

# MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 17 JULY 2023

**HOURLY CALLED:** 7.00pm

**PRESENT:** The meeting commenced at 7.02pm with the Mayor (Cr B A Blomeley) in the Chair and with Councillors:

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

**1. APOLOGIES**

B	Hunter (Leave of Absence)
J	Walker

**IN ATTENDANCE**

Chief Executive Officer  
(Mr I Nelson)

Head of Infrastructure & Natural Assets  
(Mr R Graham)

Acting Head of City Planning  
(Ms R Olsen)

Chief Financial Officer  
(Ms J Murrell)

Acting Head of Strategic Development Communications and Engagement  
(Ms G Wicks)

Acting Head of Community and Culture  
(Ms T Cockburn)

Head of Governance  
(Ms C Shea)

Acting Head of Regulatory Services  
(Mr R Brennan)

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

The Meeting closed at 9.19pm.

**COUNCIL MEETING**  
**MONDAY 17 JULY 2023**

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**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**

**Cr James**

**Item No. 7.1**

**ADDITIONAL MATTERS - MAYOR****MOTIONS ON NOTICE**

The Mayor advised that he had received requests from Councillor Mulder and Councillor Warren to withdraw their Motions on Notice from consideration at Items 9.1 and 9.2 respectively. The Mayor sought and received confirmation from Councillor Mulder and Councillor Warren that they still wished their motions to be withdrawn.

**URGENT ITEM - REVIEW OF 42-DAY DEVELOPMENT APPLICATION TIMEFRAME**

The Mayor advised of an Urgent Item to be discussed in accordance with Regulation 8 of the Local Government (Meeting Procedures) Regulations 2015. Refer to Page 34.

The Mayor called for a Procedural Motion to introduce the urgent item.

<b>Decision:</b>	<b>PROCEDURAL MOTION</b> <b>MOVED</b> Cr Ritchie <b>SECONDED</b> Cr Goyne	
	<p>“That pursuant to the provisions of Regulation (8) of the Local Government (Meeting Procedures) Regulations 2015, the Council gives Leave of the Meeting to consider an urgent item at 9.3 of the Agenda regarding Review of 42-day Development Application Timeframe”.</p>	
	<b>CARRIED</b>	
	<b>FOR</b> Cr Blomeley Cr Chong Cr Darko Cr Goyne Cr Hulme Cr Kennedy Cr Mulder Cr Ritchie	<b>AGAINST</b> Cr James Cr Warren

**PUBLIC QUESTION TIME PROCEDURES**

The Mayor made the following statement:

*“At the last council meeting on the 26 of June, I had to adjourn the meeting briefly during question time. To avoid any further uncertainty, I wish to provide a brief outline of the meeting procedures as they relate to questions.*

*A copy of the Procedures for Public Question time can be found on Council’s website or by request from the Council offices. We will also include a link in the relevant section of the council agenda from now on.*

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**PUBLIC QUESTION TIME PROCEDURES /CONTD...**

*Public question time provides an opportunity for people to ask questions about Council's activities, not make statements. Anyone wishing to address Council and make a statement may do so under the Deputation section of the Council Meeting Agenda.*

*As Chairperson, I may refuse to accept a question and if I do, I will provide reasons for that. Equally, I may indicate that I will take a question on notice.*

*The meeting procedures provide several grounds upon which a question can be refused. It is important that we are all familiar with those grounds.*

*It is also important to recognise that it is an offence to disrupt a meeting. If the Chairperson gives a direction, that must be followed. It is not appropriate to debate directions from the Chairperson or to refuse those directions.*

*I hope that this overview assists to clarify the meeting procedures and requirements."*

## 4. OMNIBUS ITEMS

### 4.1 CONFIRMATION OF MINUTES

#### RECOMMENDATION:

That the Minutes of the Council Meeting held on 26 June 2023, as circulated, be taken as read and confirmed.

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

“That the Minutes of the Council Meeting held on 26 June 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:

- 28 June: Ukrainian Constitution Day – Civic Reception and Photo Shoot;  
Tasmanian Air Tours and Above and Beyond Tasmania Hangar;
- 29 June: Meeting with Sam Chedid;
- 30 June: LGAT AGM and General Meeting;
- 3 July: Muylatina Palawa and NAIDOC Flag Raising;  
Meeting with South Arm Primary School Principal, Stu Warren;  
Clarence Emergency Management Committee Meeting;
- 4 July: Coal River Products Association Meeting;
- 5 July: Rotary Club of Lindisfarne – Annual Changeover Dinner;
- 6 July: Deadly Choices Touch Football Carnival;  
AILA TAS 2023 Landscape Architecture Awards Night;
- 7 July: Exhibition Opening of “Imagine and Create” – Rosny Barn;
- 10 July: Meeting with Kristy Lark-Booth;  
Petuna – Confidential Briefing;
- 15 July: Opening of Risdon Vale veterans’ Assistance Centre;  
Hobart Legacy Annual Dinner;
- 16 July: Media Interview – 7 Nightly News regarding Review of Local Government; and  
Seven Mile Beach Golf Course Site Tour – Matthew Goggin.

#### Deputy Mayor Councillor Allison Ritchie (on behalf of Mayor)

- 11 July: 75<sup>th</sup> Anniversary of the Royal Over-Seas League Tasmanian Branch.

#### Councillor Daniel Hulme (on behalf of Mayor)

- 1 July: 2023 Tasmanian Architecture Awards Presentation Dinner.

**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:

<b>PURPOSE</b>	<b>DATE</b>
Presentation – Southern Waste Solutions Bayview Sporting Precinct Business Case Reconciliation Action Plan Update	3 July
Confidential Property Matter Discussion regarding Voice to Parliament Local Government Review Response	10 July

**RECOMMENDATION:**

That Council notes the workshops conducted.

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

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**



#### **4.4. TABLING OF PETITIONS**

Nil.

**4.5 REPORTS FROM OUTSIDE BODIES**

This agenda item is listed to facilitate the receipt of both informal and formal reporting from various outside bodies upon which Council has a representative involvement.

**REPORTS FROM SINGLE AND JOINT AUTHORITIES**

Provision is made for reports from Single and Joint Authorities if required.

Council is a participant in the following Single and Joint Authorities. These Authorities are required to provide quarterly reports to participating Councils, and these will be listed under this segment as and when received.

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**  
Representative: Cr James Walker

**Quarterly Reports**

June Quarterly Report pending.

**Representative Reporting**

- **TASWATER CORPORATION**
- **GREATER HOBART COMMITTEE**

**REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES****BELLERIVE COMMUNITY ARTS CENTRE**

- Cr Kennedy tabled the minutes of a meeting held on 12 July 2023 and the Bank Statement for the period ending 30 June 2023.

**4.6 WEEKLY BRIEFING REPORTS**

The Weekly Briefing Reports of 26 June and 3 and 10 July 2023 have been circulated to Councillors.

**RECOMMENDATION:**

That the information contained in the Weekly Briefing Reports of 26 June and 3 and 10 July 2023 be noted.

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

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**5. PUBLIC QUESTION TIME**

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

The Chairman may request a Councillor or Council officer to answer a question. No debate is permitted on any questions or answers. Questions and answers are to be kept as brief as possible.

**5.1 PUBLIC QUESTIONS ON NOTICE**

(Seven days before an ordinary Meeting, a member of the public may give written notice to the Chief Executive Officer of a question to be asked at the meeting). A maximum of two questions may be submitted in writing before the meeting.

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

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

**CAPITAL PROJECT ROKEBY HILLS / ILLEGAL DUMPING OF RUBBISH**

1. Council recently approved 23/24 Budget included a capital project in Rokeby Hills. This project includes the construction of a new pathway/track from the Fairisle Terrace to Kuynah Reserve. A large portion of this track would be in alignment with a section of track that permit conditions for SD-2011/30 required the developer to construct. Has this been taken into account and what part is the developer contributing to this project?
2. Council recently approved 23/24 Budget excluded the long ran hard waste collection. Council also chose to approve the Mornington Transfer Stations increase of some 30% to disposal fees including recyclable materials. These two changes will increase the already problematic illegal dumping that occurs within the Clarence region. Does Council have the resources, community awareness, funds to deal with this increase and/or any future strategy or will these dumpings become something we will all just have to live with.

Mrs Joanne Marsh of Bellerive has given notice of the following question:

**PUBLIC QUESTION TIME PROCESS**

Would the Mayor please address the meeting about how public question time will be understood and managed in the future to ensure that the meeting is a safe place for everyone?

## 5.2 ANSWERS TO QUESTIONS ON NOTICE

Council's Head of Infrastructure & Natural Assets provided the following answers to the questions from Mr Bradley Walker at Item 5.1.

### **CAPITAL PROJECT ROKEBY HILLS / ILLEGAL DUMPING OF RUBBISH**

1. Due to relevant staff members being away from the office, an answer will be provided at the next council meeting on 7 August 2023.
2. Council's budget does not include a hard waste collection for this coming year. Council was faced with a likely bill of close to \$1 million to deliver the service, with no viable operator able to even deliver it. We had to consider the strategic direction of Council and whether a hard waste service aligns with our sustainability goals. It was decided, by Council, that it did not. The priority now is to encourage reuse and a circular economy. Most councils have stopped delivering a hard waste service and the two reasons above are evidence as to why that is the case. We know this will be disappointing for some, but we want to be leaders in the sustainability space and will focus our investment on positive measures like partnerships with the Garage Sale Trail and on other initiatives that encourage re-use and recycling.

Council has budgeted \$100,000 in 2023/24 to specifically address illegal rubbish dumping. In addition, Council employed a Waste Manager this year who is working on updating Clarence's Waste and Resource Recovery Strategy. Council is also liaising with the EPA and the recently formed Southern Tasmanian Regional Waste Authority, which is developing a litter management plan for a framework to address this issue in the region.

### **PUBLIC QUESTION TIME PROCESS**

The Mayor provided the following response to Mrs Joanne Marsh's question at Item 5.1. My opening statement tonight can be taken as my answer to this question.

## 5.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

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

At Council's Meeting of 26 June Mrs Joanne Marsh of Bellerive asked the following question.

### **BELLERIVE BEACH PARK DRAFT MASTER PLAN**

Ratepayers who rallied against aspects of the Bellerive Beach Park draft master plan in 2012 to save the public open space of the park from further intrusions linked to the part of 15 Derwent Street leased to Cricket Tasmania, would heartily agree with Alderman Blomeley's comments in his explanatory notes tabled on 4 July 2022 in which he stated *"All too often, our community is frustrated by the time it takes to deliver on promised Master Plans and there is a need to ensure the expectations of all stakeholders are managed through open and transparent communication and accountability mechanisms"*.

**ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE /contd...**

Documentation tabled on 5 September 2022, states that Bellerive Beach Park will be a regional standard public open space with a high level of services, amenity and access for the community to both the beach and the parklands.

The master plan positions the park as a prime coastal recreation destination for residents and visitors of Clarence. In the ten years until 2022 the master plan has had 11 phases with 3 future phases. Phase 14 lists 8 significant works. Bellerive Beach Park has thousands of visitors each week. It currently has no baby change facilities, the toilets are located too far away from the all-abilities playground, kayaks are still being unloaded onto the shared pathway before being dragged down the bank onto the beach and stormwater is still not being adequately managed. In his most recent Mercury talking point on June 5, Mayor Blomeley stated in 15-20 years' time not only will our city be a smart city, but it will also be a considered and coherent city that many people have carefully planned in intricate detail to ensure optimum liveability and well-being. So, my question is, as each master plan speaks to the other what can the council advise the thousands of weekly visitors about where the completion of the Bellerive Beach Master Plan sits in the 15-20 year timeframe, considering planning construction has already been underway for over 10 years.

**ANSWER**

Between 2014 and 2021, Council consistently funded and constructed new stages and upgrades to Bellerive Beach Park, including Beach Street carpark, Derwent Street carpark, gym area relocation, upgraded picnic area, playground space, kick about irrigation, swim pontoon and buoys, gym area upgrade, shared cycle path and beach access connection, improved stormwater drainage and a changing place facility.

The next stage involves an in-house Master Plan review, incorporating the two previous master plans together and evaluating further public amenities, beach promenade, improved toilets and/or hospitality/hire services. Once Council is satisfied with the next proposals the community will be engaged through a public consultation process.

**5.4 QUESTIONS WITHOUT NOTICE**

Mr David Beard of Tranmere asked the following questions.

**PINDOS PARK DESIGN PLANS**

We (Tranmere residents) request that a councillor move notice of motion to include the small half basketball court as a variation to the current project. My questions to Council, not staff, are:

1. What elements of the recent consultation have been included or changed on the plan for the works that have been tendered?

**ANSWER**

Council's Head of Infrastructure & Natural Assets provided the following response, engagement was undertaken with the local community on the Pindos Park design plans via an information and consultation period. It was made clear no major changes could be accommodated at this stage, otherwise the project will miss a budget cycle and potentially be delayed further. The engagement to inform residents of the design was worthwhile to update the local community. No changes were made to the design plans released for Tender.

/ contd on Page 14...

**QUESTIONS WITHOUT NOTICE /contd...**

The idea of a basketball play area is welcomed but requires specific consultation with the local community, after the Tendered works are complete and the area is in use. This methodology was similarly implemented with Simmons Park where after the park was open, an additional area of swings was included in the next budget cycle. Pindos Park has some site constraints. It is considered beneficial to the community for the construction of the park play space to commence in the short term; let the community use the space and then be consulted on what improvements can be included in the coming budget cycles. It is also important that specific consultation on any second stage development occur, including a basketball area, so that specific concerns such as noise can be properly considered and assessed.

2. How much open space contributions have been received by Council from Tranmere developments and subdivisions over the past 11 years when the planning started for this project?

**ANSWER**

Council's Chief Financial Officer provided the following, the figures provided are from our most recently audited financial statements as at 30 June 2022.

Cash funds received for Tranmere only - is \$274,313.74.

In the 2023/24 capital program there is top up funding for the Pindos Park project and the Public Open Space reserve is supporting this project to the sum of \$94,000.

Mr Victor Marsh of Bellerive asked the following question.

**NON-COMPLIANT KERBS ON BELLERIVE BLUFF**

At a Clarence City Council meeting on 25 July 2022 my wife, Joanne Marsh asked a question without notice about the 15 DDA non-compliant kerbs on Bellerive bluff. These kerbs pose a safety risk in particular for people in wheelchairs, people with disabilities, the elderly and parents with large prams.

My question is, can Council give an update on what progress has been made to rectify this issue?

**ANSWER**

The Chief Executive Officer took the question on notice.

**6. DEPUTATIONS BY MEMBERS OF THE PUBLIC**

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

**DEVELOPMENT APPLICATION PDPLANPMTD-2023/034336 – 300 PITTWATER ROAD, SEVEN MILE BEACH – GOLF COURSE CLUBHOUSE, AMENITIES BUILDINGS AND MAINTENANCE SHED (REFER ITEM 7.1)**

Ms Clare Hester addressed the meeting regarding the above development application.

Mr Matthew Goggin addressed the meeting regarding the above development application.

**DEVELOPMENT APPLICATION PDPLANPMTD-2023/034520 – 24 RICHMOND VALLEY ROAD, RICHMOND – CHANGE OF USE TO RESOURCE DEVELOPMENT (CHRISTMAS TREE FARM) (REFER ITEM 7.3)**

Ms Stephanie Hofto addressed the meeting regarding the above development application.

**DEVELOPMENT APPLICATION PDPLANPMTD-2023-034251 – 981 CAMBRIDGE ROAD, CAMBRIDGE (CT223817/1 AND CT166751/1) – 9 MULTIPLE DWELLINGS (1 EXISTING + 8 NEW) (REFER ITEM 7.2)**

Mr Sam Morse addressed the meeting regarding the above Development Application.



<b>7 PLANNING AUTHORITY MATTERS</b>
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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-2023/034336 – 300 PITTWATER ROAD, SEVEN MILE BEACH - GOLF COURSE CLUBHOUSE, AMENITIES BUILDINGS AND MAINTENANCE SHED****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Golf Course Clubhouse, Amenities Buildings and Maintenance Shed at 300 Pittwater Road, Seven Mile Beach.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Open Space and is subject to the Safeguarding of Airports Code (Airport noise exposure area and Airport obstacle limitation area) and Bushfire-prone Areas 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 19 July 2023.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 13 representations were received raising the following issues:

- Conflict with existing sand mining activity;
- Conflict with other existing uses, including racehorse training;
- Traffic impact; and
- Support for the proposal.

**RECOMMENDATION:**

A. That the Development Application for Golf Course Clubhouse, Amenities Buildings and Maintenance Shed at 300 Pittwater Road, Seven Mile Beach (CI Ref PDPLANPMTD-2023/034336) be approved subject to conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN S1 – SIGN CONSENT.
3. The Restaurant within the clubhouse is to remain subservient to approved use, any intensification will require separate approval from Council.

4. GEN AP2 – STAGING  
Stage 1 – Car parking, Clubhouse basement, lift, retail area, bar including its outdoor zone, kitchen area (partial) and cafe area.  
  
Stage 2 – Restaurant and outdoor seating area with observation deck and enlarged kitchen with storage areas.
5. Machinery involved in the construction of the development must be thoroughly cleaned in order to reduce the spread of weeds and fungi prior to entry/exit of the site.
6. GEN AM7 – OUTDOOR LIGHTING.
7. Prior to the commencement of works, a trail development plan, which addresses the trails affected by the golf course, must be submitted to Council and be to the satisfaction of Head of City Planning. The plan must provide for continued public access through the site by all trail users (horse riders, walkers, runners, and mountain bikers) providing public access to the beaches and adequate linkages between existing trails outside of the area occupied by the golf course. The plan must show the location of any new trails and any existing trails to be retained.
8. No additional works to be undertaken including changes in the topography of the site or the removal, destruction or lopping of trees other than in accordance with the approved plans, without further approval from Council. Adequate steps must be taken to prevent the damage and/or removal of any other vegetation during any works.
9. ENG A6 – GRAVELLED CAR PARKING.
10. ENG M1 – DESIGNS DA.  
After dot point two, insert dot point three “footpath to a minimum width of 1m and associated crossings to be provided within parking areas in accordance with the Parking and Sustainable transport code clause C2.6.5.”
11. ENG M5 – EROSION CONTROL.

**ADVICE**

- a. Aboriginal Heritage Tasmanian have advised that if at any time during works Aboriginal heritage is suspected, works must cease immediately, and contact be made with the AHT for advice. Attached to the Associated Report is an Unanticipated Discovery Plan, which you should have on hand during ground disturbing works, to aid you in meeting your requirements under the Act.

The fact sheets and the Unanticipated Discovery Plan should be provided to on-ground workers.

- b. Based on the information provided, the development is not likely to adversely affect TasNetworks' operations.
  - c. Advice from the Department of Natural Resources and Environment Tasmania is attached to the Associated Report.
- 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.

Cr James declared an Interest in this Item and left the meeting prior to discussion (7.35pm).

<b>Decision:</b>	<b>MOVED</b> Cr Goyne <b>SECONDED</b> Cr Kennedy “That the Recommendation be adopted”. <b>CARRIED UNANIMOUSLY</b>
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Cr James returned to the meeting at 7.41pm.

**7.2 DEVELOPMENT APPLICATION PDPLANPMTD-2023/034251 – 981 CAMBRIDGE ROAD, CAMBRIDGE (CT223817/1 AND CT166751/1) – 9 MULTIPLE DWELLINGS (1 EXISTING + 8 NEW)**

## **EXECUTIVE SUMMARY**

### **PURPOSE**

The purpose of this report is to consider the application made for nine multiple dwellings (one existing + eight new) at 981 Cambridge Road, Cambridge (CT223817/1 and CT166751/1).

### **RELATION TO PLANNING PROVISIONS**

The site is zoned General Residential and is subject to the Parking and Sustainable Transport Code, the Road and Railways Assets 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 expires on 19 July 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:

- Traffic congestion and vehicle and pedestrian safety;
- Headlight glare;
- Impact on school pedestrian crossing;
- Water pressure;
- Loss of privacy and overlooking;
- Vegetation loss;
- Incompatible density;
- Setbacks; and
- Bushfire risk.

### **RECOMMENDATION:**

A. That the Development Application for nine (1 existing + 8 new) multiple dwellings at 981 Cambridge Road (CT223817/1 and CT166751/1) (Cl Ref PDPLANPMTD-2023/034251) be refused because the proposal is contrary to the provisions of the Tasmanian Planning Scheme – Clarence for the following reasons.

1. The proposal does not comply with clause 8.4.1 P1(b) because the proposal does not provide for a significant social or community benefit.

2. The proposal does not comply with clause 8.4.2 P3(a)(iv) as the visual impacts caused by the overall apparent scale, bulk, and proportions of the proposal, would cause an unreasonable loss of amenity when viewed from adjoining dwellings. The proposed dwelling density would emphasise this.
  3. The proposal does not comply with clause 8.4.2 P3(b) as the separation between the proposed units and dwellings on adjoining properties is inconsistent with that existing on established properties in the area.
  4. The proposal does not comply with clause 8.4.4 P1 as the multiple dwellings have been designed and sited so as to cause an unreasonable loss of amenity by overshadowing the private open space, of another dwelling on the same site.
  5. The proposal does not comply with C2.6.5 P1(a)-(i) as it would not provide for safe and convenient pedestrian access.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

<b>Decision:</b>	<b>MOVED</b> Cr James <b>SECONDED</b> Cr Darko
	“That the Recommendation be adopted”.
	<b>CARRIED UNANIMOUSLY</b>

**7.3 DEVELOPMENT APPLICATION PDPLANPMTD-2023/034520 – 24 RICHMOND VALLEY ROAD, RICHMOND – CHANGE OF USE TO RESOURCE DEVELOPMENT (CHRISTMAS TREE FARM)****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Christmas Tree Farm (Resource Processing) at 24 Richmond Valley Road, Richmond.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Rural Living and subject to the Signs Code, the Car Parking and Sustainable Transport Code, the Road and Railway Assets Code, the Flood-Prone Areas Hazard Code, the Bushfire-Prone Areas 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 expires on 19 July 2023 with the consent of the applicant.

**CONSULTATION**

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

- Proposed new access on Walworth Road;
- Traffic generation and congestion along Walworth Road;
- Incompatible with quiet rural living character of the area;
- Fire safety; and
- Use classification.

**RECOMMENDATION:**

A. That the Development Application for Change of Use to resource development (Christmas tree farm) at 24 Richmond Valley Road, Richmond (Cl Ref PDPLANPMTD-2023/034520) be approved subject to the following conditions and advice:

1. GEN AP1 – ENDORSED PLANS.
2. NON-STANDARD CONDITION – 1 Portable signs are to be removed outside of business operating hours.

Business operating hours are 10am – 4pm Saturday and Sunday, for four consecutive weekends, beginning the final weekend of November each year.

3.     **ENG A1 – NEW CROSSOVER.**  
Replace “Each lot” with “The new access from Walworth Road.”  
Replace “3.0m” with “3.6m.” Replace “[TSD-R09 (Urban) or TSD-R03 (Rural)] (copy available from Council).” with “TSD-R03 (Rural) (copy available from [www.lgat.tas.gov.au](http://www.lgat.tas.gov.au)).” After “[www.lgat.tas.gov.au](http://www.lgat.tas.gov.au)” add “A works in Road Reservation Permit must be obtained prior to the commencement of works.” After “concrete” add “All works related to this access must be completed prior to the commencement of use. This access is only to be used during the business access and to be closed off all other times.”
4.     **ANG A6 – GRAVELLED CAR PARKING.**  
Replace “Driveways, parking areas and other areas accessible to vehicles” with “The internal parking areas and other areas accessible to vehicles.” Delete “Details of the construction must be submitted to and approved by Council’s Group Manager Asset Management prior to the commencement of any works. ”

**ADVICE**

- a.     This Permit will lapse after two years from the date on which it is granted unless the development/use has been substantially commenced. Upon request, under Section 53(5A) of the Land Use Planning and Approvals Act 1993, Council may grant an extension of time for a further two years. A further two years may be granted upon request under Section 53(5B) of the Land Use Planning and Approvals Act 1993. Any such requests must be made in writing and within six months of the day on which the permit has lapsed.
- b.     This is a town planning permit only. Please be aware that a building permit and/or a plumbing certificate of likely compliance or plumbing permit may be required before the development can proceed. It is recommended that you contact Council’s Building Department on (03) 6217 9580 to discuss the requirement for any additional permits or certification.
- c.     Non-compliance with this permit is an offence under Section 63 of the Land Use Planning and Approvals Act 1993 and may result in enforcement action under Division 4A of the Land Use Planning and Approvals Act 1993 which provides for substantial fines and daily penalties.



- d. Seek advice from a Building Surveyor in relation to the proposal which may increase the bushfire attack level which may potentially impact the existing dwelling on the allotment.
- 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.

<p><b>Decision:</b>                      <b>MOVED</b> Cr Goyne <b>SECONDED</b> Cr Mulder</p> <p>   “That the Recommendation be adopted”.</p> <p style="text-align: right;"><b>CARRIED UNANIMOUSLY</b></p>
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Council now concludes its deliberations as a Planning Authority under the Land Use Planning and Approvals Act, 1993.

<b>8.     REPORTS OF OFFICERS</b>
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<b>8.1    DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS</b>
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Nil Items.

## **8.2 ASSET MANAGEMENT**

Nil Items.

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

**8.4 GOVERNANCE****8.4.1 LAUDERDALE YACHT CLUB – LEASE OF PUBLIC LAND (EXTENSION OF LEASED AREA)****EXECUTIVE SUMMARY****PURPOSE**

To consider leasing an additional 115m<sup>2</sup> of public land to the Lauderdale Yacht Club in accordance with the *Local Government Act 1993* (Tas).

**RELATION TO EXISTING POLICY/PLANS**

Council's Leased Facilities Pricing and Term of Lease Policy, Recreation Needs Analysis 2019, Strategic Plan 2022 and Active Living Strategy 2022 are relevant.

**LEGISLATIVE REQUIREMENTS**

Section 178 of the *Local Government Act 1993* is applicable.

**CONSULTATION**

Consultation has occurred between Council officers and representatives of the Club. Public consultation will take place in accordance with the requirements of section 178 of the *Local Government Act 1993* if the recommendations are adopted.

**FINANCIAL IMPLICATIONS**

Any costs associated with consultation and implementation will be borne by Council and will be accommodated within existing approved budgets.

**RECOMMENDATION:**

That Council:

- A. In accordance with section 178 of the *Local Government Act 1993*, gives notice of its intention to dispose of public land by lease to the Lauderdale Yacht Club of an area of 115m<sup>2</sup> of public land immediately adjacent to the lower north-western boundary of the existing leased area at 5 Kirra Road, Roches Beach, as shown on the plan forming Attachment 1 to the Associated Report;
- B. Authorise the Chief Executive Officer to take all actions necessary to complete public notification of Council's intent to dispose the Land by lease in accordance with section 178 of the Act;
- C. If no objections to the proposed disposal of the public land are received within the statutory notification period, authorise the Chief Executive Officer to amend the terms of the existing lease to the Lauderdale Yacht Club to incorporate the additional leased area, in accordance with Council's Leased Facilities Pricing and Term of Lease Policy; or

- D. In the alternative to recommendation C, above, require a further report to Council to consider the proposed disposal if any objections are received during the statutory notification period.

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

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**8.4.2 SEVEN MILE BEACH LOCAL AREA PLAN REQUEST TO CONSULT****EXECUTIVE SUMMARY****PURPOSE**

To approve the second stage of community consultation for the Seven Mile Beach Local Area Plan. This community consultation will include the first stage of community consultation for the Seven Mile Beach Stormwater Management Plan and the first stage of community consultation for the Seven Mile Beach Tree Strategy.

**RELATION TO EXISTING POLICY/PLANS**

Council's Strategic Plan 2021-2031 is relevant.

**LEGISLATIVE REQUIREMENTS**

Nil.

**CONSULTATION**

Consultation was undertaken by Niche Planning Studio to inform the preparation of the Seven Mile Beach Local Area Plan for sustainable growth and management of the coastal environment. Since that time, there has been an expansion in focus for the project based on the findings of technical reports and the outcomes of the initial community consultation. The Plan focus shifted from sustainable growth to Placemaking and Public realm outcomes, while maintaining the focus on the coastal environment.

The second stage of consultation is to inform the community of what we have heard from the initial consultation, to highlight the expansion of focus and to introduce the need for the separate and specific Stormwater Management Plan and Tree Strategy. The inclusion of the initial consultation for the Stormwater Management Plan and Seven Mile Beach Tree Strategy is designed to be a cohesive integrated approach for the community to meaningfully contribute to shaping the future of the Seven Mile Beach local area.

**FINANCIAL IMPLICATIONS**

An amount of \$20,000 was set by Council in the 2023-24 budget for a consultancy to undertake the next stage of consultation and complete the Seven Mile Beach Local Area Plan. The Stormwater Management Plan has \$95,000 funds adopted by Council and Seven Mile Beach Tree Strategy \$25,000 from separate budgeted allocations set aside for each project.

**RECOMMENDATION:**

That Council approves the next stage of community consultation of the Seven Mile Beach Local Area Plan, including integration of the initial consultation for the Seven Mile Beach Stormwater Management study and the Seven Mile Beach Tree Strategy into the community consultation.

**SEVEN MILE BEACH LOCAL AREA PLAN REQUEST TO CONSULT /contd...**

<b>Decision:</b>	<b>MOVED</b> Cr Kennedy <b>SECONDED</b> Cr Ritchie  “That the Recommendation be adopted”.  <b>CARRIED UNANIMOUSLY</b>
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### 8.4.3 REQUEST TO PARTICIPATE IN SIGNIFICANT PROFESSIONAL DEVELOPMENT TRAINING

#### EXECUTIVE SUMMARY

##### PURPOSE

The purpose of this report is to consider a request from Councillor Bree Hunter to participate in an Australian Institute of Company Directors' Course in September 2023.

##### RELATION TO EXISTING POLICY/PLANS

Council's adopted Councillor Allowances and Expenses Policy 2023 recognises the importance of professional development and an appropriate level of understanding of the broader responsibilities for the role of councillor. Requests for participation in significant professional development training require referral to Council for determination.

##### LEGISLATIVE REQUIREMENTS

Not applicable.

##### CONSULTATION

Not applicable.

##### FINANCIAL IMPLICATIONS

Council's adopted Councillor Allowances and Expenses Policy 2023 provides up to \$12,500 per annum for elected member participation in significant professional development training. This is in addition to the \$6,500 allocation made to each councillor over their four-year term on council. While a councillor may submit a request at any time to participate in such training, Council will consider the total remaining budget in determining approval to attend.

#### RECOMMENDATION:

That Council approves Councillor Hunter's request to attend an Australian Institute of Company Directors' course in September 2023, in accordance with the Councillor Allowances and Expenses Policy 2023.

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

"That the Recommendation be adopted".

**CARRIED**

##### FOR

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

##### AGAINST

Cr James (abstained)

**8.4.4 DRAFT TASMANIAN PLANNING POLICIES - SUBMISSION TO TASMANIAN PLANNING COMMISSION****EXECUTIVE SUMMARY****PURPOSE**

To note Council's submission made to the draft Tasmanian Planning Policies on 23 June 2023.

**RELATION TO EXISTING POLICY/PLANS**

Council's Strategic Plan 2021-2031 is relevant.

**LEGISLATIVE REQUIREMENTS**

The *Land Use Planning and Approvals Act 1993* is relevant.

**CONSULTATION**

The draft Tasmanian Planning Policies (TPPs) were advertised by the State Planning Office from 19 September 2022 to 1 November 2022. Clarence made a brief submission to that consultation process.

The TPPs are now being considered by the Tasmanian Planning Commission (TPC) in accordance with the required process under the *Land Use Planning and Approvals Act 1993* (LUPAA). The TPC's consultation process closed on 26 June 2023.

**FINANCIAL IMPLICATIONS**

Nil.

**RECOMMENDATION:**

That Council:

- A. Notes the letter from the Chief Executive Officer included as Attachment 1 to the Associated Report.
- B. Endorses the letter as Council's formal submission to the Tasmanian Planning Commission in relation to the draft Tasmanian Planning Policies.

**Decision:** **MOVED** Cr James **SECONDED** Cr Chong

"That the Recommendation be adopted".

**CARRIED UNANIMOUSLY**

**9. MOTIONS ON NOTICE**

**9.1 NOTICE OF MOTION - COUNCILLOR MULDER  
VOICE REFERENDUM**

In accordance with Notice given, Cr Mulder intended to move the following motion:

- “A. That Council notes the Uluru Statement from the Heart.
- B. That Councillors support the establishment of a ‘Voice to Parliament’ as proposed in the National Referendum”.

With the Leave of the meeting Cr Mulder **withdrew** his motion.

**9.2 NOTICE OF MOTION - COUNCILLOR WARREN  
VOICE REFERENDUM**

In accordance with Notice given, Cr Warren intended to move the following motion:

“That Council:

- A. Notes that it has previously supported development of a Reflect Reconciliation Action Plan, which is now substantially progressed;
- B. Provides its support for the Uluru Statement from the Heart and the principles for reform and recognition contained within the Statement, acknowledging past injustices and the need for a better future;
- C. Encourages the Clarence community to engage thoughtfully and respectfully as they educate themselves and others about this important opportunity the Referendum presents.”

With the Leave of the meeting Cr Warren **withdrew** her motion.

**9.3 URGENT ITEM – MOTION – COUNCILLOR RITCHIE  
REVIEW OF 42 DAY DEVELOPMENT APPLICATION TIMEFRAME**

**Decision:** **MOVED** Cr Ritchie **SECONDED** Cr Goyne

“That Council:

- (A) Notes that the Kirra Road, Roches Beach Development Application was approved by officer delegation in accordance with the requirements of the Land Use and Planning Approvals Act 1993 (LUPAA) and Council delegation in relation to the 42-day statutory timeframe (42-day rule).
- (B) Recognises that some Councillors are of the view that, had the application been assessed by the Council sitting as the Planning Authority, an alternative recommendation would most likely have been moved and debated.
- (C) Authorises the Chief Executive Officer to urgently convene a Council workshop to discuss a proposed Notice of Motion to the request the support of the Local Government Association of Tasmania (LGAT) and other Councils for legislative change to address the structural issues surrounding assessment and delegation in accordance with the 42-day rule.”

The Mayor advised the meeting that the Motion would be dealt with ad seriatim.

Part A of the Motion was **put** and **CARRIED UNANIMOUSLY**

Part B of the Motion was **put** and **CARRIED UNANIMOUSLY**

Part C of the Motion was **put** and **CARRIED UNANIMOUSLY**

**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).

Cr Hulme has given notice of the following questions:

**1. ROKEBY STAGE 3 CORRIDOR PLAN**

Has the Tasmanian Government provided Council with any expected timeframes for work on South Arm Road between Pass Road and Acton Road (the “Rokeby Stage 3 Corridor Plan”) including upgrading the intersection between South Arm Road and Acton Road?

**2. WORKPLACE HEALTH & SAFETY REVIEW**

- a. Has Council accepted the recommendations of Edge Legal’s Workplace Health & Safety Review prepared for the Local Government Association of Tasmania?
- b. If not, which recommendations are not accepted and why?
- c. What progress has been made towards implementing the recommendations Council has accepted?
- d. What else is Council doing to avoid or minimise psychosocial risks to elected representatives, staff, volunteers, contractors and members of the public in Council workplaces, including (but not limited to) bullying, harassment, discrimination and violence?

**10.2 ANSWERS TO QUESTIONS ON NOTICE**

Council’s Head of Infrastructure & Natural Assets provided the following Answer to Cr Hulme’s Question listed at Item 10.1.

**1. ROKEBY STAGE 3 CORRIDOR PLAN**

We understand the Department of State Growth are underway with planning work for the Rokeby Road upgrade and will in the coming month(s) be undertaking some consultation.

It is understood their initial estimates are for construction to be underway in 2026.

The Department will be informing councillors in due course on the project.

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

Council's Chief Executive Officer provided the following Answer to Cr Hulme's Question listed at Item 10.1.

**2. WORKPLACE HEALTH & SAFETY REVIEW**

In late 2012, Council engaged Edge Legal to conduct a WHS review in relation to our own workplace. This was separate to the investigation and report commissioned by LGAT, which came after our report was completed.

At its meeting of 21 March 2022, Council noted the recommendations of the Executive Summary of the confidential and legally privileged Clarence Elected Members Workplace Environment Review report and referred the recommendations to a Council workshop for further consideration.

Council, at its meeting on 25 July 2022 adopted a Statement of Expectations and Issues Resolution Procedure as complementary documents to support the Clarence Code of Conduct.

The Clarence Elected Members Workplace Environment Review report was undertaken to investigate and understand the range of issues influencing and affecting elected members and executive staff. The report included a draft Statement of Expectations and a draft Councillor Resolving Disputes Policy to form the basis of further discussion aimed at addressing the issues identified in the report.

The Statement of Expectations outlines the behaviours expected of elected members towards each other, other Council employees and community members while performing the functions and exercising their statutory responsibilities with the Council and provides additional guidance in regard to conduct and behaviours that may reasonably be considered inappropriate conduct or unreasonable behaviour.

The purpose of the Issues Resolution Procedure is to promote informal resolution of disputes between councillors at an early stage, as encouraged under the Code of Conduct framework. The procedure also provides evidence, as required under the Act, of efforts by a complainant to resolve their complaint prior to seeking formal resolution.

While elected members are not "workers" within the meaning of the *Work Health and Safety Act 2012*, they are "other persons at the workplace" and hence must take reasonable care for their own health and safety; take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons; and comply, so far as they are reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person conducting the business or undertaking to comply with this Act. The Statement of Expectations and Issues Resolution Procedure are intended to assist to meet requirements of the Work Health and Safety Act.

The Elected Members Workplace Environment Review identified some areas for improvement and included recommendations to address those areas. The aim of the Statement of Expectations and Issues Resolution Procedure is to support continued development of a culture where inappropriate conduct and unreasonable behaviour is not tolerated and provides an environment which builds trust and confidence.

**10.3 ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING**

Cr Goyne

What point are we at with the Cat Management Act, with the possibility of enforcing management policies as we do with our Dog Management Policy as far as fining owners of wandering cats in line with the new 2023 Cat Management Policy guidelines?

**ANSWER**

Taken on notice

(Further information) The Southern Tasmanian Cat Management Strategy will be presented to a workshop in late 2023 by Dr Sara Beloush, the Southern Tasmanian Cat Coordinator. Adoption of this strategy will pave the way for the development of a Council Cat Policy. A Cat Policy Working Group has been identified for this Policy.

Cr James

1. Has a date been established for Council to pay the 2.44 million dollars to Chambroad in accordance with the sale and development agreement?

**ANSWER**

(Chief Executive Officer) We are still involved in a dispute resolution process which has progressed to mediation, so at this point in time I cannot give a firm timeline.

2. When will Council receive payment for the sale of the blocks in respect to the boulevard development at Kangaroo Bay?

**ANSWER**

(Chief Executive Officer) I cannot give you a definitive date, we need to finalise issues related to the sale agreement for that site which are also tied to some revisions on the development application at the present time.

Cr Hulme

I asked a question last meeting about the unallocated or unspent developer car parking contributions in relation to car parking. We have recently had some information circulated on headworks charges, some of those go back to 2009. I believe and I wonder whether we would also be able to have a workshop to look at what is holding up some of those contributions being spent, particularly those that were provided a long time ago?

**ANSWER**

(Mayor) Part of the City Heart process would involve car parking in the city heart area.

(Chief Executive Officer) We can certainly have a workshop discussion if that is the will of Council to do that but given that we have had a number of bites at answering this question I might ask that we get the totality of the issue and the question on paper so that we can then respond to it fully and completely rather than taking it a bite at a time and then at end of that process if there is a need for a workshop session we can certainly do that.



(Further information) Advice will be provided to councillors outlining the principles, practices and reasons underpinning Council's management and utilisation of developer contributions. Should councillors wish to then hold a workshop to discuss the issue, that will be scheduled.

Cr Mulder

I refer to the Howrah Beach shoreline track and the continuing problems with canine faeces in what is supposed to be an on-lead area. What on lead enforcement is occurring in this area and will Council consider some of the more innovative signage to ensure that people that are running on this track:

- a. keep their dogs on a lead; and
- b. clean up after their dogs?

#### ANSWER

Taken on Notice.

(Further information) Wentworth Park is patrolled daily as part of a ranger's normal patrols, with patrols increasing following a complaint of poor dog behaviour in the park.

During the warmer months patrols are conducted several times per day, as rangers are also checking Bellerive and Howrah Beaches. So far this year, we have received three emailed requests regarding dog faeces being left uncollected, one related to Rosny and the other two being in the Lauderdale/Roches Beach area.

We have also received three phone calls regarding dog faeces being left on the Clarence Foreshore Trail. Following these concerns, and in line with our procedure, we have increased patrol frequency in this area.

Rangers are collaborating with the Communications Team to develop responsible dog messaging stickers to be installed on the dog waste bins and along high use pathways. It is planned for these messages to include QR codes referring to Council's website and providing details on any regulations, leash requirements as well as reminders to clean up after your dog.

## 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 T1489-23 ALMA STREET BELLERIVE CHILDREN'S SERVICES BUILDING AND PLAYGROUND UPGRADE

11.3 TENDER T1464-22 PINDOS PARK, CONSTRUCTION OF PLAYGROUND AND LANDSCAPE WORKS

11.4 CONTRACTUAL MATTER

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

- contracts and tenders for the supply of goods and services;
- matters relating to actual or possible litigation involving the council; and
- applications by Councillors for a Leave of Absence.

**The content of reports and details of the Council decisions in respect to items listed in “Closed Meeting” are to be kept “confidential” and are not to be communicated, reproduced or published unless authorised by the Council.**

**Decision:**

**PROCEDURAL MOTION**

**MOVED** Cr Chong **SECONDED** Cr Warren

“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 9.19pm.

**CLOSED MEETING /contd...**

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

**11.2 TENDER T1489-23 ALMA STREET BELLERIVE CHILDREN'S SERVICES BUILDING AND PLAYGROUND UPGRADE**

<b>Decision:</b>	<b>MOVED</b> Cr Chong <b>SECONDED</b> Cr Warren
	<p>“A. That the tender received from Macquarie Builders Pty Ltd for the amount of \$2,331,363.00 excluding GST, be accepted for the Alma Street Bellerive Children's Services Building and Playground Upgrade.</p> <p>B. That funding for the tender and other project costs be provided from:</p> <ul style="list-style-type: none"> <li>• Funds from 2022/2023 Clarence Children's Services reserves \$1,237,012</li> <li>• Council contribution from the adopted 2023/2024 Capital Program \$1,250,000</li> <li>• Children's Services contribution from the adopted 2023/24 Capital Program (provided by an internal loan from council) \$ 182,014</li> </ul> <p>C. That the Chief Executive Officer negotiate and finalise the terms of the internal loan with the Manager of Clarence Children's Services prior to commencement of the construction program.</p> <p>D. That Mr Nigel Vivien, of Sugden and Gee Consulting Pty Ltd be engaged by Council in the dual roles of project manager and Superintendent's Representative in the estimated amount of \$76,000 ex GST.</p> <p>E. That Mr Michael Carlotto of the entity 1 plus 2 Architecture Pty Ltd be engaged by Council in the role of external designer for this project in the estimated amount of \$24,000 ex GST.</p>

/ Decision contd on Page 43...

**TENDER T1489-23 ALMA STREET BELLERIVE CHILDREN'S SERVICES  
BUILDING AND PLAYGROUND UPGRADE /Decision contd...**

- F. 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 T1464-22 PINDOS PARK, CONSTRUCTION OF PLAYGROUND AND LANDSCAPE WORKS

**Decision:**
**MOVED** Cr Mulder **SECONDED** Cr Kennedy

- “A. That the tender received from David Hawkes trading as Botanic Resources for the amount of \$1,038,232 excluding GST, be accepted for the Pindos Park Construction of Playground and Landscape Works.
- B. That Council reallocates funds from 2023/2024 Estimates to the Pindos Park, Construction of Playground and Landscape Works:
- Beltana Park Master Plan Stage 1 implementation \$114,561
  - Natone Park \$ 56,200
  - Blossom Park \$224,239
- Total: \$395,000**
- 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**