

MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 21 JUNE 2021

HOURLY CALLED: 7.00pm

PRESENT: The meeting commenced at 7.00pm 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)
Group Manager Engineering Services
(Mr R Graham)
Manager City Planning
(Mr R Lovell)
Manager Health and Community Development
(Mr J Toohey)
Manager Communication and Strategic Development
(Mr C Paske)
Executive Officer to the General Manager
(Ms J Ellis)

The Meeting closed at 8.32pm.

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 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.

COUNCIL MEETING
MONDAY 21 JUNE 2021

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1. ATTENDANCE AND APOLOGIES

Refer to cover page.

2. ***CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Council Meeting held on 31 May 2021, the Special Council Meeting held on 7 June 2021 and the Special Council (Planning Authority) Meeting held on 7 June 2021, as circulated, be taken as read and confirmed.

Decision: **MOVED** Ald Peers **SECONDED** Ald Kennedy

“That the Minutes of the Council Meeting held on 31 May 2021, the Special Council Meeting held on 7 June 2021 and the Special Council (Planning Authority) Meeting held on 7 June 2021, as circulated, be taken as read and confirmed”.

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 (abstained)

3. MAYOR'S COMMUNICATION

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

Mayor

- 1 June: RDA Committee Meeting;
Brian Carlton Triple M Interview;
- 2 June: Unveiling of Plaque for Partners of Veterans Association;
- 3 June: Schoolhouse Gallery and Barn Exhibitions x 5 Artists;
- 8 June: Clarence Legacy Widows Club Meeting;
- 9 June: ABC Radio Interview with Ryk Goddard;
- 15 June: Greater Hobart Mayors Forum;

contd on Page 5...

MAYOR'S COMMUNICATION /contd...

- 16 June: ABC News Interview – regarding Kangaroo Bay;
Interview Tas Broadcasters;
ABC Radio – Leon Compton;
Warrane Mornington Community House Volunteers Event;
ABC – TV – Kangaroo Bay;
- 17 June: University of Tasmania – Reconnecting with Asia Workshop;
City Talks Hobart Teams Meeting regarding Hobart at a Crossroads;
- 18 June: Bayview Park Kayak Launch – Lauderdale with Minister Jaensch;
Emerging Community Leaders Program – Networking Session;
- 19 June: Warrane Community Garden Car Boot Fundraiser Sale;
North Melbourne Chairman's Function – Blundstone Arena; and
- 21 June: Metro Tasmania 100th Low Emission Bus Celebration.

Deputy Mayor

- 5 June: Clifton Beach Surf Life Saving Club Annual Dinner and Presentation Evening.

Ald Warren

- 2 June: Elizabeth College 2021 Production of the Cabaret.

Ald Kennedy

- 9 June: Stampede Stigma Luncheon.

Ald Walker

- 14 June: State-wide Cup Women's Football Finals.

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
Proposed New Joint Authority Public Open Space Risdon Vale Urban Renewal Presentation	7 June
Confidential Briefing Chambroad Presentation Rates Modelling and Hardship Policy Derwent Estuary Program Update	15 June

RECOMMENDATION:

That Council notes the workshops conducted.

Decision: **MOVED** Ald Peers **SECONDED** Ald Kennedy

“That the Recommendation be adopted”.

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 (abstained)

5. DECLARATIONS OF INTERESTS OF ALDERMAN 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 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.

INTEREST DECLARED: **NIL**

6. ***TABLING OF PETITIONS
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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.

Nil.

7.2 ANSWERS TO QUESTIONS ON NOTICE

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

Nil.

7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

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.

8. DEPUTATIONS BY MEMBERS OF THE PUBLIC
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(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)

Nil.

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

No Quarterly Reports pending.

Representative Reporting

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

10.2 *REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES**

TRACKS AND TRAILS

- Ald Ewington tabled the Minutes of a Meeting held on 15 April 2021.

RICHMOND ADVISORY COMMITTEE

- Ald Chong tabled the Minutes of a Meeting held on 19 May 2021.

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

The Weekly Briefing Reports of 31 May, 7 and 14 June 2021 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 31 May and 7 and 14 June 2021 be noted.

Decision: **MOVED** Ald Peers **SECONDED** Ald Kennedy

“That the Recommendation be adopted”.

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 (abstained)

11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

11.2.1 PETITION – SIGN – 22 BRIDGE STREET, RICHMOND – POOSEUM

(File No PDPLANPMTD-2020/010800)

EXECUTIVE SUMMARY

PURPOSE

The purpose of this report is to consider the petition tabled at Council’s Meeting of 31 May 2021, requesting that “the Clarence City Council reverse its decision to force the Pooseum to remove the existing sign, and that they accept and approve the Pooseum’s retroactive Development Application”.

RELATION TO EXISTING POLICY/PLANS

The matter is related to the Clarence Interim Planning Scheme 2015.

LEGISLATIVE REQUIREMENTS

Section 60 of the *Local Government Act, 1993* requires Council to formally consider petitions within 42 days of receipt.

Sections 48, 48A and 63A of the *Land Use Planning and Approvals Act, 1993* are also relevant.

CONSULTATION

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

RECOMMENDATION:

That Council notes the intent of the petition and the significant support it received.

Decision: **MOVED** Ald Edmunds **SECONDED** Ald Kennedy

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

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-2021/016635 – 2A
NAPOLEON STREET, RICHMOND - DWELLING****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Single Dwelling at 2A Napoleon Street, Richmond.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Historic Heritage Code 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.

Council is required to exercise a discretion within the statutory 42 day period which expires on 23 June 2021.

CONSULTATION

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

- loss of privacy;
- overshadowing; and
- not in keeping with heritage character.

RECOMMENDATION:

A. That the Development Application for Dwelling at 2A Napoleon Street, Richmond (Cl Ref PDPLANPMTD-2021/016635) be approved subject to the following condition.

1. GEN AP1 – ENDORSED PLANS.

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

Decision: **MOVED** Ald Walker **SECONDED** Ald Ewington

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.3.2 DEVELOPMENT APPLICATION PDPLANPMTD-2021/017703 – 38 AND 38A BUCKINGHAM DRIVE, HOWRAH - 30 LOT SUBDIVISION**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 30 Lot Subdivision at 38 and 38A Buckingham Drive, Howrah.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Stormwater Management, Road and Railway Assets, Bushfire Prone Areas, Landslide Hazard, Waterway and Coastal Protection Area 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.

Council is required to exercise a discretion within the statutory 42 day period which was extended with the consent of the applicant until 23 June 2021.

CONSULTATION

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

- increase in traffic;
- removal of vegetation/trees;
- traffic during construction of subdivision;
- size of lots;
- impact on rare and endangered species;
- Public Open Space does not provide a community benefit;
- noise; and
- future link to Holland Court.

RECOMMENDATION:

A. That the Development Application for a 30 Lot Subdivision at 38 and 38A Buckingham Drive, Howrah (Cl Ref PDPLANPMTD-2021/017703) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AP3 – AMENDED PLANS [a reconfiguration of Lots 26 – 28, 200 and 201 to relocate the access to the drainage reserve/easement further south, approximately in the location of Lot 27].
3. GEN AP1 – STAGING.

[Stage 1: “Super lot” containing all lots within Stage 2;
Stage 2: Lots 8 – 17 and 200 – 201;
Stage 3: Lots 2 – 7 and Lots 18 – 23;
Stage 4: Lots 1 and Lots 24 – 30].

4. The development must provide an Interim Hazard Management area in accordance with the Interim Hazard Management Areas Plan prepared by Rogerson & Birch, 19 April 2021. Evidence that the works have been completed in accordance with the approved plan must be provided when the Final Plan for each stage is lodged to the satisfaction of Council’s Group Manager Engineering Services.
5. The Final Plan and Schedule of Easements must describe the following:
 - a right-of-way over the Balance lot in favour of council to provide for access to the drainage reserve.

Additional covenants or other controls must not be included on the titles to the lots created by the subdivision where they are in conflict with any provisions of or seek to prohibit any use provided for within the relevant Planning Scheme applying to the lot.

6. ENG M2 - DESIGNS SD include additional dot point “a multi-user path within public open space and linking the new road lot and existing multi-user path along South Arm Highway”, replace second paragraph with “A fee in accordance with council’s adopted fee schedule will be charged for the approval of these plans and is payable upon their lodgement. A “start of works” permit must be obtained prior to the commencement of any “works.”
7. A construction management plan identifying the proposed car parking, traffic flow and circulation measures to be undertaken during construction must be submitted to and approved by Council’s Group Manager Engineering Services prior to commencement of any subdivision works.
8. ENG M4 – POS ACCESS.
9. ENG M5 – EROSION CONTROL.
10. ENG M7 – WEED MANAGEMENT.
11. ENG M8A – SERVICE EASEMENTS.
12. ENG R1 – ROAD NAMES.
13. ENG R2 – URBAN ROADS.
14. ENG R5 – ROAD EXTENSION.

15. ENG S1 – INFRASTRUCTURE REPAIR.
 16. ENG S2 – SERVICES.
 17. ENG S4 – STORMWATER CONNECTION.
 18. ENG 3A – STORMWATER PRINCIPLES FOR SUBDIVISION.
 19. LAND 5 – SUBDIVISION LANDSCAPING replace third sentence with “the plan must include construction details for footways, multi-user paths and other public links within both road reserves and public open space areas.”
 20. A 1.8m high solid fence with anti-graffiti paint, in accordance with the recommendations of the Noise Report (Noise Vibration Consulting, 8 October 2020), must be constructed along the northern boundary of the site prior to the sealing of the Final Plan. A plan of the fence must be submitted and approved by council’s Manager City Planning prior to its construction.
 21. PROP 2 – POS FENCING insert “The fencing for the first 4.5m along the entry to the public open space lot must have a maximum height of no more than 1.2m above natural ground level” after the second sentence.
 22. The drainage reserve must be fenced to the satisfaction of council’s Group Manager Engineering Services. Details of the fencing must be submitted and approved prior to the commencement of works.
 23. PROP 3 – TRANSFER.
 24. The development must meet all required Conditions of Approval specified by TasWater notice dated 4 May 2021 (TWDA 2021/00490-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.

/ Refer to Page 19 for Decision on this Item...

**DEVELOPMENT APPLICATION PDPLANPMTD-2021/017703 – 38 AND 38A
BUCKINGHAM DRIVE, HOWRAH - 30 LOT SUBDIVISION /contd...**

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

**11.3.3 DEVELOPMENT APPLICATION PDPLANPMTD-2021/018087 – 3
YACHTSMANS WAY, TRANMERE - 2 MULTIPLE DWELLINGS****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 2 Multiple Dwellings at 3 Yachtsmans Way, Tranmere.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Bushfire Prone Areas, Parking and Access, Inundation Prone Areas and 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 24 June 2021.

CONSULTATION

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

- traffic and parking;
- noise;
- population density;
- standard of buildings;
- resale value;
- loss of sunlight;
- bulk of the development;
- proximity to boundary; and
- loss of privacy.

RECOMMENDATION:

- A. That the Development Application for 2 Multiple Dwellings at 3 Yachtsmans Way, Tranmere (Cl Ref PDPLANPMTD-2021/018087) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN M14 – STORAGE AREAS.
 3. ENG A5 – SEALED CAR PARKING.
 4. ENG M1 – DESIGNS DA.
 5. TASWATER - The development must meet all required Conditions of Approval specified by TasWater notice dated 16/04/2021 (TWDA 2021/00548-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 Peers

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.3.4 DEVELOPMENT APPLICATION PDPLANPMTD-2020/012958 – 46A KAOOTA ROAD, ROSE BAY AND 44 KAOOTA ROAD, ROSE BAY - RETAINING WALL AND FENCE**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Retaining Wall and Fence (Retrospective) at 46A Kaoota Road, Rose Bay and 44 Kaoota Road, Rose Bay.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Parking and Access and 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.

Council is required to exercise a discretion within the statutory 42-day period which expires on 22 June 2021.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising the following issues:

- stormwater flow;
- fence visually inconsistent and unreasonable in scale; and
- objection to the wall being on neighbouring land.

RECOMMENDATION:

A. That the Development Application for Retaining Wall and Fence at 46A Kaoota Road, Rose Bay and 44 Kaoota Road, Rose Bay (CI Ref PDPLANPMTD-2020/012958) be refused for the following reasons.

1. The application does not satisfy Section 5 and Schedule 1 of the *Land Use Planning and Approvals Act 1993*, because it does not meet the objective “*to provide for the orderly and sustainable use...of land...*”.

ADVICE: The unapproved structure must be removed from the land within 60 days, otherwise council may commence enforcement action.

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

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

DEVELOPMENT APPLICATION PDPLANPMTD-2020/012958 – 46A KAOOTA ROAD, ROSE BAY AND 44 KAOOTA ROAD, ROSE BAY - RETAINING WALL AND FENCE /contd...

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

Nil Items.

11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 HUON VALLEY COUNCIL - REQUEST TO AMEND THE STRLUS CYGNET GROWTH MANAGEMENT STRATEGY****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider a referral from the Huon Valley Council seeking council's endorsement for an amendment to the Southern Tasmania Regional Land Use Strategy (STRLUS) Growth Management Strategy for Cygnet.

RELATION TO PLANNING PROVISIONS

The entire Huon Valley municipality is outside of the area identified on the STRLUS Map 10: *The Residential Strategy for Greater Hobart – Residential Areas* and therefore is outside the mapped STRLUS Urban Growth Boundary.

Under the STRLUS, Cygnet is identified on Map 9: *Regional Settlement Strategy* as a "Township" (Page 99) and Table 3 (Page 89) prescribes a "moderate" Growth Strategy and "mixed" Growth Scenario.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

In a letter dated 4 May 2021, the Huon Valley Council advised that at its meeting on 31 March 2021 it had resolved to seek an amendment to the STRLUS to modify the Cygnet Growth Management Strategy. They advised that the Minister for Planning requested that they seek endorsement from all councils within the southern region in the form of a council resolution.

RECOMMENDATION:

A. That the Minister for Planning be advised that:

1. Council does not oppose an amendment to the Southern Tasmania Regional Land Use Strategy's Growth Management Strategy for Cygnet because it is unlikely to have significant direct impacts on Clarence.
2. The requested amendment should be modified to clarify the residential expansion is limited to a defined area including 15 Louisa Street and Lot 1 Channel Highway and 7368 Channel Highway, Cygnet being the properties giving rise to the request for the amendment. This will provide clarity and is consistent with the previously approved approaches in Hobart, Sorell and Clarence.

3. Council is nevertheless concerned that continued ad hoc expansion of the Urban Growth Boundary, and the expansion of existing settlements in the case of this proposal, may adversely impact the sustainable development of the region, including the efficient and equitable supply of infrastructure and services. Accordingly, council requests urgent action by the State Government on the review of the Southern Tasmania Regional Land Use Strategy.

- 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 Mulder **SECONDED** Ald Edmunds

“A. That the Minister for Planning be advised that:

1. Council does not oppose an amendment to the Southern Tasmania Regional Land Use Strategy's Growth Management Strategy for Cygnet because it is unlikely to have significant direct impacts on Clarence.
2. The requested amendment should be modified to clarify the residential expansion is limited to a defined area including 15 Louisa Street and Lot 1 Channel Highway and 7368 Channel Highway, Cygnet being the properties giving rise to the request for the amendment. This will provide clarity and is consistent with the previously approved approaches in Hobart, Sorell and Clarence.
3. Council requests urgent action by the State Government on the review of the Southern Tasmania Regional Land Use Strategy.

/ Decision contd on Page 29...

**HUON VALLEY COUNCIL - REQUEST TO AMEND THE STRLUS CYGNET
GROWTH MANAGEMENT STRATEGY /Decision contd...**

- B. That the details and conclusions included in the Associated Report be recorded as the reasons for council's decision in respect of this matter".

CARRIED

FOR

Ald Blomeley
Ald Chipman
Ald Chong
Ald Edmunds
Ald Ewington
Ald James
Ald Kennedy
Ald Mulder
Ald Peers
Ald Walker
Ald Warren

AGAINST

Ald von Bertouch

11.7.2 REVIEW OF CODE FOR TENDERS AND CONTRACTS**EXECUTIVE SUMMARY****PURPOSE**

To consider a minor amendment to the Code for Tenders and Contracts to allow council to implement a new electronic procurement system, VendorPanel.

RELATION TO EXISTING POLICY/PLANS

The Code for Tenders and Contracts is an operational policy and procedural guideline associated with tendering and the use and operation of Council's Multi-Use Register.

LEGISLATIVE REQUIREMENTS

The Local Government Act, 1993 and the Local Government (General) Regulations 2015 are relevant.

CONSULTATION

Council officers involved in contract and tendering and procurement processes have been consulted about the proposed amendment to the Code.

FINANCIAL IMPLICATIONS

Council is currently paying an annual fee to VendorPanel for its software and is unable to fully use the software until the Code is amended as proposed.

RECOMMENDATION:

That Council:

- A. Amends the Code for Tenders and Contracts as shown in Attachment 1 of the Associated Report.
- B. Notes that council is undertaking a wider review of its low-level procurement processes, with an internal audit report to be presented to the Audit Panel at its next meeting.
- C. Notes that council officers are in the process of undertaking a full review of the Code for Tenders and Contracts and will present a revised Code for consideration and approval at a future council meeting.

Decision: **MOVED** Ald von Bertouch **SECONDED** Ald Ewington

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.7.3 RATES AND CHARGES FINANCIAL YEAR 2021/2022**EXECUTIVE SUMMARY****PURPOSE**

To set rates and charges applying to properties within the City for financial year 2021/2022.

RELATION TO EXISTING POLICY/PLANS

Consistent with adopted Rates and Charges Policy and adopted Estimates for financial year 2021/2022.

LEGISLATIVE REQUIREMENTS

Recommendation complies with rating provisions of the Local Government Act 1993.

CONSULTATION

No issues to be addressed.

FINANCIAL IMPLICATIONS

The proposed resolutions give effect to the rating requirements inherent in Council's adopted Estimates for financial year 2021/2022 and are therefore critical to the on-going operations of Council.

RECOMMENDATION:

- A. That the Clarence City Council makes the following General Rate, Service Rates and Service Charges under the *Local Government Act, 1993* and the *Fire Service Act, 1979* for the financial year 1 July 2021 to 30 June 2022 in respect to land in the municipal area which is separately valued under the Valuation of Land Act, 2001.

Definitions and Interpretation

- 1 Unless the context otherwise requires, in the following resolutions, words and expressions defined in the *Local Government Act, 1993* have the same meanings as they have in that Act.

Unless the context otherwise requires, in the following resolutions, the following words and expressions have the meanings set out below.

“**Act**” means the *Local Government Act, 1993*;

“**conservation protection arrangements**” means formal arrangements the owner of land in the municipal area has entered into for the preservation of flora or fauna or other recognised conservation values or purposes under the *Nature Conservation Act, 2002* or by formal arrangement with Council regarding that land;

“**CPR**” means a plan registered at the register at the Central Plan Office, Hobart for the lodgement and registration of plans, and included in the Central Plan Register;

“domestic refuse” means any domestic refuse and other rubbish collected by Council’s normal refuse collection service from land in the municipal area and expressly excludes biohazardous waste, controlled waste, noxious refuse and trade waste;

“land used for commercial purposes” means land used or predominantly used for commercial purposes and includes all land coded “C” in the valuation list;

“land used for industrial purposes” means all land used or predominantly used for industrial purposes and includes all land coded “I” in the valuation list;

“land used for primary production” means all land used or predominantly used for primary production and includes all land coded “L” in the valuation list;

“land used for public purposes” means all land used or predominantly used for public purposes and includes all land coded “P” in the valuation list;

“land used for quarrying or mining” means all land used or predominately used for quarrying or mining and includes all land coded “Q” in the valuation list;

“land used for residential purposes” means all land used or predominantly used for residential purposes and includes all land coded “R” in the valuation list;

“land used for sporting or recreation facilities” means all land used or predominantly used for sporting or recreation facilities and includes all land coded “S” in the valuation list;

“locality areas” means areas defined by those locality boundaries as published in the Locality and Postcode Areas Dataset as contained in the Tasmanian Spatial Data Directory on the Tasmanian Government LIST website;

“municipal area” means the municipal area of Clarence;

“non-used land” means all land coded “V” in the valuation list;

“refuse” means any domestic refuse, biohazardous waste, controlled waste, noxious refuse, trade waste and other rubbish, debris, litter, recyclable materials or any other similar materials, articles or things;

“the map” means the map attached to these resolutions and marked as schedule 1;

“valuation list” means, in respect of the financial year, the valuation list, supplementary valuation list or particulars of adjustment factors last provided to the Council by the Valuer-General under Section 45 of the *Valuation of Land Act 2001*; and

“waste management services” means refuse, recycling and/or green organics collection services provided by Council to land in the municipal area.

2. General Rate

2.1 Pursuant to Sections 90 and 91 of the Act Council makes the following General rate on all rateable land (excluding land which is exempt pursuant to the provisions of Section 87) within the municipal area of Clarence for the period commencing 1 July 2021 and ending 30 June 2022 which consists of 2 components as follows:

(a) a rate of 0.56375 cents in the dollar on the capital value of the land; and

(b) a fixed charge of \$300.00.

- 2.2 That pursuant to Section 107 of the Act, by reason of the use or non-use of land, Council declares, by absolute majority, that component (a) of the General rate is varied for the financial year as follows:
- (a) for land used for primary production, the rate is varied by decreasing it by 0.36525 cents in the dollar to 0.19850 cents in the dollar;
 - (b) for land used for residential purposes, the rate is varied by decreasing it by 0.36525 cents in the dollar to 0.19850 cents in the dollar;
 - (c) for land used for sporting or recreation facilities, the rate is varied by decreasing it by 0.36525 cents in the dollar to 0.19850 cents in the dollar; and
 - (d) for land which is non-used land, the rate is varied by decreasing it by 0.36525 cents in the dollar to 0.19850 cents in the dollar.

3. Services Rates and Charges

Pursuant to Sections 93, 93A, 94 and 95 of the Act Council makes the following service rates and service charges on all rateable land within the municipal area of Clarence (including land which is otherwise exempt from rates pursuant to Section 87 but excluding land owned by the Crown to which Council does not supply any of the following services) for the period commencing 1 July 2021 and ending 30 June 2022 as follows.

- 3.1 A service rate for stormwater removal on all lands which drain into Council's drain, or where the nearest boundary of the land is within 30m of Council's drain, of 0.04373 cents in the dollar on the capital value of the land. Pursuant to Section 93(3) Council sets a minimum amount payable in respect of this rate in the sum of \$90.00.
- 3.2 A service charge for waste management in respect of all land for the making available by Council of waste management services of \$212.60 per service provided.
- 3.3 That pursuant to Section 107 of the Act, Council, by absolute majority, varies the service rate for stormwater removal (but not the minimum amount, if applicable) for the financial year in relation to the following land within the municipal area according to the locality of the land and/or the use of the land as follows:

- (a) the Rate is varied by decreasing it by 0.04373 cents to 0.00 cents in the dollar of the capital value of the land if:
 - i. the land is not located within an area coloured red on the map; or
 - ii. the land is not within a sewerage district, defined as at 30 June 2009, being the Clarence Limited Sewerage District, the Richmond Limited Sewerage District (together with land outside that District and which is within the locality areas described as Richmond, Dulcot and Grasstree Hill but excluding properties 353 and 391 Grasstree Hill Road) and the Cambridge Industrial Limited Sewerage District.
- (b) for land which is used:
 - i. for primary production;
 - ii. for residential purposes;
 - iii. for private aged care purposes;
 - iv. for sporting or recreational facilities; or
 - v. which is non-used landand which is not the subject of the variation at clause 3.3(a) the Rate is varied by decreasing it by 0.02268 cents to 0.02105 cents in the dollar of the capital value of the land.

3.4 That pursuant to Section 94 of the Act, Council, by absolute majority, varies the Waste Management Service Charge for the financial year within the municipal area according to the use of land and/or according to the level of service provided to the land as follows:

- (a) in respect of land used for primary production, land used for residential purposes, non-used land or land used for sporting or recreational facilities, where a 120 litre mobile bin has been provided by Council for the domestic refuse component of the waste management services, the Waste Management Service Charge is varied to \$249.80;
- (b) in respect of land used for primary production, land used for residential purposes, non-used land or land used for sporting or recreational facilities, where a 240 litre mobile bin has been provided by Council for the domestic refuse component of the waste management services, the Waste Management Service Charge is varied to \$425.00;
- (c) in respect of land used for primary production, land used for residential purposes, non-used land or land used for sporting or recreational facilities, where no 240 litre mobile greenwaste bin has been provided by Council, the Waste Management Service Charge is varied by decreasing the charge otherwise applicable by \$55.00, this variation being in addition to any other variation which may apply to the land;

- (d) in respect of land used for primary production, land used for residential purposes, non-used land or land used for sporting or recreational facilities, where an additional 240 litre mobile greenwaste bin has been provided by Council, the Waste Management Service Charge is varied by increasing the charge otherwise applicable by \$55.00 in respect of each greenwaste bin provided, this variation being in addition to any other variation which may apply to the land; and
- (e) in respect of land used for primary production, land used for residential purposes, non-used land or land used for sporting or recreational facilities, where a 240 litre mobile bin has been provided by Council for the domestic recycling component of the waste management services, the Waste Management Service Charge is varied by increasing the charge otherwise applicable by \$34.20, this variation being in addition to any other variation which may apply to the land;
- (f) in respect of land used for commercial purposes, land used for industrial purposes, land used for public purposes or land used for quarrying or mining, where a 240 litre mobile bin has been provided by Council for the domestic refuse component of the waste management services (or such other uses requiring a bin of this size approved by the General Manager), the Waste Management Service Charge is varied to \$425.00.

4. Fire Service Rate

Pursuant to Section 93A of the Act, Council makes the following service rates in respect of the Fire Service contributions it must collect under the Fire Service Act 1979 for the rateable parcels of land within the municipal area as follows:

- 4.1 An Urban Fire Service Rate of 0.05722 cents in the dollar on the capital value of all lands within the Hobart Urban Fire District (ES) shown on CPR 3332. Pursuant to Section 93(3) Council sets a minimum amount payable in respect of this rate of \$42.00.
- 4.2 A District Fire Service Rate of 0.01607 cents in the dollar on the capital value of all lands within the Cambridge, Seven Mile Beach, Lauderdale, Richmond and South Arm Fire Districts shown on CPRs 3307, 3361, 3339, 3356 and 3366 respectively. Pursuant to Section 93(3) Council sets a minimum amount payable in respect of this rate of \$42.00.

- 4.3 A Rural Fire Service Rate of 0.01635 cents in the dollar on the capital value of all lands which are not within the Hobart Urban Fire District (E.S.) shown on CPR 3332 or the Cambridge, Seven Mile Beach, Lauderdale, Richmond, or South Arm Fire Districts shown on CPRs 3307, 3361, 3339, 3356 and 3366 respectively. Pursuant to Section 93(3) Council sets a minimum amount payable in respect of this rate of \$42.00.

5. Maximum Percentage Increase

- 5.1 Pursuant to Section 88A of the Act, the Council, by absolute majority, sets a maximum percentage increase for all rates payable on any rateable land within the municipal area of 50% above the amount payable in respect of that rateable land in the 2021/2022 financial year.
- 5.2 Pursuant to Section 88A(1)(b) Council declares, by absolute majority, that the maximum percentage increase varies within the municipal area according to the following factors:
- (a) for all rateable land used, or predominantly used, for residential purposes and is occupied as a principal dwelling by persons who are eligible pensioners within the meaning of the Local Government (Rates and Charges Remissions) Act 1991, the maximum percentage increase is varied to 10%;
 - (b) for all rateable land used or predominantly used for residential purposes and where the variation at sub-paragraph (a) does not apply, the maximum percentage increase is varied to 20%;
 - (c) for all rateable land which is used or predominantly used for primary production purposes and where sub-paragraph (a) does not apply, the maximum percentage increase is varied to 20%;
 - (d) for all rateable land which is used or predominantly used for commercial purposes, industrial purposes, public purposes, mining and quarrying purposes, or sporting or recreation facilities and where sub-paragraph (a) does not apply, the maximum percentage increase is varied to 30%;
 - (e) subparagraphs (a) to (d) do not apply to:
 - i. any increase in the value of rateable land the subject of a supplementary valuation pursuant to Section 92 of the Act made after 1 July 2014 if any increase in the value of the land is attributable to the undertaking of capital improvements or the subdivision of land; or
 - ii. where the general rate was not applied in full in the 2020/2021 financial year for any reason, including the exercise of any discretion or the grant of any remission; or
 - iii. where the land use code as provided by the Valuer General in respect of the 2021/2022 year varies from 2020/2021.

6. Remissions

6.1 Pursuant to Section 129 of the Act Council, by absolute majority, grants a remission of all or part of any rates paid or payable by the following classes of ratepayers:

- (a) for the class of ratepayers liable to pay the General Rate who lease land from the Crown and upon which there is constructed a boat shed or jetty used for private purposes, Council grants a Remission of \$175.00;
- (b) in respect of the class of ratepayers where the rateable land is 20 hectares or greater in area and is wholly or partially zoned pursuant to the Clarence Interim Planning Scheme 2015 as Significant Agricultural, Rural Living, Environmental Living or Rural Resource, Council grants the following Remissions in respect of component (a) of the General Rate, (as per clause 2.1):

Area of Land	Proportional Remission of component (a) of the General Rate
Not less than 20 hectares and not greater than 50 hectares	20% of component (a) of the general rate
Not less than 50 hectares and not greater than 80 hectares	30% of component (a) of the general rate
Greater than 80 hectares	40% of component (a) of the general rate

6.2 In respect of each class of ratepayers and in respect of rateable land which is used or predominantly used:

- (a) for commercial purposes;
- (b) for industrial purposes;
- (c) for mining and quarrying purposes;
- (d) for primary production purposes; or
- (e) for public purposes
and where such rateable land is liable to pay the Waste Management Service Charge, such charge is remitted to nil where;
- (i) the Waste Management Service Charge is not used in relation to the rateable land; and
- (ii) the ratepayer demonstrates to the satisfaction of the General Manager that there is in place an alternative Waste Disposal Service for the rateable land.

6.3 For all rateable land used or predominantly used by ratepayers who are eligible pensioners within the meaning of the Local Government (Rates and Charges Remissions) Act 1991 and where the rateable land is occupied as a principal dwelling by such ratepayers, a remission of 1.6% applies to all rates excluding any fire service rate.

- 6.4 The amount of the minimum stormwater service rate (if applicable) is remitted in respect of all properties to which Paragraph 3.3(a) above applies.

7. Separate Land

For the purposes of these resolutions the rates and charges shall apply to each parcel of land which is shown as being separately valued in the Valuation List prepared under the Valuation of Land Act 2001.

8. Adjusted Values

For the purposes of each of these resolutions any reference to the capital value of land includes a reference to that value as adjusted pursuant to Sections 89 and 89A of the Act, except where these resolutions otherwise provide.

9. Instalments

Pursuant to Section 124 of the Act Council decides:

- 9.1 Where rates are not paid by instalments, the date of payment is the 31st day after the issue of the rates notice;
- 9.2 All rates may be paid by all rate payers by 4 instalments, which must be of approximately equal amounts;
- 9.3 The dates by which instalments are to be paid shall be as follows:
- (i) the first instalment on or before the 31st day after the issue of the rates notice;
 - (ii) the second instalment on or before the 61st day after the due date of the first instalment;
 - (iii) the third instalment on or before the 31st day of January 2021; and
 - (iv) the fourth instalment on or before the 4th day of April 2021.
- 9.4 If a rate payer fails to pay any instalment within 21 days of the due date, Council may determine that the entire balance of the rates payable becomes due.

10. Late Payments

That in accordance with Section 128 of the Act, and subject to the application of Council's relevant policies, Council decides as follows.

- 10.1 If any rate or instalment is not paid by the due date daily interest applies to the unpaid amount for the period during which it is unpaid from and including the day after it fell due.

- 10.2 Interest shall not apply to any rate or instalment that is not paid by the due date where a ratepayer makes regular payments through Council's direct debit system, or other formal system of regular payments, is not in arrears and does not default on such payments.
- 10.3 The amount of the interest is the maximum prescribed percentage under Section 128 of the Act, being 7.32% per annum.
- B. That Council extends the COVID-19 Financial Hardship Policy to 30 June 2022.

NB: The Recommendation contained the incorrect year in relation to instalment dates at Recommendation 9.3 (iii) and (iv). The correct dates are shown in the decision.

Decision:	MOVED Ald Ewington SECONDED Ald Chong “A. That the Clarence City Council makes the following General Rate, Service Rates and Service Charges under the <i>Local Government Act, 1993</i> and the <i>Fire Service Act, 1979</i> for the financial year 1 July 2021 to 30 June 2022 in respect to land in the municipal area which is separately valued under the Valuation of Land Act, 2001. Definitions and Interpretation 1. Unless the context otherwise requires, in the following resolutions, words and expressions defined in the <i>Local Government Act, 1993</i> have the same meanings as they have in that Act. Unless the context otherwise requires, in the following resolutions, the following words and expressions have the meanings set out below. “Act” means the <i>Local Government Act, 1993</i>; “conservation protection arrangements” means formal arrangements the owner of land in the municipal area has entered into for the preservation of flora or fauna or other recognised conservation values or purposes under the <i>Nature Conservation Act, 2002</i> or by formal arrangement with Council regarding that land; “CPR” means a plan registered at the register at the Central Plan Office, Hobart for the lodgement and registration of plans, and included in the Central Plan Register;
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RATES AND CHARGES FINANCIAL YEAR 2021/2022 /Decision contd...

“domestic refuse” means any domestic refuse and other rubbish collected by Council’s normal refuse collection service from land in the municipal area and expressly excludes biohazardous waste, controlled waste, noxious refuse and trade waste;

“land used for commercial purposes” means land used or predominantly used for commercial purposes and includes all land coded “C” in the valuation list;

“land used for industrial purposes” means all land used or predominantly used for industrial purposes and includes all land coded “I” in the valuation list;

“land used for primary production” means all land used or predominantly used for primary production and includes all land coded “L” in the valuation list;

“land used for public purposes” means all land used or predominantly used for public purposes and includes all land coded “P” in the valuation list;

“land used for quarrying or mining” means all land used or predominately used for quarrying or mining and includes all land coded “Q” in the valuation list;

“land used for residential purposes” means all land used or predominantly used for residential purposes and includes all land coded “R” in the valuation list;

“land used for sporting or recreation facilities” means all land used or predominantly used for sporting or recreation facilities and includes all land coded “S” in the valuation list;

“locality areas” means areas defined by those locality boundaries as published in the Locality and Postcode Areas Dataset as contained in the Tasmanian Spatial Data Directory on the Tasmanian Government LIST website;

“municipal area” means the municipal area of Clarence;

“non-used land” means all land coded “V” in the valuation list;

“refuse” means any domestic refuse, biohazardous waste, controlled waste, noxious refuse, trade waste and other rubbish, debris, litter, recyclable materials or any other similar materials, articles or things;

“the map” means the map attached to these resolutions and marked as schedule 1;

“valuation list” means, in respect of the financial year, the valuation list, supplementary valuation list or particulars of adjustment factors last provided to the Council by the Valuer-General under Section 45 of the *Valuation of Land Act 2001*; and

RATES AND CHARGES FINANCIAL YEAR 2021/2022 /Decision contd...

“waste management services” means refuse, recycling and/or green organics collection services provided by Council to land in the municipal area.

2. General Rate

2.1 Pursuant to Sections 90 and 91 of the Act Council makes the following General rate on all rateable land (excluding land which is exempt pursuant to the provisions of Section 87) within the municipal area of Clarence for the period commencing 1 July 2021 and ending 30 June 2022 which consists of 2 components as follows:

(a) a rate of 0.56375 cents in the dollar on the capital value of the land; and

(b) a fixed charge of \$300.00.

2.2 That pursuant to Section 107 of the Act, by reason of the use or non-use of land, Council declares, by absolute majority, that component (a) of the General rate is varied for the financial year as follows:

(a) for land used for primary production, the rate is varied by decreasing it by 0.36525 cents in the dollar to 0.19850 cents in the dollar;

(b) for land used for residential purposes, the rate is varied by decreasing it by 0.36525 cents in the dollar to 0.19850 cents in the dollar;

(c) for land used for sporting or recreation facilities, the rate is varied by decreasing it by 0.36525 cents in the dollar to 0.19850 cents in the dollar; and

(d) for land which is non-used land, the rate is varied by decreasing it by 0.36525 cents in the dollar to 0.19850 cents in the dollar.

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RATES AND CHARGES FINANCIAL YEAR 2021/2022 /Decision contd...**3. Services Rates and Charges**

Pursuant to Sections 93, 93A, 94 and 95 of the Act Council makes the following service rates and service charges on all rateable land within the municipal area of Clarence (including land which is otherwise exempt from rates pursuant to Section 87 but excluding land owned by the Crown to which Council does not supply any of the following services) for the period commencing 1 July 2021 and ending 30 June 2022 as follows.

- 3.1 A service rate for stormwater removal on all lands which drain into Council's drain, or where the nearest boundary of the land is within 30m of Council's drain, of 0.04373 cents in the dollar on the capital value of the land. Pursuant to Section 93(3) Council sets a minimum amount payable in respect of this rate in the sum of \$90.00.
- 3.2 A service charge for waste management in respect of all land for the making available by Council of waste management services of \$212.60 per service provided.
- 3.3 That pursuant to Section 107 of the Act, Council, by absolute majority, varies the service rate for stormwater removal (but not the minimum amount, if applicable) for the financial year in relation to the following land within the municipal area according to the locality of the land and/or the use of the land as follows:
 - (a) the Rate is varied by decreasing it by 0.04373 cents to 0.00 cents in the dollar of the capital value of the land if:
 - i. the land is not located within an area coloured red on the map; or

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RATES AND CHARGES FINANCIAL YEAR 2021/2022 /Decision contd...

ii. the land is not within a sewerage district, defined as at 30 June 2009, being the Clarence Limited Sewerage District, the Richmond Limited Sewerage District (together with land outside that District and which is within the locality areas described as Richmond, Dulcot and Grasstree Hill but excluding properties 353 and 391 Grasstree Hill Road) and the Cambridge Industrial Limited Sewerage District.

(b) for land which is used:

- i. for primary production;
- ii. for residential purposes;
- iii. for private aged care purposes;
- iv. for sporting or recreational facilities; or
- v. which is non-used land

and which is not the subject of the variation at clause 3.3(a) the Rate is varied by decreasing it by 0.02268 cents to 0.02105 cents in the dollar of the capital value of the land.

3.4 That pursuant to Section 94 of the Act, Council, by absolute majority, varies the Waste Management Service Charge for the financial year within the municipal area according to the use of land and/or according to the level of service provided to the land as follows:

(a) in respect of land used for primary production, land used for residential purposes, non-used land or land used for sporting or recreational facilities, where a 120 litre mobile bin has been provided by Council for the domestic refuse component of the waste management services, the Waste Management Service Charge is varied to \$249.80;

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RATES AND CHARGES FINANCIAL YEAR 2021/2022 /Decision contd...

- (b) in respect of land used for primary production, land used for residential purposes, non-used land or land used for sporting or recreational facilities, where a 240 litre mobile bin has been provided by Council for the domestic refuse component of the waste management services, the Waste Management Service Charge is varied to \$425.00;
- (c) in respect of land used for primary production, land used for residential purposes, non-used land or land used for sporting or recreational facilities, where no 240 litre mobile greenwaste bin has been provided by Council, the Waste Management Service Charge is varied by decreasing the charge otherwise applicable by \$55.00, this variation being in addition to any other variation which may apply to the land;
- (d) in respect of land used for primary production, land used for residential purposes, non-used land or land used for sporting or recreational facilities, where an additional 240 litre mobile greenwaste bin has been provided by Council, the Waste Management Service Charge is varied by increasing the charge otherwise applicable by \$55.00 in respect of each greenwaste bin provided, this variation being in addition to any other variation which may apply to the land; and
- (e) in respect of land used for primary production, land used for residential purposes, non-used land or land used for sporting or recreational facilities, where a 240 litre mobile bin has been provided by Council for the domestic recycling component of the waste management services, the Waste Management Service Charge is varied by increasing the charge otherwise applicable by \$34.20, this variation being in addition to any other variation which may apply to the land;

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RATES AND CHARGES FINANCIAL YEAR 2021/2022 /Decision contd...

- (f) in respect of land used for commercial purposes, land used for industrial purposes, land used for public purposes or land used for quarrying or mining, where a 240 litre mobile bin has been provided by Council for the domestic refuse component of the waste management services (or such other uses requiring a bin of this size approved by the General Manager), the Waste Management Service Charge is varied to \$425.00.

4. Fire Service Rate

Pursuant to Section 93A of the Act, Council makes the following service rates in respect of the Fire Service contributions it must collect under the Fire Service Act 1979 for the rateable parcels of land within the municipal area as follows:

- 4.1 An Urban Fire Service Rate of 0.05722 cents in the dollar on the capital value of all lands within the Hobart Urban Fire District (ES) shown on CPR 3332. Pursuant to Section 93(3) Council sets a minimum amount payable in respect of this rate of \$42.00.
- 4.2 A District Fire Service Rate of 0.01607 cents in the dollar on the capital value of all lands within the Cambridge, Seven Mile Beach, Lauderdale, Richmond and South Arm Fire Districts shown on CPRs 3307, 3361, 3339, 3356 and 3366 respectively. Pursuant to Section 93(3) Council sets a minimum amount payable in respect of this rate of \$42.00.
- 4.3 A Rural Fire Service Rate of 0.01635 cents in the dollar on the capital value of all lands which are not within the Hobart Urban Fire District (E.S.) shown on CPR 3332 or the Cambridge, Seven Mile Beach, Lauderdale, Richmond, or South Arm Fire Districts shown on CPRs 3307, 3361, 3339, 3356 and 3366 respectively. Pursuant to Section 93(3) Council sets a minimum amount payable in respect of this rate of \$42.00.

/ Decision contd on Page 46....

RATES AND CHARGES FINANCIAL YEAR 2021/2022 /Decision contd...**5. Maximum Percentage Increase**

- 5.1 Pursuant to Section 88A of the Act, the Council, by absolute majority, sets a maximum percentage increase for all rates payable on any rateable land within the municipal area of 50% above the amount payable in respect of that rateable land in the 2021/2022 financial year.
- 5.2 Pursuant to Section 88A(1)(b) Council declares, by absolute majority, that the maximum percentage increase varies within the municipal area according to the following factors:
- (a) for all rateable land used, or predominantly used, for residential purposes and is occupied as a principal dwelling by persons who are eligible pensioners within the meaning of the Local Government (Rates and Charges Remissions) Act 1991, the maximum percentage increase is varied to 10%;
 - (b) for all rateable land used or predominantly used for residential purposes and where the variation at sub-paragraph (a) does not apply, the maximum percentage increase is varied to 20%;
 - (c) for all rateable land which is used or predominantly used for primary production purposes and where sub-paragraph (a) does not apply, the maximum percentage increase is varied to 20%;
 - (d) for all rateable land which is used or predominantly used for commercial purposes, industrial purposes, public purposes, mining and quarrying purposes, or sporting or recreation facilities and where sub-paragraph (a) does not apply, the maximum percentage increase is varied to 30%;

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RATES AND CHARGES FINANCIAL YEAR 2021/2022 /Decision contd...

- (e) subparagraphs (a) to (d) do not apply to:
 - i. any increase in the value of rateable land the subject of a supplementary valuation pursuant to Section 92 of the Act made after 1 July 2014 if any increase in the value of the land is attributable to the undertaking of capital improvements or the subdivision of land; or
 - ii. where the general rate was not applied in full in the 2020/2021 financial year for any reason, including the exercise of any discretion or the grant of any remission: or
 - iii. where the land use code as provided by the Valuer General in respect of the 2021/2022 year varies from 2020/2021.

6. Remissions

6.1 Pursuant to Section 129 of the Act Council, by absolute majority, grants a remission of all or part of any rates paid or payable by the following classes of ratepayers:

- (a) for the class of ratepayers liable to pay the General Rate who lease land from the Crown and upon which there is constructed a boat shed or jetty used for private purposes, Council grants a Remission of \$175.00;
- (b) in respect of the class of ratepayers where the rateable land is 20 hectares or greater in area and is wholly or partially zoned pursuant to the Clarence Interim Planning Scheme 2015 as Significant Agricultural, Rural Living, Environmental Living or Rural Resource, Council grants the following Remissions in respect of component (a) of the General Rate, (as per clause 2.1):

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RATES AND CHARGES FINANCIAL YEAR 2021/2022 /Decision contd...

Area of Land	Proportional Remission of component (a) of the General Rate
Not less than 20 hectares and not greater than 50 hectares	20% of component (a) of the general rate
Not less than 50 hectares and not greater than 80 hectares	30% of component (a) of the general rate
Greater than 80 hectares	40% of component (a) of the general rate

6.2 In respect of each class of ratepayers and in respect of rateable land which is used or predominantly used:

- (a) for commercial purposes;
- (b) for industrial purposes;
- (c) for mining and quarrying purposes;
- (d) for primary production purposes; or
- (e) for public purposes

and where such rateable land is liable to pay the Waste Management Service Charge, such charge is remitted to nil where;

- (i) the Waste Management Service Charge is not used in relation to the rateable land; and
- (ii) the ratepayer demonstrates to the satisfaction of the General Manager that there is in place an alternative Waste Disposal Service for the rateable land.

6.3 For all rateable land used or predominantly used by ratepayers who are eligible pensioners within the meaning of the Local Government (Rates and Charges Remissions) Act 1991 and where the rateable land is occupied as a principal dwelling by such ratepayers, a remission of 1.6% applies to all rates excluding any fire service rate.

6.4 The amount of the minimum stormwater service rate (if applicable) is remitted in respect of all properties to which Paragraph 3.3(a) above applies.

7. Separate Land

For the purposes of these resolutions the rates and charges shall apply to each parcel of land which is shown as being separately valued in the Valuation List prepared under the Valuation of Land Act 2001.

/Decision contd on Page 49...

RATES AND CHARGES FINANCIAL YEAR 2021/2022 /Decision contd...**8. Adjusted Values**

For the purposes of each of these resolutions any reference to the capital value of land includes a reference to that value as adjusted pursuant to Sections 89 and 89A of the Act, except where these resolutions otherwise provide.

9. Instalments

Pursuant to Section 124 of the Act Council decides:

9.1 Where rates are not paid by instalments, the date of payment is the 31st day after the issue of the rates notice;

9.2 All rates may be paid by all rate payers by 4 instalments, which must be of approximately equal amounts;

9.3 The dates by which instalments are to be paid shall be as follows:

(i) the first instalment on or before the 31st day after the issue of the rates notice;

(ii) the second instalment on or before the 61st day after the due date of the first instalment;

(iii) the third instalment on or before the 31st day of January 2022; and

(iv) the fourth instalment on or before the 4th day of April 2022.

9.4 If a rate payer fails to pay any instalment within 21 days of the due date, Council may determine that the entire balance of the rates payable becomes due.

10. Late Payments

That in accordance with Section 128 of the Act, and subject to the application of Council's relevant policies, Council decides as follows.

/ Decision contd on Page 50...

RATES AND CHARGES FINANCIAL YEAR 2021/2022 /Decision contd...

10.1 If any rate or instalment is not paid by the due date daily interest applies to the unpaid amount for the period during which it is unpaid from and including the day after it fell due.

10.2 Interest shall not apply to any rate or instalment that is not paid by the due date where a ratepayer makes regular payments through Council's direct debit system, or other formal system of regular payments, is not in arrears and does not default on such payments.

10.3 The amount of the interest is the maximum prescribed percentage under Section 128 of the Act, being 7.32% per annum.

B. That Council extends the COVID-19 Financial Hardship Policy to 30 June 2022."

The Mayor asked the Deputy Mayor to **assume** the Chair while he entered the debate as an Alderman (7.48pm).

The Mayor **resumed** the Chair (7.49pm).

CARRIED

FOR

Ald Blomeley
Ald Chipman
Ald Chong
Ald Edmunds
Ald Ewington
Ald Kennedy
Ald Mulder
Ald Peers
Ald von Bertouch
Ald Warren

AGAINST

Ald James
Ald Walker

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

Nil.

12.3 ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING

Ald Mulder

Kangaroo Bay Hotel and Hospitality School Development

1. At the open briefing in October 2020, Chambroad said that should UTAS not be able to proceed attempts would be made to find an alternative education provider. Will the planned briefing in June be confined to this issue and will it be an open briefing as the one that occurred in 2020?

ANSWER

I am not aware of the intentions of whether it is an open or a confidential briefing, but I can certainly ask Chambroad regarding their intentions on that front. In respect to the content of the discussion in June I understand it will be focussed around an education provider or what comes next after UTAS but may also propose other possibilities or at least seek to discuss those. In terms of details I have nothing further at this point.

2. Have there been any discussions about another use in the event that another provider cannot be found, and would any alternative use require a new sale and development agreement?

ANSWER

There has not been any detailed discussion of another use other than that was an issue that I was asked whether it would be appropriate to put to council and I certainly left the door open to that, I didn't see it as my place to say no. In terms of another sale and development agreement, the way that the current agreement is drafted the answer is yes on 2 counts: It is currently structured around a hotel and hospitality education facility and second is that it makes reference to a particular development permit so if there was a requirement to amend the development application that would be a further trigger.

Ald Peers

I know we all get a lot of comments about roadkill and I am wondering if somewhere we can do some trials on some of the equipment that may deter animals from crossing the road? I know when we attend conferences there are many things that they say will do the job I am just wondering if we could pick an area without going with heaps of money and just trial some things?

ANSWER

Taken on notice.

Council's officers are reviewing methods of reducing roadkill and will provide information to Aldermen through a future briefing report.

Ald Edmunds

1. I understand that there has been a vote on the EBA that was narrowly passed. I just wonder if we could have a summary of some of the reasons people voted no?

ANSWER

I do not have any particular reasons but in my experience, it is not unusual to have close votes where there are slightly differing points of view, so I wasn't particularly surprised.

2. This morning on the ABC interview with the Mayor and Piia Wirsu the Mayor said regarding the Kangaroo Bay developer they may well have another provider in their back pocket. Have either the Mayor or the General Manager been in touch with any prospective providers?

ANSWER

(Mayor) Absolutely not from my point of view.

(General Manager) No.

(Mayor) Chambroad have indicated in our regular meetings with them that they may have or they are exploring but I am not aware of any particular outcome there at all.

Question contd

So obviously they would be as the developer but you two have not been in touch with prospective RTOs or training providers?

ANSWER

(Mayor) Absolutely correct

Ald James

1. Can we be provided with an update on the Boulevard Kangaroo Bay development and as to when there is going to be a development application lodged or will it require another workshop prior to a development application being lodged?

ANSWER

I understand that the development application is to be lodged in the near future and one of the issues is it will require landowner consent from me so that is effectively the trigger and I don't have a precise date. I know there are some details being worked through basically as a pre-cursor to formal lodgement. I am not completely sure of the timeline for that at this point, but I understand that it is imminent.

2. As we have been advised the public pier in Bellerive will soon be open to the public. It is my understanding that there is a ledge on the sea side of the pier which basically people can actually step over the fence and sit on that ledge or run along the ledge and there is that potential to fall into the water. Also what is concerning is that there are bench seats at certain intervals and any child could actually step up onto the bench and then just very gingerly step over that fence onto the ledge and therefore they haven't got the protection beyond that ledge. Now that ledge runs completely the full length of the pier. Has there been an occupational health and safety measure done on that and has there been any indication as to whether the fence needs to be heightened in order to prevent any possible mishap in relation to any person, young person or any other person for that matter stepping over the fence, fishing on that ledge or running on that ledge and therefore there may be some concern that the council may have to see as part of its policy of public liability cover. Has there been and perhaps my question is have there been any discussions in relation to this, has the matter been brought to council's attention and is there any means by which some measures are going to be done to make sure that this potential hazard is rectified?

ANSWER

Council's risk management group has assessed the matter and advised the proposed signage which states that "Persons using this facility do so at their own risk" is sufficient.

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.

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 CONTRACTUAL MATTER

13.3 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;
- 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 James **SECONDED** Ald Edmunds

“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 8.32pm.