.
5. ENG M1 – DESIGN DA.
6. ENG S1 – INFRASTRUCTURE REPAIR.
7. Hours of operation and commercial vehicle movements, (including loading and unloading and garbage removal), with the exception of occasional emergency towing vehicles must be within the hours of:
Monday – Saturday 7am to 9pm; and
Sunday and public holidays 8am to 9pm.
8. Commercial vehicle movements outside operating hours must be limited to emergency towing vehicles only with no repairs undertaken outside the prescribed operating hours.
9. The development must meet all required Conditions of Approval specified by TasWater notice dated 10 February 2023 (TWDA 2022/01621 - CCC).

ADVICE

- a. Based on the information provided, the use/development is not likely to adversely affect TasNetworks' operations. It is recommended that the developer contact TasNetworks on 1300 137 008 if they have any questions regarding any upgrade, they may require to their electricity supply due to this development.
 - b. Advice from a Building Surveyor will be required to be sought in relation to any building permit requirements that may apply under the Building Act 2016 and the Directors Determinations for excavation works associated with future development.
- 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 Kennedy **SECONDED** Cr Ritchie

"That the Recommendation be adopted".

CARRIED UNANIMOUSLY

7.2 DEVELOPMENT APPLICATION PDPLANPMTD-2022/031767 – 39 CAMBRIDGE ROAD, BELLERIVE (WITH ACCESS VIA 2 PERCY STREET AND 1-7 CLARENCE STREET, BELLERIVE) - DEMOLITION AND MIXED USE BUILDING (10 MULTIPLE DWELLINGS AND COMMERCIAL SPACE)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Demolition and Mixed Use Building (10 Multiple Dwellings and Commercial Space) at 39 Cambridge Road, Bellerive (with access via 2 Percy Street and 1-7 Clarence Street, Bellerive).

RELATION TO PLANNING PROVISIONS

The land is zoned General Business and subject to the Parking and Sustainable Transport Code, the Safeguarding of Airports Code and the Bellerive Specific Area Plan 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 expired on 28 April 2023, but which the applicant agreed to extend to 19 May 2023.

CONSULTATION

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

- Height;
- Loss of views;
- Parking;
- Design;
- Adverse traffic impact;
- Area character;
- Overlooking and loss of privacy; and
- Urban drainage.

RECOMMENDATION:

- A. That the Development Application for Demolition and Mixed Use Building (10 Multiple Dwellings and Commercial Space) at 39 Cambridge Road, Bellerive (with access via 2 Percy Street and 1-7 Clarence Street, Bellerive) (CI Ref PDPLANPMTD-2022/031767) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. Amended plans showing the location and detailed design of the public art elements must be submitted to and approved by Council's Manager City Planning prior to the commencement of the works or the issue of a building permit whichever is earlier.

The preferred public art contribution could take the form of bespoke designed public furniture situated in the ground plane entry court; painted or mosaic murals on the east elevation and integrated bespoke lighting elements or glass canopy treatments in the ground plane entry court.

Council's Manager City Planning will have regard to any assessment of the detailed plans undertaken by Council's Public Art Panel.

When approved, the plans will form part of the permit.

3. The approved public art elements must be completed and installed to the satisfaction of Council's Manager City Planning prior to the issue of a Certificate of Completion or a Certificate of Occupancy, whichever is the earlier.

4. GEN F5 – PART 5 AGREEMENT

After "following" insert "conditions for the implementation and maintenance of the Public Art".

5. The ground floor commercial space is approved for Offices in the Business and Professional Services Use Class. Future changes of use may require further approval from the Planning Authority and should not be undertaken without such approval.

6. GEN AM4 – CONSTRUCTION HOURS.

7. GEN AM5 – TRADING HOURS

After "hours" insert

Monday – Saturday 7.00am to 9.00pm; and
Sunday and Public Holidays 8.00am to 9.00pm

8. LAND 1B – LANDSCAPE PLAN (NON-STAGED MULTIPLE DWELLINGS)

After "prior to commencement of works" insert "or issue of a building permit whichever comes first"; and

The landscape plan must be to a standard scale, provide the designers contact details and be legible when reproduced at A3.

The landscape plan must clearly document the following:

- a north point;
- existing property information such as boundary lines;
- existing contours, relevant finished floor levels and any proposed rearrangement to ground levels;

- areas of proposed landscape hard work treatments such as paths, buildings, bicycle parking spaces, retaining walls, planter boxes edging and fencing (if any);
- areas of proposed landscape soft work treatments including garden beds and lawns;
- proposed planting design with locations of individual plants at intended spacing and clearly identified species (use of symbols with a legend or direct labelling of plants preferred);
- a table listing selected species botanical names, mature height, mature width, pot size and total quantities;
- details of proposed irrigation system;
- details of proposed drainage system; and
- estimate of cost for the installation of landscape works.

All landscaping works must be completed and verified as being completed, by Council, prior to the issue of a Certificate of Completion or a Certificate of Occupancy, whichever comes first.

All landscape works must be maintained:

- in perpetuity by the existing and future owners/occupiers of the property;
- in a healthy state; and
- in accordance with the approved landscape plan.

If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity as the vegetation which died, or which was removed.

Installed landscape works (soft and hard) will be inspected for adherence to the approved landscape plan and for quality of workmanship. In order for a landscape bond to be released the works must be deemed satisfactory by Council's Landscape Design Officer. Trade standard will be the minimum quality benchmark that all landscape works will be assessed against.

9. LAND 3 – LANDSCAPE BOND (COMMERCIAL).

10. GEN C1 – ON-SITE CAR PARKING
Before "car" insert "13".

After "works" insert "or issue of a building permit whichever is the earlier" and "delete" "In relation to the endorsed plan the parking and/or manoeuvring for car parking spaces [describe] require modification".

11. GEN C2 – CASH-IN-LIEU
After "A cash contribution of" insert "\$120,000" and after "be provided in-lieu of the" insert "12 car parking spaces".

12. GEN VA – BICYCLE STORAGE

After “Parking facilities for a minimum of” insert “3 bicycles are to be provided in the Cambridge Road forecourt”.

After “location and design” insert “in accordance with *Australian Standard AS 2890.3-2015 Parking facilities -Part 3: Bicycle parking*”.

13. ENG M3 – GARBAGE FACILITIES

After “prior to” insert “issue of a building permit”.

14. A plan for the management of construction must be submitted and approved by Council’s Group Manager Engineering Services prior to the issue of a Building or Plumbing Permit. The plan must outline the proposed demolition and construction practices in relation to:

- proposed hours of work (including volume and timing of heavy vehicles entering and leaving the site, and works undertaken on-site);
- proposed hours of construction (noting Condition 6 above);
- access and parking during construction;
- proposed screening of the site including for pedestrian safety and identification of vehicular access points during work; and
- procedures for washing down vehicles, to prevent soil and debris being carried onto the street.

Once approved, the plan forms part of this permit and all works and construction activities at the site must be in accordance with the approved plan.

15. ENG M1 – DESIGNS DA.

16. The development must meet all required Conditions of Approval specified by TasWater notice dated 07/03/2023 (TWDA 2022/01716-CCC).

ADVICE

- a. Notice of proposed protection work Form 6, should be considered as part of the building certification for the adjoining properties.
- b. Council, as a Stormwater Authority, formed a view that the proposed development will intensify the stormwater discharge from the property, and hence requires approval under the *Urban Drainage Act 2013* and the stormwater is to be designed as per Council’s Stormwater Management Procedure for new development (Stormwater-Management-Procedure-for-New-Development (1).pdf). This requirement will be assessed as part of engineering plans assessment.

If you would like to discuss what is required to meet Council’s requirements in regard to stormwater, please contact Council’s Development Engineers on 6217 9500.

- c. Based on the information provided, the development is likely to adversely affect TasNetworks' operations. As with any multiple use development, consideration should be given to the electrical infrastructure works that will be required to ensure a supply of electricity can be provided to this development. To understand what these requirements may entail, it is recommended that the proponent contacts TasNetworks Early Engagement team at early.engagement@tasnetworks.com.au at their earliest convenience.

- d. **ADVICE 19 – STREET NUMBERING.**

As a consequence of the development, the street numbering allocated to each unit will be as set out as follows:

Building Area	Number
Ground floor – Office Space (Business and Professional Services Use Class)	G1/39 Cambridge Road
Level 1 – the Office Space (Business and Professional Services Use Class)	101/39 Cambridge Road
Level 2 – 4 dwellings	201-204/39 Cambridge Road
Level 3 – 4 dwellings	301-304/39 Cambridge Road
Level 4 – 2 dwellings	401-402/39 Cambridge Road

Noting that:

- no specific addresses applied for the car parking area apart from level 1 if an emergency vehicle were required;
- residential areas will be assigned hotel style addressing as stated upon the approved plans

- 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 Ritchie
	“That the Recommendation be adopted”.
	CARRIED UNANIMOUSLY

**7.3 DEVELOPMENT APPLICATION PDPLANPMTD-2023/034665 – 1/38
FREDERICK HENRY PARADE, CREMORNE - CHANGE OF USE TO SHORT
TERM ACCOMMODATION****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Change of Use to Short Term Accommodation at 1/38 Frederick Henry Parade, Cremorne.

RELATION TO PLANNING PROVISIONS

The land is zoned Low Density Residential and subject to the 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 extended with the applicant's agreement to 17 May 2023.

CONSULTATION

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

- Parking Impact;
- Amenity of the Area;
- Noise; and
- Beach Access.

RECOMMENDATION:

- A. That the Development Application for Change of Use to Short Term Accommodation at 1/38 Frederick Henry Parade, Cremorne (Cl Ref PDPLANPMTD-2023/034665) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN S1 – SIGN CONSENT.
 3. The maximum occupancy of the visitor accommodation use must not exceed twelve persons at any given time.

ADVICE:

- a 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.

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 Walker **SECONDED** Cr Mulder

“That the Recommendation be adopted”.

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-2022/032466 – 2A RINGWOOD ROAD, LAUDERDALE AND 450 SOUTH ARM ROAD, LAUDERDALE - 13 MULTIPLE DWELLINGS, 9 VISITOR ACCOMMODATION UNITS, OFFICES, PILATES STUDIO AND BREWERY AND CAFÉ**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 13 Multiple Dwellings, 9 Visitor Accommodation Units, Offices, Pilates Studio and Brewery and Café at 2A Ringwood Road, Lauderdale and 450 South Arm Road, Lauderdale.

RELATION TO PLANNING PROVISIONS

The land is within the General Business Zone and subject to the Parking and Sustainable Transport Code, the Road and Railway Assets Code, the Coastal Inundation Hazard Code, the Flood-Prone Hazard Areas Code, the Safeguarding of Airports Code and the Lauderdale Neighbourhood Centre Specific Area Plan 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 to expire on 10 May 2023. The applicant agreed to extend the statutory timeframe to 17 May 2023.

CONSULTATION

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

- Traffic impact;
- Pedestrian safety; and
- Use and arrangement of right-of-way

RECOMMENDATION:

A. That the Development Application for 13 Multiple Dwellings, 9 Visitor Accommodation Units, Offices, Pilates Studio and Brewery and Café at 2A Ringwood Road, Lauderdale and 450 South Arm Road, Lauderdale (CI Ref PDPLANPMTD-2022/032466) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. No signage is approved as part of the application.

3. The ground floor commercial space is approved for four Offices in the Business and Professional Services Use Class and a Pilates Studio in the Sports and Recreation Use Class. Future changes of use may require further approval from the Planning Authority and should not be undertaken without such approval.
4. Any mechanical plant and other servicing infrastructure must be contained within the building roof and screened from the street and other public places.
5. GEN AM5 – TRADING HOURS
Trading hours must be within the following hours:
Monday - Saturday 7am to 9pm;
Sunday 8am to 9pm; and
Public Holidays 8am to 9pm.
6. LAND 1A – LANDSCAPE PLAN.
7. LAND 3 – LANDSCAPING BOND (COMMERCIAL).
8. GEN C1 – ON-SITE CAR PARKING (a total of 79).
9. GEN V8 – BICYCLE STORAGE (A total of 12).
10. ENG A1 – NEW CROSSOVER (TSD-R09).
11. ENG A5 – SEALED CAR PARKING.
12. ENG M1 – DESIGNS DA.
13. ENG M3 – GARBAGE FACILITIES.
14. ENG M5 – EROSION CONTROL.
15. ENG M6 – CONSTRUCTION FENCING.
16. ENG R2 – URBAN ROAD.
17. A plan for the management of construction must be submitted and approved by Council's Group Manager Engineering Services prior to the issue of a Building or Plumbing Permit. The plan must outline the proposed demolition and construction practices in relation to:
 - proposed hours of work (including volume and timing of heavy vehicles entering and leaving the site, and works undertaken on-site);
 - Proposed hours of construction;
 - Access and Parking during construction;
 - Proposed screening of the site including for pedestrian safety and identification of vehicular access points during work; and

- Procedures for washing down vehicles, to prevent soil and debris being carried onto the street.

Once approved, the plan forms part of this permit and all works and construction activities at the site must be in accordance with the approved plan.

18. The development must meet all required Conditions of Approval specified by TasWater notice dated 13 April 2023 (TWDA 2022-01891-CCC).

ADVICE

- a. ADVICE 1 – PERMIT EXPIRY ADVICE.
- b. ADVICE 14 – BUILDING ADVICE.
- c. ADVICE 5 – FOOD SPECIFICATIONS ADVICE.
- d. ADVICE 6 – FOOD REGISTRATION ADVICE.
- e. Council, as a Stormwater authority, formed a view that the proposed development will intensify the stormwater discharge from the property, hence requires approval under the *Urban Drainage Act 2013* and the stormwater is to be designed in accordance with Council's Stormwater Management Procedure for new development (Stormwater-Management-Procedure-for-New-Development (1).pdf). This requirement will be assessed as part of engineering plans assessment .

If you would like to discuss what is required to meet Council's requirements in regard to stormwater, please contact Council's Development Engineers on 6217 9500.

- f. Based on the information provided, the development is not likely to adversely affect TasNetworks' operations.

As with any multiple dwellings/mixed use premises, consideration should be given to the electrical infrastructure works that will be required to ensure a supply of electricity can be provided to this development. To understand what these requirements may entail, it is recommended the proponent contact TasNetworks Early Engagement team at early.engagement@tasnetworks.com.au

- g. The subject land is within the Coastal Inundation Hazard Area. It is likely that reports will be required as part of a building application in accordance with the Directors Determinations for the relevant hazard. If coastal protection works are required to mitigate hazards as a result of these reports, planning approval may be required. It would be advisable to consult a Building Surveyor at an early stage to discuss the requirements for obtaining a Certificate of Likely Compliance and whether additional reports are required to support an application.

- 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 Hunter **SECONDED** Cr Mulder

“That the Recommendation be adopted”.

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

Nil Items.

8.3 FINANCIAL MANAGEMENT

Nil Items.

8.4 GOVERNANCE**8.4.1 APPOINTMENT OF COUNCILLORS TO COUNCIL SPECIAL COMMITTEES****EXECUTIVE SUMMARY****PURPOSE**

Following recent review of the structure and operations of Council's special committees, appointments are now sought for Council's nominated representative on Council's special (advisory) committees and standing working groups.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2021 - 2031 is relevant.

LEGISLATIVE REQUIREMENTS

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

CONSULTATION

Consultation has been undertaken with councillors.

FINANCIAL IMPLICATIONS

There will be minor financial implications in establishing a revised committee structure, limited to communication arrangements in seeking expressions of interest for committee positions and internal resourcing requirements.

RECOMMENDATION:

- A. That Council approves the following schedule of nominations for the new Special (Advisory) Committees and Standing Working Groups:

ADVISORY COMMITTEE/ STANDING WORKING GROUP	APPOINTMENT REQUIRED	NOMINATIONS RECEIVED
Active Living Advisory Committee	Chairperson Committee Members (2)	Chairperson Cr Ritchie Committee Members Cr Walker Cr Goyne

ADVISORY COMMITTEE/ STANDING WORKING GROUP	APPOINTMENT REQUIRED	NOMINATIONS RECEIVED
Community Wellbeing Advisory Committee	Chairperson Committee Members (2)	Chairperson Cr Chong Committee Members Cr Walker Cr Darko
Youth Working Group	Chairperson Group Member	Chairperson Cr Ritchie Group Member Cr Goyne
LGBTQI+ Working Group	Chairperson Group Member	Chairperson Cr Darko Group Member Cr Kennedy
Clarence Positive Ageing Working Group	Chairperson Group Member	Chairperson Cr Walker Group Member Cr Ritchie
Cultural Creative Advisory Committee	Chairperson Committee Members (2)	Chairperson Cr Kennedy Committee Members Cr Warren Cr Chong
City Development Advisory Committee	Chairperson (Mayor) Committee Members (2)	Chairperson (Mayor) Committee Member Cr Hulme Committee Member Cr Kennedy
Disability Access and Inclusion Working Group	Chairperson Group Member	Chairperson Cr Hulme Group Member Cr Warren

ADVISORY COMMITTEE/ STANDING WORKING GROUP	APPOINTMENT REQUIRED	NOMINATIONS RECEIVED
Tracks and Trails Working Group	Chairperson Group Member	Chairperson Cr James Group Member Cr Goyne
Bicycle Advisory Working Group	Chairperson Group Member	Chairperson Cr Hunter Group Member Cr Darko
Sustainability Advisory Committee	Chairperson Committee Members (2)	Chairperson Cr Hunter Committee Members Cr Warren Cr Mulder

B. That Council endorses Cr Chong's nomination to the Cycling South Committee.

Cr Mulder left the Meeting at this stage (8.24pm).

Decision:	<p>MOVED Cr Ritchie SECONDED Cr Chong</p> <p>“That the Recommendation be adopted”.</p> <p>Cr Mulder returned to the Meeting at this stage (8.30pm).</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 James (abstained)</td></tr> <tr> <td>Cr Chong</td><td>Cr Walker (abstained)</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 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 James (abstained)	Cr Chong	Cr Walker (abstained)	Cr Darko		Cr Goyne		Cr Hulme		Cr Hunter		Cr Kennedy		Cr Mulder		Cr Ritchie		Cr Warren	
FOR	AGAINST																						
Cr Blomeley	Cr James (abstained)																						
Cr Chong	Cr Walker (abstained)																						
Cr Darko																							
Cr Goyne																							
Cr Hulme																							
Cr Hunter																							
Cr Kennedy																							
Cr Mulder																							
Cr Ritchie																							
Cr Warren																							

9. MOTIONS ON NOTICE

9.1 NOTICE OF MOTION - COUNCILLOR RITCHIE COUNCILLOR LEAVE OF ABSENCE PROVISIONS

In accordance with Notice given it was:

Decision:	MOVED Cr Ritchie SECONDED Cr Goyne
	“That Council:
	<ul style="list-style-type: none"> A. Recognises that the current process for requests for leave of absence by councillors is inappropriate as it does not reflect the rights and responsibilities applicable in contemporary work environments. B. Authorises the Chief Executive Officer to write to the Minister for Local Government on behalf of Council to request the Tasmanian Government to introduce updated regulations as soon as practicable to provide for the following: <ul style="list-style-type: none"> i. That a councillor be able to advise the relevant council of a leave of absence ‘as of right’, subject to conditions being met (as set out below). ii. A councillor’s request for leave may be for a cumulative period of up to three months in any 12-month period in ordinary circumstances or up to six months in any 12-month period should a councillor or their spouse or domestic partner— <ul style="list-style-type: none"> (a) become the natural parent of a child (including any period during pregnancy); or (b) adopt a child under the age of 16 years— and the councillor has responsibilities for the care of the child during that period. iii. Any application for extended leave that is greater than three or six months, whichever is applicable, must be supported by evidence that would satisfy a reasonable person that the absence is reasonable in the circumstances, and be approved by the relevant council. iv. Should a council have concerns regarding a councillor leave of absence, (other than for parental leave), by an absolute majority decision, a council may refer any request for leave of absence to the Minister for Local Government / Director of Local Government for review and determination.

/ Decision contd on Page 33...

NOTICE OF MOTION - COUNCILLOR RITCHIE
COUNCILLOR LEAVE OF ABSENCE PROVISIONS /Decision contd...

- C. Authorise the Chief Executive Officer to write to the Local Government Association of Tasmania (LGAT) and request that the motion be placed on the agenda for the next LGAT General Meeting seeking support of other councils for Recommendations A and B.”

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)

10. COUNCILLORS' 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

1. I refer to numerous reports that residents are being informed that potholes in various areas cannot be fixed until the water table reduces due to the absence of fall or the lack of adequate sub-service drainage of the streets. Can you assure the community that the reconstruction of Pass Road will not suffer from our inability to manage our stormwater responsibilities?

ANSWER

(Mr Graham) In relation to Pass Road the question is related to our capital works program and we will be coming to council at a forthcoming workshop involving land acquisition and capital funding so I do not believe it is necessarily at risk of proceeding in relation to the stormwater issues in that road corridor.

The Pass Road reconstruction project involves improved roadside drainage and larger culverts for directing runoff water to the Clarence Plains Rivulet. Improving the overall drainage and lifting the road surface level with a greater depth of road pavement material will assist in the road reconstruction works being able to be successfully completed.

2. Speaking of Pass Road yet another large pothole has appeared some two weeks ago and has yet to be repaired. Since most of the potholes on this road are caused by heavy vehicles travelling on a sponge why hasn't the load limit been reduced?

ANSWER

Pass Road has been identified as being overdue for pavement reconstruction based on asset lifecycle. There is no evidence that the deterioration of the road pavement is related to heavy vehicle traffic. Traffic survey data for Pass Road (from December 2019) recorded a total 4000 vehicles per day, with 5.4% heavy vehicles (or 215 heavy vehicles per day) which is lower than expected on this type of semi-urban connector road. For information, the general expectation is that the proportion of commercial vehicles on urban arterial roads be approximately 10% of all traffic and rural highways are expected to carry approximately 15-25% commercial vehicles.

Given the advanced stage of planning and design for road reconstruction on Pass Road and the agreed maintenance regime to address the road condition it was not considered necessary or appropriate to implement a temporary load limit on Pass Road at this time. An inspection of Pass Road was undertaken the day after the council meeting and any new potholes had been addressed.

Cr Hulme

1. I understand that there are areas of the city where maintenance work is required on council land that borders State Government land so for example you have a highway with a road reserve and council maintains an area beyond that with say a walking track. I was wondering if there is any kind of program or arrangement where council and the State Government pools their resources to ensure that maintenance work such as mowing road verges in those areas, for example, gets done together to produce economies of scale rather than having one party mowing up to the boundary of the other and then having that separately maintained?

ANSWER

(Mr Graham) I do not believe we have a partnership at the moment to undertake this. It is governed by the Roads and Jetties Act and different staff's interpretations and years of agreements in terms of which areas are covered. The Department of State Growth is reviewing all its road and highway legislation at the moment. We have made submissions as a lot of other councils have and attended forums in February to put our points of view regarding disparities in various highway legislation but I presume further information will be provided by the Department of State Growth after they have reviewed all the legislation.

As further comment, there are presently no arrangements in relation to pooled or shared resources for maintenance of roadside verges. An agreement coordinated prior to 2010 designates defined areas with road verge maintenance. The Department of State Growth has an external contract for managing State Highway verges. Council has a level of service for managing roadside verges council maintained roadways.

2. My question arises from something that occurred during this meeting and it is something you may wish to take on notice and have a closer look at. The practice when I was on council previously when an amendment was moved if it was not acceptable to the mover and therefore incorporated into the motion, a seconder would be sought and the amendment would then be fully debated then if carried it would be included into the substantive motion. Now my understanding is that there have not been any recent changes to the meeting procedures so I wonder if that could be looked at as to whether procedures have changed or has there been a different interpretation of procedures and may be some clarification on what the procedure is?

ANSWER

(Mayor) Cr Hulme be assured I will investigate this fully over the next few days and I will come back to you and all colleagues with a detailed answer. I will review the recording from tonight as well. I will also take advice but please know that I made a decision that I believe to be in the best interest of this council and the correct call from the chair. If I have erred I will apologise but as I say I will review and I will come back to you in the coming days.

Additional information from the Mayor:

I have now had the opportunity to thoroughly review Cr Hulme's question and have also sought advice from Officers.

In my view, the long-held practice of this Council expecting the mover of an amendment to seek the approval of both the mover and seconder, is the tidiest way to deal with amendments. However, this is not necessary.

In my view, moving an amendment motion – unless previously circulated with plenty of time – does not afford Councillors the opportunity to properly consider the amendment and any consequences that may flow. This may give rise to the charge of Council making “policy on the run”.

Nevertheless, Cr Hulme was correct in his interpretation of the process associated with moving an amendment.

In situations where an amendment is moved and seconded, it becomes the motion before the Chair and can be debated and is then put to the vote. If it is carried, “the amendment becomes the motion” and this is again put to the vote.

I note that Cr Hulme, when asked if he wished to put his amendment, declined, and did not seek a seconder.

Specifically, in regard to Cr Hulme's proposed motion:

The recommendation to formally endorse the letter to the Minister for Planning was reflecting an action that had already taken place and was seeking formal endorsement of that.

The proposed additional wording in Recommendation A was contained in the letter which was attached to the Associated Report as referenced in the recommendation, so somewhat superfluous.

In relation to Part B of Cr Hulme's amendment, it could be argued that this was introducing material that was not relevant to the matter at hand, as the report and recommendation were directly related to the letter sent to the Minister, not reconsidering a previously adopted position of Council.

However, in my opinion, it could not successfully be argued as "discussing a resolved matter", as that is only in relation to discussion at the same meeting.

Even so, I do believe that to debate this part of the motion, Council would first have to revoke Council's previous decision in regard to the Skylands UGB matter. Which, on the numbers, I believe would have failed.

On this basis, I would have ruled Part B of Cr Hulme's Amendment to have been out of order.

To ensure consistency, Council will adopt the following procedure for Amendments to Motions:

1. **The adopted practice to seek agreement of the mover and seconder to make amendments to a motion:**
 - This is only recommended for minor wording, grammatical changes etc.
 - Although not covered by Regulations or Policy, it is quite an efficient way to manage minor changes. It is referred to in *Guide for Meetings and Organisations, N.E. Renton*: "If an amendment is acceptable to the mover of the motion before the Chair, he may, by leave of the meeting, alter his motion accordingly".
2. **A Councillor who has not moved or seconded the original motion can move an amendment motion:**
 - Once moved and seconded this then becomes the motion before the meeting and is debated in the usual way.
 - This can be done by choice of the Councillor seeking an amendment or if the agreement of the mover and seconder of the original motion is not granted. This is covered by Regulation 17 of the Local Government (Meeting Procedures) Regulations 2015:
 - (1) At a meeting, a councillor who did not move or second a motion (the original motion) may move a motion to amend the original motion.
 - (2) A councillor is not to move a motion to amend another motion while a previous motion to amend that other motion is before the meeting.
 - (3) If a motion to amend another motion is resolved in the affirmative, that other motion, as amended is then the motion before the meeting.
 - (4) The chairperson may refuse to accept more than 2 motions to amend another motion.

3. Procedure for Amendment Motions

1. The Amendment is moved and seconded
2. The Amendment motion can be debated.
3. The Amendment motion is put to the vote.
4. If the Amendment motion is resolved in the affirmative, the original motion, as amended, is the motion before the meeting. There is no return to debate the original motion.
5. The Amendment becomes the motion and is again put to the vote as the motion before the meeting.

I trust this clarifies my position on this matter and the way future amendment motions will be considered by Council.

Cr James

1. My question is in regard to Pipeclay Esplanade. In the previous council we had before us a consultant's report advising on a number of ways in which work could be done on the gravel section of Pipeclay Esplanade as far as a rebuild, remedial action and also some costings. There were 4 criteria in relation to that so my question is where are we with that and is it proposed to come to council for further discussion on this and for council to consider one of the four options that were suggested by that consultant at that time?

ANSWER

(Mr Graham) The future decision or options on the road will be considered by council through the local coastal management plans. We are still waiting for Water Research Laboratory to provide us with a draft copy. I will make enquiries so I can inform council of the likely timing of us receiving that report and then come to a forthcoming council workshop.

(Further information) Water Research Laboratory have committed to presenting the draft Pipe Clay Lagoon Coastal Hazard Adaption Plan to officers in May 2023. This matter has been tentatively identified for workshop in June or July 2023.

2. When at Bellerive Beach recently I noticed that the area that has been fenced off adjacent to the play park equipment is still inundated and it is very boggy and so on and it has been like that for a number of months. Could you advise council as to whether or not another retention pit is to be installed in that lower section adjacent to the playground fence or as to whether there is going to be some other work done to alleviate that inundation problem that has been ongoing for many months now?

ANSWER

(Further information) The fenced off area is in place to protect new grass seed during its establishment period. The new seed has been planted to remediate the area after recent works by Council to address the inundation problems.

Council's works crew recently extended the stormwater infrastructure at Bellerive Beach Park to deal with the intermittent ponding of water on the high side of the outdoor gym. The works included installation of new pipework and stormwater pits and the re-grading of the grassed areas to improve surface drainage. New grass seed was planted over the disturbed area and has been fenced while it establishes.

Cr Walker

My question is in regard to the Geilston Bay play park which is a popular park in our municipality. It doesn't currently have a drinking fountain, we are making provision for a drinking fountain in the upcoming budget which is great. I am just asking that this might be an opportunity to look at what is some of the best practice for drinking fountains that are also good for dog walkers as well. I know we have a form of that at ANZAC Park but it is not without some issues so I am rhetorically wondering if it is possible that we look at using best practice in this space starting with Geilston Bay, and the works rolling it out?

ANSWER

(Further information) Council tries to follow best-practice in relation to the provision of park and public infrastructure, including both new capital infrastructure and the renewal of existing end of life infrastructure. Infrastructure renewals are generally programmed based on when existing infrastructure reaches the end of its functional life.

The drinking fountain at ANZAC Park was installed in 2010 and has a functional life of 20 years. Recent water supply problems have been resolved and the fountain is now fully operational. While the Anzac Park drinking fountain represented best-practice at the time of its installation, officers acknowledge it does not currently meet the expectations of all users, given it is in an off-lead dog exercise area and does not have the same features for dogs as other drinking stations installed in recent years. Officers are therefore considering it for potential early replacement. However, councillors will appreciate there are limited budget funds currently approved for the installation of new or upgraded drinking stations, and a consequent need to properly consider the equitable distribution of these facilities across our entire open space network (including to areas that currently do not have drinking fountains installed at all, as is the case with Geilston Bay).

A decision will be made on whether to replace and upgrade the ANZAC Park drinking station in the coming weeks and communicated to councillors and users of ANZAC Park.

Cr Goyne

1. Has council received correspondence from the Tasmanian Government about Lauderdale Primary School intersection and any possible works that have been happening? It has been a constant issue that has been flagged with me as a death waiting to happen and having witnessed many near misses there myself I just was wondering if we had an update and when this is going to occur?

ANSWER

(Mr Graham) My understanding is that it is part of the Rokeby Road upgrade. They (Department of State Growth) are looking at the section from Pass Road through to Oakdowns Parade and they are also looking at improving the intersection of the highway and Acton Road. I think they are looking at doing some community consultation in the forthcoming months but we don't believe that there is work expected to commence until probably 2025-26 financial year, there is considerable design work to be undertaken.

2. My question relates to the Tangara Trail network. I received correspondence this week from another horse rider who was involved in an incident with a cyclist and this is one of many. I am currently collating some incident reports in relation to that to bring to council before we have a serious injury. I was just wondering when it was decided that the Tangara Trail network would become a multi-user trail network and what education council put forward for the community and if any extra education is planned for that area particularly any possible regulations we have around users wearing earbuds? It seems to be a huge problem even people running into my own 700 kilogram horse because "they didn't see it".

Is there any way that council can manage users not being aware of their surroundings because of distraction?

ANSWER

(Further information) The Tangara Trail network was originally created in 1985 following advocacy from the horse riding community, particularly around the Sandford and Acton areas. This was done by formally recognising 40km of unnamed or informal tracks on public land, rights of way and public open space areas and adding horse riding as an official permitted use.

Though created to provide space for horse riding, the trail has always been intended as a shared pathway, available for use by walkers and cyclists, while recognising that it is heavily used by people riding horses.

Council recognised around 10 years ago that the increase in popularity of mountain biking in Tasmania has led to more trail riders on the network. Around this time, Council installed the first ‘Share the Trail’ signs at key entry points, including Delphis Drive, Mortimer Bay Reserve carpark, Silver Peppermint Track at Paroa Court and Rifle Range Road parking area. The signs identify that both bike riders and walkers need to give way to horses. Code of Conduct signs have also been installed at car parking areas at Mortimer Bay Reserve and Delphis Drive. Examples of both signs are below.

Further signage is planned for installation over the next 12 months and beyond. Council staff have been working with the Tangara Recreational Trails Inc committee to develop signage with better graphics and clearer messaging (including photos of horses and bike riders). Tangara Recreational Trails Inc also received a \$1,000 grant in 2022 to promote sharing the trail, which they are working on in cooperation with Council officers.



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 T1421-21 BEACH STREET, BELLERIVE – STORMWATER UPGRADE

11.3 FUNDING SUPPORT REQUEST

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:

- commercial information of a confidential nature that, if disclosed, is likely to prejudice the commercial position of the person who supplied it;
- 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 Hulme **SECONDED** Cr Kennedy

“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 9.25pm.

CLOSED MEETING /contd...

The following Closed Meeting Motion has been authorised by Council for publication in the public Minutes.

11.2 T1421-21 BEACH STREET, BELLERIVE – STORMWATER UPGRADE**Decision:****MOVED** Cr Warren **SECONDED** Cr Chong

“That Council:

- A. Approve the Tender Response from Black Cap Construction Pty Ltd in the amount of \$8,987,400.25 excluding GST, but inclusive of a provisional amount of \$113,582.99, excluding GST for the Tender 1421-21 Beach Street, Bellerive – Stormwater Upgrade.
- B. Approves within the 2022/23 Annual Estimates funding of \$3,000,000 of borrowings.
- C. Reallocates funds within the 2022/23 Annual Estimates to the Bellerive Major Stormwater Upgrade to Clarence Street, Douglas Street and Beach Street project as follows:
 - 2022/23 Capital Budget contingency fund \$426,000
 - Charles Street (Richmond) road project \$350,000
 - 2022/23 Roads Major Digout Program \$1,276,000
- D. That, in accordance with Regulation 34(3) of the Local Government (Meeting Procedures) Regulations 2015, Council authorises for release of the Council’s decision (only) in respect to this item to the general public via the open minutes of this meeting and for communication to relevant parties.”

CARRIED UNANIMOUSLY