

MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 3 FEBRUARY 2020
--

HOURL CALLED: 7.00pm

PRESENT: The meeting commenced at 7.01pm with the Mayor (Ald D C Chipman) in the Chair and with Aldermen:

B A Blomeley
H Chong
L Edmunds
D Ewington
R H James
W Kennedy
T Mulder
J Peers
S von Bertouch
J Walker
B Warren; present.

1. APOLOGIES Nil

ORDER OF BUSINESS Items 1 – 13

IN ATTENDANCE

General Manager
(Mr I Nelson)

Chief Financial Officer
(Ms M Coleman)

Group Manager Engineering Services
(Mr R Graham)

Manager Health and Community Development
(Mr J Toohey)

Manager City Planning
(Mr R Lovell)

Manager Communication and Strategic Development
(Mr A Saddler)

Executive Officer to the General Manager
(Ms J Ellis)

The Meeting closed at 8.56pm.

Prior to the commencement of the meeting, the Mayor made the following declaration:

“I acknowledge the Tasmanian Aboriginal Community as the traditional custodians of the land on which we meet today, and pay respect to elders, past and present”.

The Mayor also to advise the Meeting and members of the public that Council Meetings, not including Closed Meeting, are audio-visually recorded and published to Council’s website.

COUNCIL MEETING
MONDAY 3 FEBRUARY 2020

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1. APOLOGIES

Refer cover page

2. CONFIRMATION OF MINUTES

(File No. 10/03/01)

RECOMMENDATION:

That the Minutes of the Council Meeting held on 13 January 2020 and the Special Council (Planning Authority) Meeting held on 22 January 2020, as circulated, be taken as read and confirmed.

Decision: **MOVED** Ald Peers **SECONDED** Ald Chong

“That the Minutes of the Council Meeting held on 13 January 2020 and the Special Council (Planning Authority) Meeting held on 22 January 2020, as circulated, be taken as read and confirmed”.

CARRIED UNANIMOUSLY

3. MAYOR'S COMMUNICATION

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

- 16 January Tas Audit Stakeholder Meeting
- 17 January Opening of Affordable Units in Glenorchy
- 22 January VIP Launch of the Clarence Jazz Festival
- 24 January Australia Day Event Briefing
- 26 January Australia Day Celebrations
- 2 February World Wetlands Day

4. COUNCIL WORKSHOPS

In addition to the Aldermen's Meeting Briefing (workshop) conducted on Friday immediately preceding the Council Meeting the following workshops were conducted by Council since its last ordinary Council Meeting:

PURPOSE	DATE
Presentation – Shopping Centre Development Strategic Plan Consultation Process Budget Process	20 January
Presentation Rokeby Stage 3 Planning Study and the South East Traffic Solution City Heart Projects MOU on Waste - Southern Tasmanian Councils Foreshore Trail Cleve Court Budget Process	28 January

RECOMMENDATION:

That Council notes the workshops conducted.

Decision: **MOVED:** Ald Edmunds **SECONDED:** Ald Ewington

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

5. DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE (File No)

In accordance with Regulation 8 of the Local Government (Meeting Procedures) Regulations 2015 and Council's adopted Code of Conduct, the Mayor requests Aldermen 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.

6. TABLING OF PETITIONS

(File No. 10/03/12)

(Note: Petitions received by Aldermen are to be forwarded to the General Manager within seven days after receiving the petition).

Petitions are not to be tabled if they do not comply with Section 57(2) of the Local Government Act, or are defamatory, or the proposed actions are unlawful.

Nil

7. 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 an Alderman 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.

7.1 PUBLIC QUESTIONS ON NOTICE

(Seven days before an ordinary Meeting, a member of the public may give written notice to the General Manager 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 D Griggs of Risdon Vale has given notice of the following question:

COUNCIL WATER CONSUMPTION

Will Council reduce its own water consumption in all its operations, can a review be done as to how this can happen? Also can this be publicly announced?

Mr T Chick of Mornington has given notice of the following questions

1. ALTERNATIVE VENUES FOR COUNCIL MEETINGS

Has Council considered alternative locations to hold meetings where attendance is expected to overflow, and if not, why?

2. NEW COUNCIL PREMISES

I am aware that Council has been considering constructing and moving to new chambers for some time, as it is painfully obvious the existing chambers are inadequate. Is there any meaningful timeframe Council can offer as to when this can feasibly occur?

7.2 ANSWERS TO QUESTIONS ON NOTICE

The General Manager provided the following answers to Questions on Notice submitted by members of the public.

MR GRIGGS - COUNCIL WATER CONSUMPTION**ANSWER:**

Clarence Council uses water to manage ovals, parks, providing facilities such as public toilets and halls for the community and undertaking civil construction. The water used is the minimum required to maintain our level of service to the community. As with other utilities we manage our water use continually and comply with TasWater restrictions, unless an exemption has been deemed necessary and approved.

MR CHICK**1. ALTERNATIVE VENUES FOR COUNCIL MEETINGS****ANSWER:**

In accordance with the Local Government (Meeting Procedures) Regulations, meeting times and locations are advertised in advance once per year. The introduction of an alternative location where a large attendance is expected has the potential to cause significant confusion. Council has, within the limitations of the current building, sought to accommodate large meetings on the basis that the infrastructure used for each meeting is not required to be duplicated elsewhere. Any future change of location will be a matter for Council to consider.

2. NEW COUNCIL PREMISES**ANSWER:**

This Council, as part of its strategic plan review, has identified the need for new chambers as a priority. The initial process to realise a new council chambers building will focus on the location, features and requirements for a new facility, and involve community consultation. It is expected that a new council building will take three to five years to realise.

7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

The General Manager provides the following answers to Questions taken on Notice from members of the public at previous Council Meetings.

BELLERIVE OVAL CONSOLIDATION OF PERMITS

At Council's Meeting of 13 January 2020 Mrs Marsh of Bellerive asked the following question

Permit Condition 36 for Bellerive Oval consolidation of permits 2019 stated that external facing signs are not to be displayed without separate approval. Has approval been granted for the external facing signs in Derwent and Church Street, if so, what is the reason for approving them?

ANSWER

The General Manager advised that approval for those signs was granted prior to Christmas and approval was granted because he thought it was reasonable to do so in the circumstances of the events coming up.

Council officers will write to Mrs Marsh clarifying the basis upon which the signage approval was given in accordance with the recent development permit.

7.4 QUESTIONS WITHOUT NOTICE

The Chairperson may invite members of the public present to ask questions without notice.

Questions are to relate to the activities of the Council. Questions without notice will be dependent on available time at the meeting.

Council Policy provides that the Chairperson may refuse to allow a question on notice to be listed or refuse to respond to a question put at a meeting without notice that relates to any item listed on the agenda for the Council meeting (note: this ground for refusal is in order to avoid any procedural fairness concerns arising in respect to any matter to be determined on the Council Meeting Agenda).

When dealing with Questions without Notice that require research and a more detailed response the Chairman may require that the question be put on notice and in writing. Wherever possible, answers will be provided at the next ordinary Council Meeting.

Mr T Chick of Mornington asked the following question

AUDIO ISSUES

Prior to the Special Council Meeting those of us in the overflow room were informed by the General Manager that he was only aware of the issues of that room audio and visual 15 minutes before the meeting was due to begin. I was disappointed to hear the General Manager say that it had been working the last time it was needed. Why were the systems not tested in advance of the meeting specifically the day of?

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

The system had been working the last time we used it. In the intervening period there had been work done to the system within this Chamber and unbeknownst to me, and staff, the speakers in the overflow room had been disconnected to do that work. We had not tested those speakers, we assumed they were working. Since that time we have implemented a checking system that involves staff checking on the Friday afternoon that the system in full is working, signing off on that and providing it to me before the close of business on Friday. The new checking system is designed to allow us, should we find a problem, a full working day in which to organise any work that needs to be done.

Mrs J Marsh of Bellerive asked the following question

COMMUNITY ENGAGEMENT POLICY

In my feedback about the draft community engagement policy in late 2019 I suggested that a group of community members be included in the “Under Review” step in the review process. I also volunteered to be involved. I have been a classroom teacher in the City of Clarence for 40 years. The most important part of my work was engaging with students, parents and colleagues to build a strong, purposeful learning community. My question is does the current review process for the draft community engagement policy allow for a group of community members to participate? If not how can this be urgently rectified to allow for this important change to be implemented for the current policy review?

ANSWER

The current draft policy does not include a community engagement group as a standing arrangement and there is flexibility built into the policy in terms of the sort of consultation we can undertake depending on the circumstances that we might be dealing with at the time. So, there is not a proposal to have a selected group of people involved with the community consultation process at this point.

8. DEPUTATIONS BY MEMBERS OF THE PUBLIC

(File No 10/03/04)

(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)

PETITION – CLEVE COURT FORESHORE TRACK

(REFER ITEM 11.5.2)

Mr Marcel Kasteel of Howrah addressed the Meeting regarding the above

9. MOTIONS ON NOTICE

Nil

10. 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.

10.1 REPORTS FROM SINGLE AND JOINT AUTHORITIES

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

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

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

Representatives: Ald James Walker

(Ald Luke Edmunds, Deputy Representative)

Quarterly Reports

September and December Quarterly Reports pending

Representative Reporting

- **TASWATER CORPORATION**

The Mayor tabled the Quarterly Report to Owners' Representatives to 31 December 2019.

- **GREATER HOBART COMMITTEE**

10.2 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES

Nil.

11. REPORTS OF OFFICERS**11.1 WEEKLY BRIEFING REPORTS**

(File No 10/02/02)

The Weekly Briefing Reports of 13, 20 and 27 January 2020 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 13, 20 and 27 January 2020 be noted.

Decision: **MOVED** Ald Blomeley **SECONDED** Ald Kennedy

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

Nil.

11.3 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:

**11.3.1 DEVELOPMENT APPLICATION PDPLANPMTD-2019/003802 – 80
BURTONIA STREET, ROKEBY - 48 LOT SUBDIVISION**
(File No)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 48 Lot Subdivision at 80 Burtonia Street, Rokeby.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential land subject to the Parking and Access, Stormwater Management Codes under the Clarence Interim Planning Scheme 2015 (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.

Note: References to provisions of the Land Use Planning and Approvals Act 1993 (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The commencement day was 17 December 2015.

Council is required to exercise a discretion within the statutory 42 day period which expires on 5 February 2020.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 2 representations were received raising the following issues:

- Closure of underground crossing;
- Lack of public consultation when land rezoned;
- Inappropriate use former public land;
- Loss of public open space;
- Shared path too narrow; and
- Footpath only one side of proposed road;

RECOMMENDATION:

A. That the Development Application for 48 Lot Subdivision at 80 Burtonia Street, Rokeby (Cl Ref PDPLANPMTD-2019/003802) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. AMENDED PLANS – [the multi-user path increased to a minimum

width of 3m along Tollard Drive and Lot 38 shown as a drainage reserve]

3. ENG A1 – NEW CROSSOVER
4. ENG M2 – DESIGNS SD include additional dot point ‘Burtonia Street upgrades including children crossing’
5. ENG R1 – ROAD NAMES
6. ENG R5 – ROAD EXTENSION
7. ENG 10 – UNDERGROUND SERVICES
8. ENG R2- URBAN ROAD
9. ENG S4 – STORMWATER CONNECTION
10. ENG S1 – INFRASTRUCTURE REPAIR
11. All stormwater for the development must be designed and constructed to include Water Sensitive Urban Design principles to achieve stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010 and consistent with the Stormwater System Management Plan for the relevant catchment. Detailed engineering designs accompanied with a report on all stormwater design parameters and assumptions (or the MUSIC model) must be submitted to Council for approval by the relevant / delegated officer for approval prior to the issue of the approved engineering drawings. This report is to include the maintenance management regime / replacement requirements for any treatment facilities.
12. ENG M7 – WEED MANAGEMENT
13. GEN POS 4 – POS CONTRIBUTION [5%] [1-48]
14. PROP 3 – TRANSFER include after “to be acquired by the Highway Authority”, “drainage reserve”.
15. To prevent unauthorised vehicular access to the drainage reserve (Lot 38), the perimeter of the lot must be provided with appropriate vehicular access deterrents (fences or bollards). The access point must be obstructed with 100mm (min) diameter posts set 1.2m (max) apart. Two posts must be removable but capable of being locked in position. The design of vehicular deterrents must be approved by Council’s Group Manager Engineering Services prior to installation.
16. ENG M8 – EASEMENTS
17. The development must meet all required Conditions of Approval

specified by TasWater notice, dated 13 December 2019 (TWDA - PDPLANPMTD-2019/003802).

- 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:** Ald Walker **SECONDED:** Ald Ewington

“That the Recommendation be adopted”

CARRIED UNANIMOUSLY

**11.3.2 DEVELOPMENT APPLICATION PDPLANPMTD-2019/004774 – 1
MONIQUE STREET, HOWRAH - 1 LOT SUBDIVISION**

File No

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the application made for a 1 Lot Subdivision at 1 Monique Street, Howrah.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Landslide Hazard Area (Medium), Bushfire Prone Area, Natural Assets (High), Landslide Hazard Area (Low), Stormwater Management and Parking & Access Codes under the Clarence Interim Planning Scheme 2015 (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.

Note: References to provisions of the Land Use Planning and Approvals Act 1993 (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The commencement day was 17 December 2015.

Council is required to exercise a discretion within the statutory 42 day period which expires on 5 February 2020.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 2 representations were received raising the following issues:

- Boundary adjustment impacts; and
- Environmental values.

RECOMMENDATION:

- A. That the Development Application for 1 Lot Subdivision at 1 Monique Street, Howrah (CI Ref PDPLANPMTD-2019/004774) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN F5 – PART 5 AGREEMENT [Lot 2 may not be the subject of residential development].

3. ENG M2 – DESIGNS SD, delete ‘road design (including line marking)’, ‘road stormwater drainage’.
 4. ENG M8 – EASEMENTS
 5. ENG S1 – INFRASTRUCTURE REPAIR
 6. ENG S4 – STORMWATER CONNECTION
 7. All lots with combined right-of-way accesses must be provided with a 3.6m wide (minimum) sealed access from the road carriageway for the distance that the access will be used for both lots. A 4.0m wide (minimum) gravel access way must be constructed over the remaining length of the right-of-way.
 8. The development must meet all required Conditions of Approval specified by TasWater notice, dated 20/12/19 (TWDA 2019/01595-CCC).
- B. That the details and conclusions included in the associated report be recorded as the reasons for Council’s decision in respect of this matter.

Decision: **MOVED:** Ald Ewington **SECONDED:** Ald Mulder

“That the Recommendation be adopted”

CARRIED UNANIMOUSLY

11.3.3 DEVELOPMENT APPLICATION PDPLANPMTD-2019/001355 – 14 TIANNA ROAD, LINDISFARNE - 2 MULTIPLE DWELLINGS (1 EXISTING + 1 NEW)
File No**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 2 Multiple Dwellings (1 existing + 1 new) at 14 Tianna Road, Lindisfarne.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Bushfire Prone Area, Stormwater Management and Parking & Access codes under the Clarence Interim Planning Scheme 2015 (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.

Note: References to provisions of the Land Use Planning and Approvals Act 1993 (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The commencement day was 17 December 2015.

Council is required to exercise a discretion within the statutory 42 day period which expires on 5 February 2020.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 3 representations were received raising the following issues:

- Proposal documentation;
- Site gradient;
- Unapproved works;
- Parking;
- Scale of proposal;
- Overshadowing;
- Loss of privacy;
- Proximity to sewerage easement;
- Unit 2 ceiling height and easement overhang;
- Stormwater easement/management
- Landscaping; and
- Bushfire prone area.

RECOMMENDATION:

- A. That the Development Application for 2 Multiple Dwellings (1 existing + 1 new) at 14 Tianna Road, Lindisfarne (CI Ref PDPLANPMTD-2019/001355) be refused for the following reasons:
1. The siting and scale of the dwelling causes an unreasonable loss of amenity due to visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from the adjoining lot at 10 Moirunna Rd and is therefore not capable of complying with Performance Criteria P3 (a) (iv) for Clause 10.4.2.
 2. Unit 1 does not provide an area of private open space that is capable of serving as an extension of the dwelling for children's play that is conveniently located in relation to a living area of the dwelling and is therefore not capable of complying Performance Criteria P2 (a) (i) for Clause 10.4.3.

The General Manager advised the Meeting that a request had been received from the applicant to withdraw the application.

Decision:**PROCEDURAL MOTION**

MOVED: Ald Blomeley **SECONDED:** Ald Peers

“That the application be withdrawn.”

CARRIED

FOR

Ald Blomeley
Ald Chipman
Ald Chong
Ald Edmunds
Ald Ewington
Ald James
Ald Kennedy
Ald Peers
Ald von Bertouch
Ald Walker
Ald Warren

AGAINST

Ald Mulder

**11.3.4 AMENDMENT APPLICATION A-2019/1 – MODIFICATION TO THE
CAMBRIDGE INDUSTRIAL ESTATE SPECIFIC AREA PLAN.
(APPLICATION NO. A-2019/1)**

File No

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to review Council's decision of 30 September 2019 in light of the representations received during the public exhibition period in accordance with the requirements of Section 39 of the Land Use Planning and Approvals Act, 1993 (LUPAA).

The representations relate to a Section 33 application made for a planning scheme amendment to modify the Clarence Interm Planning Scheme 2015 - Cambridge Industrial Estate Specific Area Plan (SAP).

RELATION TO PLANNING PROVISIONS

The majority of the site is zoned *Light Industrial*, partially zoned *Particular Purpose Zone 2 - Future Road Corridor* and partially zoned *Open Space*. Additionally, the site is subject to the provisions of the Bushfire Prone Areas and Waterway and Coastal Protection Areas codes and the Cambridge Industrial Estate Specific Area Plan.

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.

Note: References to provisions of the Land Use Planning and Approvals Act 1993 (LUPAA) are references to the former provisions of LUPAA as defined in Schedule 6 – Savings and Transitional Provisions of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The commencement day was 17 December 2015.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and one representation was received from the Department of State Growth (DSG).

The DSG's concern relates to reduced setbacks to lots abutting 'Precinct C' and is discussed within the body of this report.

RECOMMENDATION:

- A. That Council resolves, under Section 39(2) of the Land Use Planning and Approvals Act 1993 to advise the Tasmanian Planning Commission that it considers the merits of the representations relating to the Clarence Interim Planning Scheme 2015 - Cambridge Industrial Estate Specific Area Plan warrant the following modifications to Draft Amendment A-2019/1.
1. Amend the first sentence of F15.7.2.2 A1 as follows:
“Other than a frontage to Precinct C, buildings must have a setback from a frontage of.....”
 2. Amend F15.7.2.2 A2 to refer to a “10m” setback to Precinct C instead of “3m” as certified.
 3. Modify the corresponding performance criteria at F15.7.2.2 P2 to include an additional consideration (f) *“any of the written advice from the Department of State Growth or its successor.”*
 4. Amend F15.7.2.2 A2 to refer to “Precinct C” instead of “Area C” as certified.
- 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.

Ald Blomeley declared and Interest in this Item and left the Meeting prior to discussion (8.26 pm)

Decision:	MOVED: Ald James SECONDED: Ald Kennedy
	“That the Recommendation be adopted”.
	CARRIED UNANIMOUSLY

Ald Blomeley returned to the Meeting at this stage (8.28 pm)

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

11.4 CUSTOMER SERVICE

Nil Items.

11.5 ASSET MANAGEMENT**11.5.1 MEMORANDUM OF UNDERSTANDING – SOUTHERN REGION
COUNCILS WASTE MANAGEMENT AND RESOURCE RECOVERY**

File No:

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to enable Council to consider authorising the signing of a Memorandum of Understanding for the southern region councils to work co-operatively on waste management and resource recovery.

RELATION TO EXISTING POLICY/PLANS

The Strategic Plan 2016-2026 provides that Council will establish strategic partnerships to facilitate greater opportunities to improve service delivery.

LEGISLATIVE REQUIREMENTS

The Local Government Act is relevant.

CONSULTATION

Nil.

FINANCIAL IMPLICATIONS

The Memorandum of Understanding includes a financial component to fund secretarial/project services to support the arrangement. The funding formula is still to be finalised but likely to be based on proportional waste generation.

RECOMMENDATION:

That Council:

- A. Authorise the General Manager to sign the Memorandum of Understanding regarding the southern region waste management and resource recovery.
- B. Allocates an amount of \$18,000 per annum, for the term of the Memorandum of Understanding, within the waste management program of the Estimates, with any funding for the current financial year drawn from savings within that program.

/Refer to Page 29 for Decision...

**MEMORANDUM OF UNDERSTANDING – SOUTHERN REGION
COUNCILS WASTE MANAGEMENT AND RESOURCE RECOVERY
/contd...**

Decision:	MOVED: Ald Walker SECONDED: Ald Blomeley	
	“That the Recommendation be adopted”	
	CARRIED	
	FOR	AGAINST
	Ald Blomeley	Ald Mulder
	Ald Chipman	Ald Walker
	Ald Chong	Ald Edmunds (abstained)
	Ald Ewington	
	Ald James	
	Ald Kennedy	
	Ald Peers	
	Ald von Bertouch	
	Ald Warren	

11.5.2 PETITION – CLEVE COURT FORESHORE TRACK

File

EXECUTIVE SUMMARY**PURPOSE**

To consider the petition tabled at Council's Meeting of 11 November 2019 requesting that Council not proceed with the construction of the Cleve Court foreshore track.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016-2026, Tranmere Coastal Reserve Activity Plan 2018-22 and Clarence Tracks and Trails Action Plan 2015-2020 are relevant.

LEGISLATIVE REQUIREMENTS

Section 60 of the Local Government Act, 1993 requires Council to formally consider petitions within 42 days of the petition being tabled at a Council Meeting. The petition was considered within the 42 day period, but held over for further consideration and discussion by Council.

CONSULTATION

Consultation in relation to the proposed foreshore track has occurred with residents of Cleve Court.

FINANCIAL IMPLICATIONS

Construction of the proposed trail was included in Council's 2018/19 budget, with an allocation of \$18,000.

RECOMMENDATION:

That Council:

- A. Notes the petition.
- B. Notes the General Manager's advice that the petition complies with section 59 of the Local Government Act, 1993 (Tas.).
- C. Authorises the General Manager to proceed with the construction of the Cleve Court foreshore track as depicted in Attachment 1 to the Associated Report and otherwise in accordance with Council's approved Tranmere Coastal Reserve Activity Plan 2018 – 2022 and the project budget approved within the FY2018/2019 Estimates (and carried over to FY2019/2020).
- D. Authorises the General Manager to write to the petitioners acknowledging their concerns and advising of Council's decision.

/Refer to Page 31 for Decision...

PETITION – CLEVE COURT FORESHORE TRACK /contd...

Decision:	MOVED: Ald von Bertouch SECONDED: Ald Ewington	
	“That the Recommendation be adopted”.	
	Ald Edmunds Foreshadowed a Motion in the event that the above Motion was Lost	
	The MOTION was put and LOST	
	FOR	AGAINST
	Ald Blomeley	Ald Edmunds
	Ald Chipman	Ald James
	Ald Chong	Ald Kennedy
	Ald Ewington	Ald Peers
	Ald Mulder	Ald Walker
	Ald von Bertouch	Ald Warren
	FORESHADOWED MOTION	
	MOVED: Ald Edmunds SECONDED: Ald James	
	“That the project be suspended for future budgets, pending capacity to link with other foreshore pathways or other Council infrastructure”.	
	PROCEDURAL MOTION	
	MOVED: Ald Blomeley SECONDED: Ald Warren	
	“That the Motion be put”	
	The PROCEDURAL MOTION was put and LOST	
	FOR	AGAINST
	Ald Blomeley	Ald Edmunds
	Ald Chong	Ald Mulder
	Ald James	Ald Peers
	Ald Kennedy	Ald Walker
	Ald von Bertouch	Ald Chipman (abstained)
	Ald Warren	Ald Ewington (abstained)
	The Mayor advised the Meeting that Section 60 of the Local Government Act 1993 sets out specific requirements for Council to deal with petitions and that the Council resolution needs to reflect those requirements.	

/Decision contd on Page 32...

PETITION – CLEVE COURT FORESHORE TRACK /contd...

With the Leave of the Mover and Seconder the Motion was amended to read:

“That Council:

- A. Notes the petition.
- B. Notes the General Manager’s advice that the petition complies with section 59 of the Local Government Act, 1993 (Tas.).
- C. That the project be suspended for future budgets, pending capacity to link with other foreshore pathways or other Council infrastructure.
- D. Authorises the General Manager to write to the petitioners acknowledging their concerns and advising of Council’s decision”.

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

FOR

Ald Blomeley
Ald Chipman
Ald Chong
Ald Edmunds
Ald James
Ald Kennedy
Ald Mulder
Ald Peers
Ald von Bertouch
Ald Walker
Ald Warren

AGAINST

Ald Ewington (abstained)

11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 HOMELESSNESS IN CLARENCE**

File No

EXECUTIVE SUMMARY**PURPOSE**

To receive the report into homelessness in Clarence and consider the recommendations contained within the report to determine a series of planned responses to homelessness in Clarence.

RELATION TO EXISTING POLICY/PLANS

- Council's Strategic Plan
- Social plans including Youth Plan, Age Friendly Plan, Community Health and Wellbeing Plan, and Community Safety Plan.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

An invitation-only survey was open to Council staff and a limited group of key service providers and stakeholders who are engaged in homelessness issues in Clarence. Face to face meetings were held with some Council work areas and service providers.

FINANCIAL IMPLICATIONS

None at this stage but there will be a need to provide funds if Council wishes to continue to work strategically and effectively to address issues of homelessness in Clarence.

RECOMMENDATION:

That Council receives the report into Homelessness in Clarence and considers acting on the recommendations as part of future budget allocations.

Decision:

MOVED: Ald Blomeley **SECONDED:** Ald Kennedy

“That the Recommendation be adopted”.

With the Leave of the Mover and Seconder the Motion was amended to read:

“That Council receives the report into Homelessness in Clarence”.

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

12. ALDERMEN'S QUESTION TIME

An Alderman may ask a question with or without notice at Council Meetings. No debate is permitted on any questions or answers.

12.1 QUESTIONS ON NOTICE

(Seven days before an ordinary Meeting, an Alderman may give written notice to the General Manager of a question in respect of which the Alderman seeks an answer at the meeting).

Nil

12.2 ANSWERS TO QUESTIONS ON NOTICE**12.3 ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING**

The General Manager provides the following answers to Questions taken on Notice at the previous Council Meeting.

Ald Mulder**QUESTION DETAILS**

The Eastern Richmond By-pass has been mooted for a long, long time. In light of the previous answers regarding Brinktop Road and Richmond Road I am just wondering whether the Eastern Richmond By-pass will be a State Government responsibility like the Western Link Road was or is this something that Council is going to have to grapple with in due course?

ANSWER

The planning scheme maps show a future road link and also it is identified on the Richmond Road Cambridge to Richmond Masterplan (May 2019) on the Department of State Growth (DSG) web site

DSG have advised there are no plans for or has been any consideration of any other bypass.

**ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING
/contd...**

Ald Blomeley

1 QUESTION DETAILS

Has Council investigated and/or identified locations for potential park and ride sites within the City?
If so, where?

ANSWER

Council has not undertaken any particular investigation of possible park and ride locations within the City. However, as part of the City Deal Implementation Plan, the Tasman Highway Corridor Study will include consideration of supporting infrastructure including park and ride facilities.

2 QUESTION DETAILS

Is Council able to provide an update on the Bellerive marina expansion and seawall?

ANSWER

The wave attenuator (seawall) will go out to tender in February with the aim of commencing construction in April/May. The Bellerive Yacht Club marina development is, we understand, progressing and expected to commence construction in the first half of this year.

Ald James

1. QUESTION DETAILS

Could I be advised of the current state of play with the installation of the fence at ANZAC Park? Is there any timeline for the work as it is regarded as a high-risk development?

ANSWER

A Development Application will need to be submitted for fences at both locations. Because of the nature of both sites they also require an Aboriginal Heritage Assessment. This has been organised. We have only a certain amount of capacity in terms of influencing the timeframe for delivery of the Aboriginal Heritage Assessment, but are working with relevant officers in other organisations to expedite that as soon as possible.

In the interim period council officers are investigating the possibility of installing warning signage.

**ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING
/contd...****Ald James****2. QUESTION DETAILS**

Regarding the GHD Report regarding Begonia Street, it seems as though as we read this report it does not state categorically that the road needs to be sealed on Page 15 of 28. If Begonia Street were to be sealed it is expected that an increase in rat-running is likely to occur in the morning peak in the west bound direction and any other traffic calming measures seem to have been given the flick. So is this going to just disappear and there is no action taken on it, or is there some positive concrete determination that will come back to Council to determine as to what this needs to be sealing of Begonia Street or any traffic calming measures.

ANSWER

The intention is to present a workshop to Council in February on the origin/destination data and discuss recommended consultation and actions

Ald von Bertouch**1. QUESTION DETAILS**

Can the Aldermen be apprised ASAP of Council's current Bushfire Management Strategy, and how it is being applied in the current bushfire season, preferably via an Aldermen's workshop item?

ANSWER

In accordance with our Bushfire Management Strategy our fire crew are:

- manually reducing fuel load on Council land adjacent to properties, including attending areas where queries from the public warrant physical action; and
- and ensuring our fire trails are clear for access.

In Autumn our fire crew attends to back-burning operations where the weather permits.

A workshop presentation on Council's Bushfire Management Strategy will be scheduled for March.

**ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING
/contd...****Ald von Bertouch****2. QUESTION DETAILS**

How does Council go about progressing its resolution, which was part of the Development Application SD-2019/10 – 20 Regal Court, Seven Mile Beach - 49 lot subdivision decision, ‘That due to various current and projected geotechnical, flora/fauna, traffic, social and sporting/recreation facilities and stormwater/drainage/inundation issues, a long term structure plan for the Seven Mile Beach Township should be developed to guide the delivery of a quality urban environment before any further residential development is approved.’?

ANSWER

A structure plan will require a comprehensive study, which is outside the scope of Council’s short-term resources. Therefore, it is intended that Council consider funding the project in the 2020/21 budget.

Ald Warren**1. QUESTION DETAILS**

One of the problems that has been raised with me most often regarding Rosny Hill and Kangaroo Boulevard is traffic management. I understand that a traffic management study is being carried out at the moment and we are up to phase 2 of that. When will that be available, will it be made public and will it be available in time to inform our decision on those major developments?

ANSWER

We have received a report from GHD in terms of stage 2 of the Rosny CBD traffic modelling work. Stage 1 was workshopped with the previous Council in terms of the CBD traffic issues. Stage 2 involves investigating various solutions. We are aiming for a March workshop with Council on the traffic solutions and a further workshop on parking strategies following the parking survey undertaken in December last year. The objective is to update Council on possible improvements to managing traffic and parking through the CBD area.

2. QUESTION DETAILS

In light of some of the discussion this evening on bushfire management can I request that when we have the workshop? Could we have a range of options presented to us to help educate and inform us as to what else can be done to mitigate bushfire in the current catastrophic environment when we are having more intense, more frequent bushfires.

ANSWER

Officers are aiming for a Council workshop in March to discuss Council’s bushfire management strategy and actions.

12.4 QUESTIONS WITHOUT NOTICE

An Alderman may ask a Question without Notice of the Chairman or another Alderman or the General Manager. 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, an Alderman or the General Manager may decline to answer a question without notice.

Ald Mulder left the Meeting at 8.52 pm and did not return

13. 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.

- 13.1 APPLICATIONS FOR LEAVE OF ABSENCE
- 13.2 TENDER T1285-19 – MIDDLE TEA TREE ROAD- RECONSTRUCTION
- 13.3 QUOTATION Q1326-19 –WELLINGTON ROAD RECONSTRUCTION

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

- contracts and tenders for the supply of goods and services;
- applications by Aldermen 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 Ald Peers **SECONDED** Ald 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

CLOSED MEETING /contd...

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

13.2 TENDER T1285-19 – MIDDLE TEA TREE ROAD- RECONSTRUCTION

(File No.T1285-19)

Decision: **MOVED:** Ald James **SECONDED:** Ald Chong

- “A. That the Tender from Stabilised Pavements of Australia (SPA) for \$469,162.17 excluding GST, be accepted for the road pavement reconstruction work in Middle Tea Tree Road in Richmond.
- B. That, in accordance with Regulation 34(3) of the Local Government (Meetings Procedures) Regulations 2015, Council authorises for release the Council’s decision (only) in respect to this item to the general public and for communication to relevant parties.
- C. That Council publishes its decision only in regard to this matter in the open Minutes of this Meeting”.

CARRIED UNANIMOUSLY

13.3 QUOTATION Q1326-19 –WELLINGTON ROAD RECONSTRUCTION

(File No. Q1326-19 - ECM)

Ald Walker declared and Interest in this Item and left the Meeting prior to discussion (8.54 pm)

Decision:	MOVED: Ald Ewington SECONDED: Ald Chong
	“A. That the Quotation Response from RCCC Contracting Pty Ltd for \$284,503.00, excluding GST, be accepted for the road pavement reconstruction and associated works in Wellington Road, Lindisfarne. B. That, in accordance with Regulation 34(3) of the Local Government (Meetings Procedures) Regulations 2015, Council authorises for release the Council’s decision (only) in respect to this item to the general public and for communication to relevant parties. C. That Council publishes its decision only in regard to this matter in the open Minutes of this Meeting”. CARRIED UNANIMOUSLY

The Meeting closed at 8.56pm.